

Will Hope and the Regulatory Orthodoxy of RGGI and The Kyoto Protocol Lead Us to the Economic Abyss?

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Hope Springs Eternal

Energized and inspired by the spiritual performance of the former U.S. president from Hope,¹ at last week's Montreal United Nations Climate Change Conference, the environmental, regulatory and bureaucratic faithful are eager to claim that the dawn of a new era of international regulation centered in the United Nations is upon us. That era demands, in a strict, orthodox doctrinal sense, the taking of *precautionary principle*-based regulatory actions each time that politicians are pressured by public fears or popular beliefs triggered by baseless civil society campaigns. In other words, it means political action notwithstanding rigorous scientific risk assessments and economic cost-benefit analyses.

The precautionary principle, an evolving regulatory norm that now emanates from the European Union (EU), primarily Germany, is a nonscientific 'better safe than sorry' philosophical touchstone. Pursuant to the precautionary principle, activities, products and substances may be banned or restricted by government regulation if it is merely possible that they or the processes used for their manufacture, formulation or assembly might cause health or environmental harm under some unknown and unspecified future circumstances. In other words, it focuses on perceived hypothetical hazards rather than actual empirically proven risks. According to the EU,

"The European Union's motivation in pressing for the application of *the precautionary principle* in international trade and environmental agreements therefore results from the fact that the *precautionary principle* has been established as the guiding principle for environmental and food safety regulation within the EU.... One important difference between the EU and other countries is that the EU wishes to see 'the' precautionary principle recognised in a wide range of international environmental and trade agreements. Other governments oppose this on the grounds that the international legal precedent that exists in environmental regulation is inappropriate for other policy fields. In other words, the EU wants 'the' precautionary principle to cover all types of risk (environmental, food and animal health, etc.). This is consistent with EU practice. Other governments [e.g., the U.S.] want to tailor the application of a *precautionary approach* to the specific policy area or risk"
(emphasis added).²

While the *precautionary approach* is the operative legal term within the Kyoto treaty, self-assured UN and EU bureaucrats, ambitious U.S. state regulators and environmental fundamentalists instead advocate the orthodox use of the more strict *precautionary principle*, as noted above. According to these proponents, the precautionary principle calls for strict regulatory targets rather than voluntary curbs on greenhouse gas (GHG) emissions to address the uncertain sources of global warming. It does this even though the degree to which any warming is attributable to human activity rather than cyclical climatic change remains scientifically *uncertain*, and although the economic, technological and legal costs to society of adopting such measures, now and in the *certain* future, will be significant.³

European scholars have even admitted that the primary effect of the precautionary principle, as embedded within the Kyoto Protocol, is to 'level the global playing economic field' for otherwise lagging or underdeveloped European industries besieged by similar costly

European regulations. This is accomplished by holding back the industrial and technological advancement of other nations.⁴

The political nature of the orthodox precautionary principle doctrine was on display for the world to see during the Montreal conference.

"Margaret Beckett, Britain's environment secretary, warned reporters in the past week that such negotiations often offer 'first false euphoria, followed by false despair.' But on Saturday she said the two pacts prove policymakers have finally summoned the *political will* to combat global warming.

... One hundred fifty-seven countries, including every major developed nation except the United States and Australia, have agreed under the Kyoto Protocol to cut their 1990 greenhouse gas levels by an average of 5 percent over the next seven years. Now the question is whether the new round of talks -- minus U.S. participation -- will produce more ambitious emission reductions after 2012, when Kyoto expires.

'We need much deeper cuts beyond 2012,' said Peter Carl, the European Union Commission's director general for the environment. Carl said that although it may be difficult to obtain such commitments, he is optimistic because he had been 'deeply impressed by the atmosphere during this conference.'

... European delegates said they became convinced over the course of the conference that they could move ahead on climate change because so many Americans -- including state and local officials, senators, students and even former president Bill Clinton -- journeyed to Montreal to urge negotiators to embark on a new round of binding talks.

'Just because the Bush administration doesn't want this doesn't mean the rest of the world doesn't see this as the right thing to do. What is apparent here is the U.S. is very split on this,' Danish negotiator Eva Jensen said. She said Clinton's speech Friday extolling the economic and social benefits of cutting greenhouse gases 'gives the world the idea that even though the U.S. at the moment isn't being very constructive in the negotiations, this might change over time.'⁵

Hope, Faith and Prayer Will Not Be Enough If the Regional Greenhouse Gas Initiative (RGGI) Is Adopted

There is no doubt that the northeastern U.S. governors and their staffs anxiously observed this conference. This is especially true for New York and Massachusetts Governors Pataki and Romney, who seek assurance that their political legacies will remain after their departure from office. These governors are reportedly concerned about the likely inaccuracy of the RGGI's 'ironclad' economic cost estimates, the RGGI's inability to ensure regional energy reliability and security, and the RGGI's negligible environmental benefits. They also hope and pray that the taxpaying American public will forget about these issues before the launch of their planned 2008 presidential candidacies.

The RGGI has multiple problems that have been pointed out, time and again, by energy and economic experts, but the governors have refused to publicly acknowledge them. No matter how the RGGI is spun by regulators, consultants or the press, the RGGI simply does *not* provide for a holistic regional energy mix that can also provide energy reliability and

security for the region at low prices. The RGGI should, but does not, pragmatically leverage *existing* energy sources. Nor can the RGGI, as currently structured, hope to provide any measurable environmental benefits.

For example, the RGGI does not provide for enough new, more efficient and environmentally friendly clean-coal based gasification plants, enough new, more efficient and safer nuclear facilities, enough new liquefied natural gas (LNG) terminals, and enough new oil refineries. Nor does it provide enough financial incentives for development, improvement and deployment of new wind, solar and hydro energy technologies. The RGGI does not even consider the use of vacant federal lands (e.g., shuttered military bases) or offshore facilities for these purposes. The reason is that environmental extremists strongly object to anything *other than* their pet renewable energy preferences, or strict energy conservation and energy efficiency mandates. And, they have publicly pressured local, state and federal politicians who dare to challenge them.⁶ This occurs even though the environmentalists often find themselves divided over which renewable energy sources they prefer. For example, environmentalists have simultaneously supported and objected to the use of windmills off the coast of Nantucket, Massachusetts for various reasons - aesthetic beauty, potential noise, and concern for marine wildlife and fishing, yet some of their fiercest advocates support it unconditionally as an abstract textbook concept.

What the RGGI does provide for is the eventual closure of coal-based plants and oil refineries and the freezing of nuclear plant re-licensing. It also imposes new regulatory GHG gas emissions caps (targets), energy conservation requirements and energy efficiency mandates. Furthermore, the RGGI also takes a great leap-of-faith by placing disproportionate reliance on natural gas as *the* primary regional energy source, even though the limitations inherent in today's natural gas infrastructure and limited gas supplies will render regional states unable to meet current, let alone, future energy demand.

As concerns the RGGI's unrealistically low economic cost estimates, environmentalists and RGGI regulators are loath to admit that these estimates are highly contingent on how the strategic and public funds set aside for the purchase of GHG credits by industry will be utilized. These funds are intended to lower the double-digit increases in *gross* energy prices that are expected once the RGGI is adopted, and also during the ensuing ten years. Although it is assumed that these funds will prevent consumers and businesses from bearing such increased costs, it is highly doubtful that this will occur. For these reasons, the governors will require more than hope, faith and a prayer to ensure that such finite funds can pay for expected higher energy prices, the administration of costly energy efficiency programs, expensive energy price offsets, and for consumer energy price rebates.

The ITSSD previously set forth documentary evidence reflecting how the EU and its member states faithfully relied on nine northeastern governors to promote RGGI at the U.S. state level in order to influence American federal climate change policy through the back-door. The RGGI's purpose, all along, has been nothing more than symbolic. As was made clear during the Montreal conference,⁷ these protagonists have always hoped to generate enough domestic backlash and public pressure at the U.S. state and local levels to drag the

Bush administration back to the Kyoto Protocol negotiating table.⁸ And, as past efforts reflect, they have also eyed several states within Australia for this same purpose.

“Article 25 of the EU ETS [Emissions Trading Scheme] Directive allows the option of linking the EU ETS with emissions trading schemes established by other Annex I (developed) Parties to the [Kyoto] Protocol through a Mutual Recognition Agreement. Use of Article 25 might, for example, allow the emerging Canadian trading program, or a scheme in Japan, to be linked to the EU ETS...*This expansion mechanism could play a significant role in the future global climate change debate* because it essentially allows for the creation of a Kyoto-equivalent trading system without the Kyoto Protocol entering into force.

*One interesting unanswered question is whether individual states in the United States, some of which are taking significant measures to address climate change, could link into the EU ETS despite the current federal government’s decision not to ratify the Kyoto Protocol...In addition, many Australian states, led by New South Wales, are exploring the possibility of creating their own emissions schemes, which could potentially link together and create a de facto cross nation scheme along the lines of the Kyoto model despite Australia having refused to ratify the Kyoto Protocol. There may be constitutional limitations that would have to be carefully considered before any state-based linking could occur. However, assuming such constitutional challenges could be overcome, U.S. and Australian state-level linking with the EU ETS, along with the linking of other non-EU regimes via Mutual Recognition Agreements, could in effect create a quasi-Kyoto regime covering vast expanses of the developed world. The preamble to the Linking Directive anticipates this possibility and indicates that such linking would not occur unless the Kyoto Protocol came into force*⁹” (emphasis added).

It also deserves mention that the nine northeastern governors even plan to bypass their own state legislatures in order to ensure the RGGI’s adoption. In other words, they have thus far denied their constituents the ability to debate RGGI publicly, despite popular calls to do so – regulation without representation.¹⁰ Many in the media, as well, have also apparently invoked an informal type of censorship in support of the governors’ secrecy. They continue to broadcast only one-sided programs about anticipated climate change-related catastrophes and/or refuse to cede editorial space or air time to views that express skepticism about the RGGI or its international sibling, the Kyoto Protocol.¹¹

Adopting the Kyoto Protocol on Blind Faith Will Subject the U.S. to EU/UN Global Governance

The new faith-based regulatory orthodoxy that is enshrined within the precautionary principle-based RGGI and the Kyoto Protocol has long been trumpeted by technology-averse environmentalists and promoted by and within the United Nations. It was also vigorously supported by numerous Brussels politicians, EU member states and two Clinton-Gore administrations.¹² It is, therefore, not surprising how neatly such strict regulatory orthodoxy fits within the EU and UN archetype of a new global order.



Dr. Roy Spencer, Principal Research Scientist at the University of Alabama, referred to various aspects of this new paradigm in the context of climate change within his recent article for Tech Central Station.

“I also learned that the term “climate change” no longer needs the qualifier of “human-caused,” because it has apparently been decided that *all* purported climate change is caused by the activity of mankind. (*Attention: henceforth, all unusual weather events will be due to our burning of fossil fuels.*) Natural climate variability has been relegated to the status of quaint myth. Mother Nature wouldn’t cause a Category 4 hurricane to hit Louisiana unless mankind forced her hand (emphasis in original).

...I marveled at this massive, UN-guided, international effort to avert global catastrophe. The effort has been gathering momentum for about fifteen years, and now has taken on a life of its own. Entire careers have been born due to this effort, I mused. There are many young people here just starting out -- learning what is important in life from UN mentors and their procedures. *What better way to help humanity than to tell everyone else in the world how they should live?* (emphasis added).

I wonder whether this is where all Miss America contestants end up, following through on their collective desire to make the world a better place? There are also so many Ph.D.’s here -- speakers citing their credentials in order to push nostra that are little more than good intentions wrapped in a surfeit of economic ignorance (garnished with a touch of elitism). *If only everyone in the world would follow the advice of these experts, our problems would obviously be solved*” (emphasis added).¹³

Indeed, *if only...* - this is precisely the message being preached by true believers who foretell the demise of the old American dream and praise the Kyoto Protocol as the bridge to salvation leading to ‘the new European Dream’. According to such missionaries,

“Europe...offers significant *quality-of-life* advantages. For most Europeans, the community's quality of life is more important than an individual's financial success. The more communities you join, the more options you have for living a full and meaningful life. Belonging -- not belongings -- is what brings security...the European sense of togetherness... Where the American Dream emphasizes economic growth, the European Dream focuses on *sustainable development...* [e]nvironmental awareness...[T]he European vision...[is]...one of a new type of power, based not on military strength but on economic cooperation and the construction of *communities of conscience*, a new kind of superpower based on waging peace...” (emphasis added).¹⁴

“[Within such ‘moral’ communities,] the ‘precautionary principle’ [is used to] regulat[e]... science and technology innovation and the introduction of new products into the marketplace ...[It] is the most radical idea for rethinking humanity's relationship to the natural world since the 18th-century European Enlightenment... The EU is attempting to establish a radical new approach to science and technology based on the principle of *sustainable development* and *global stewardship* of the Earth's environment...[And,] [a]t the heart of the precautionary principle is a radical divergence in the way Europe has come to *perceive* risks compared to the US...” In Europe, intellectuals are increasingly debating the question of the great shift from a risk-taking age to a risk-prevention era” (emphasis added).¹⁵

What is most profoundly disturbing about this Euro-imagery, however, is that the allegedly secular Europeans who work alongside and within the UN, are religiously promoting (proselytizing) the precautionary principle and a risk-averse brand of ‘sustainable development’ to impoverished developing countries as a moral prophylactic to be donned against the perceived excesses of globalization. And, it is arguable that the EU is using the UN, whose *Human Development Reports* literally reflect the negative doctrine of overpopulation and excess consumption advanced by Thomas Malthus, as a legitimating ‘cover’ to do so.¹⁶

Belief in the Kyoto Protocol May Lead to a Truly Religious Experience, But With Earthly Results

In his 1999 address to the World Council of Churches, just prior to the start of the new millennium, United Nations Under-Secretary-General and UN Environment Program (UNEP) Executive Director, Klaus Topfer endeavored to imbue the precautionary principle and environmental sustainability with a sense of religious urgency.

“We have entered a new age. An age where all of us will have to sign a new compact with our environment...and enter into the larger community of all living beings. A new sense of our *communion with planet Earth* must enter our minds” (emphasis added).¹⁷

A year later, in his letter of introduction to the newly published UNEP book entitled, “Earth and Faith – A Book of Reflection for Action”, Adnan Z. Amin, the Director of the UNEP’s New York Office, evoked these same religious overtones.

“As we enter a new century, characterized not only by sweeping and fundamental changes and immense new opportunities, *but also by greatly increased risks*, the need to foster a new spirit of international cooperation has never been greater. As trade, economic and physical barriers among countries have progressively fallen and as wealth has increased in some countries, poverty and misery continue to be the lot of a large and growing segment of humanity. It is in this context that we increasingly witness new challenges to the security and *sustainability of the planet*. At the same time, we also are witnessing an era where *the fundamental lessons for humanity contained in the religious and faith traditions of the world are increasingly coming to the fore and guiding and motivating our actions to meet those challenges*. One of those challenges environmental sustainability, is based on the realization that we can no longer blindly trust in the regenerative capacity of ecosystems...UNEP’s “Global Environment Outlook 2000” confirms that *the environmental crisis facing humanity in the new millennium is a world threatened, either because people have too much, or too little*. The continued poverty of the majority of the planet’s inhabitants and excessive consumption by the minority are *the two major causes of environmental degradation*” (emphasis added).¹⁸

Unfortunately, the message that is being preached at this global lectern advocates a go-along-to-get-along moral ethic. In other words, the Kyoto Protocol faithful truly ‘believe’ that they are



guided by some spiritual and ethical force centered in the UN that is for the good of all humankind, even for those who do not so believe.¹⁹ And, since, in their minds, the UN is the most legitimate and sanctified of all international institutions, there is no need for it or its member states to provide rational scientific evidence or economic justification to support their *political and moral* claims that Kyoto is necessary to save the planet from self-destruction.

After all, when one truly ‘believes’, one needs only to close his or her eyes, to pledge blind allegiance, and to follow the path of other righteous believers. In some cases, ‘believing’ and ‘hoping’ can provide one with a truly awe-inspiring out-of-body experience. In terms of the RGGI, the Kyoto Protocol and all of the other globally focused and precautionary principle-based UN treaties championed by the environmental fundamentalists and EU/UN bureaucrats, however,²⁰ blind faith will likely lead to less accommodating earthly results. Indeed, it may well lead us off the cliff of rationality and into the macro-economic abyss.

Endnotes

¹ At the Montreal Conference last week, “Former President Bill Clinton [, a native of Hope Arkansas,] told a global audience of diplomats, environmentalists and others on Friday that the Bush administration is ‘flat wrong’ in claiming that reducing greenhouse-gas emissions to fight global warming would damage the U.S. economy...Mr. Clinton, a champion of the Kyoto Protocol, the existing emissions-controls agreement opposed by the Bush administration, spoke in the final hours of a two-week U.N. climate conference at which Washington has come under heavy criticism for its stand.” See “Clinton Bashes Bush on Kyoto Pact”, Associated Press (12/9/05). Mr. Clinton had not only said that the Bush administration was “flat wrong” to reject the Kyoto accord, he also said that “cutting greenhouse gases was good for business and the planet”. See Christine Muschi, “Former US President Clinton Gives a Speech to the Delegates at The United Nations Climate Change Conference in Montreal”, Reuters (12/9/05), at: (<http://www.alertnet.org/thenews/pictures/CMU04D.htm>). Mr. Clinton was quoted in the news conference after his speech as suggesting that Europeans and others **not** force ‘targets’ on Washington, but look for agreement on specific energy-saving projects. “If we just keep working with the administration, we’ll find some specific things we can do that are consistent with the targets,” he said, but “without embracing the targets.” See Charles J. Hanley, “Clinton Says Bush is ‘Flat Wrong’ on Kyoto”, Associated Press (12/9/05), at:

(<http://www.adelphia.net/news/read.php?id=12410851&ps=1018&cat=&cps=0&lang=en>).

² See “The Precautionary Principle in the European Union and its Impact on International Trade Relations”, Centre for European Policy Studies (10/24/02), Euractiv, at: (<http://www.euractiv.com/Article?tcmuri=tcm:29-110071-16&type=Analysis>); Cf. Lawrence Kogan, “The Precautionary Principle and WTO Law: Divergent Views Toward the Role of Science in Assessing and Managing Risk”, Seton Hall Journal of Diplomacy and International Relations, Vol. V, No. 1 (Winter/Spring 2004), at pp. 88-93, 95-102.

³ See Lawrence A. Kogan, “Exporting Precaution: How Europe’s Risk-Free Regulatory Agenda Threatens American Free Enterprise”, The Washington Legal Foundation (11/4/05), 4-17, 54-60, at:

(<http://www.wlf.org/upload/110405MONOKogan.pdf>); Lawrence Kogan, “Exporting Europe’s Protectionism”, *The National Interest*, at pp. 91-99, No. 77 (Fall 2004); Steven Milloy, “US Should Not Import European Laws”, Fox News.com (11/17/05), at: (http://www.foxnews.com/story/0_2933_175952_00.html).

⁴ See Denis Dutton and Wolfgang Kasper, “Green Protectionism”, POLICY, The Centre for Independent Studies, at 23-25 (Summer 2002-2003); Carlo Stagnaro, “The Protectionist Nature of Brussels Precautionary Regulations”, Brussels Journal (8/15/05), at: (<http://www.brusselsjournal.com/node/187>) ; Chresten Anderson, “Will Bad EU Policies REACH America”, The Copenhagen Institute (11/22/05), at: (<http://www.coin.dk/default.asp?aid=292>), The Brussels Journal (11/20/05), at: (<http://www.brusselsjournal.com/node/492>), referenced also by the Institut Hayek, (France) (11/20/05) at:

(http://www.fahayek.org/index.php?option=com_content&task=view&id=426&Itemid=40). Even senior advisors within the European Commission have admitted this to be true. See “EU Commission Response to ITSSD Precautionary Preference Study”, Development Gateway Foundation (9/30/05), at:

(<http://topics.developmentgateway.org/environment/rc/ItemDetail.do~1047718>) and

(<http://topics.developmentgateway.org/environment/rc/BrowseContent.do~source=RCCContentUser~folderId=2920>), referenced by the International Society of Food, Agriculture and Environment (ISFAE), Helsinki Finland, at: (<http://www.isfae.org/popularjournal/2005/issue10.php>).

⁵ See Juliet Eilperin, “U.S. Won’t Join in Binding Climate Talks”, Washington Post (12/11/05).

⁶ See e.g., Scott Doggett, “Passions Fueled”, Los Angeles Times (10/25/05), latimes.com, at:

(<http://www.latimes.com/travel/outdoors/la-os-coronados25oct25,1,2878169.story?coll=la-headlines-outdoors>);

David R. Baker, “New Fuel Battle Ignited in State Intense Debate Over Liquefied Natural Gas Terminals Along Coast”, San Francisco Chronicle (1/23/05), at: (<http://sfgate.com/cgi-bin/article.cgi?file=c/a/2005/01/23/BUGCEATF8O1.DTL>). Environmental extremists have also blocked the State of Rhode Island from building new badly needed oil refineries on previously shuttered military bases that remain unused and vacant. They did so, by pressuring its U.S. district representatives and senators. See John Fund, Power

to the People: Washington Policy Makers Stand in the Way of Sensible Energy Policies”, Wall Street Journal Opinion Journal (11/28/05), at: (<http://www.opinionjournal.com/diary/?id=110007605>).

⁷ See, e.g. “Clinton Bashes Bush on Kyoto Pact”, supra; Marc Morano, “Americans Told to Bypass Govt. In ‘Global Warming’ Fight”, Cybercast News Service (12/9/05); Juliet Eilperin, “U.S. Won’t Join in Binding Climate Talks”, supra; Peter N. Spotts, “US Stand Poses Hurdle at Environmental Talks - Delegates Have Adopted Rules for Limiting Greenhouse Gases, Making the Kyoto Protocol Fully Operational”, The Christian Science Monitor (12/2/05); “UN Summit Seeks Climate Solutions”, BBC News (11/29/05).

⁸ See Lawrence A. Kogan and Slavi Pachovski, “RGGI is Europe’s ‘Back-Door-Man’: How Europe Relies on the Northeast Greenhouse Gas Initiative to Influence U.S. Climate Change Policy”, Institute for Trade, Standards and Sustainable Development (11/21/05), at:

(http://www.itssd.org/White%20Papers/RGGI_Europe_White%20Paper.pdf).

⁹ See Anthony Hobley, Peter Hawkes, and Richard Saines, “Implementing the EU ETS: Climate Change Heats Up”, *Sustainable Development, Ecosystems and Climate Change Committee Newsletter*, American Bar Association (Vol. 7., No. 3 June 2004), at p. 2 and 7.

¹⁰ See Lawrence A. Kogan and Slavi Pachovski, “RGGI: Why No Public Debate?”, Institute for Trade, Standards and Sustainable Development (11/28/05), at: (<http://www.itssd.org/Publications/RGGI%20-%20Why%20No%20Public%20Debate.pdf>).

¹¹ See, e.g., Randy Hall and Marc Morano, “Fox News CEO Warms to Climate Change After Heat From Left”, Cybercast News Service (11/9/05), at:
<http://www.cnsnews.com/ViewSpecialReports.asp?Page=%5CSpecialReports%5Carchive%5C200511%5CSPE20051109a.html>); Cliff Kincaid, “Hostile Takeover of Fox News”, Accuracy in Media (11/21/05), at:
http://www.aim.org/aim_column/4184_0_3_0_C); Dan Gainor, “Fox News Sheds Balance in Climate Change Special: Network Links Global Warming to Everything From Diseases to Shark Sightings in One-Sided Documentary” (11/14/05), at: <http://freemarketproject.org/news/2005/news20051114.asp>).

¹² According to Stuart Eisenstat, who previously served as Chief Domestic Policy Adviser to former President Carter and in several high profile positions under former President Clinton, environmental groups such as NRDC and Greenpeace exerted an undue and destructive influence during the negotiations leading to the signing of the Kyoto Protocol. “While these groups did not sit at the negotiating table, there is no question that *through their lobbying efforts and their constant demands for steeper emissions cuts in carbon dioxide (CO2)*, they were able to exert a substantial impact on the course of the negotiations. As environmental advocates, ***they pressed for unrealistically large reductions in greenhouse gas emissions without consideration of the economic costs***. They also helped stiffen the position of developing nations against taking any obligations to reduce even the rate of growth of their emissions, notwithstanding the fact that these same nations will be the biggest emitters of CO2 by the mid-twenty-first century. *This stance ultimately undermined support in the United States for eventually ratifying the Kyoto Protocol* (emphasis added).” See Stuart E. Eisenstat, “Non-governmental Organizations as the Fifth Estate”, Seton Hall Journal of Diplomacy and International Relations, (Summer/Fall 2004), at 17.

¹³ See Ray Spencer, “Culture Shock in Montreal”, TechCentralStation.com (12/8/05), at:
<http://techdaily.com/article.aspx?id=120705K>).

¹⁴ See Jeremy Rifkin, “America, Wake Up to the European Dream”, Op-ed, *The Washington Post* (Oct. 31, 2004).

¹⁵ See Jeremy Rifkin, “A Precautionary Tale”, Op-ed, *The Guardian* (May 12, 2004), at:
<http://www.guardian.co.uk/analysis/story/0,3604,1214638,00.html>).

¹⁶ See, e.g., Rebecca M. Blank and William McGurn, “Is the Market Moral? A Dialogue on Religion, Economics & Justice”, Pew Forum Dialogues on Religion & Public Life, The Brookings Institution and Georgetown University © 2004, at pp. 62-89.

¹⁷ See Klaus Topfer, United Nations Under-Secretary-General and Executive Director, UN Environment Program in an address to the World Council of Churches (10/31/99) in Bonn, cited in *Earth and Faith – A Book of Reflection for Action*, Libby Bassett, Ed., John T. Brinkman and Kusumita P. Pedersen, Co-Eds., Interfaith Partnership for the Environment, United Nations Environment Programme (UNEP) © 2000.

¹⁸ Ibid.

¹⁹ The EU seeks to change the dynamic of the UN as an institution - from an intergovernmental forum which was designed to *serve at the pleasure and convenience of member states*, for the purpose of voluntarily discussing and hopefully resolving global issues of concern, such as climate change, to one that *governs the international and domestic activities of all nation states, and from which nation states must seek legal approval and consent in order to conduct their daily national state affairs*. It seeks to expand international law by establishing the precautionary principle as an absolute norm of customary international law from which no country can derogate, and by reforming the UN Charter itself. See <http://www.itssd.org/issues.htm>.) This will help to promote 'needed UN reform' as suggested by the High Level Panel on Threats, Challenges and Change. That panel was convened during 2003 by the UN Secretary-General (Press Release SG/A/857 - 11/4/03) to assess collective global threats facing humanity in the 21st century. That panel released a report last December (See: UN General Assembly document A/59/565, accessible at: <http://www.globalpolicy.org/reform/initiatives/panels/high/1202report.pdf>) entitled, *A More Secure World: Our Shared Responsibility*. It concluded that threats to sustainable development, namely, climate change constituted the foremost threat to global society, more so, than even terrorism. It also recommended controversial UN reforms that aim to expand the mandate of the UN Security council to include matters of sustainable development, to increase the Security Council membership and alter Security Council voting rules so that they favor the inclusion of other like-minded nations, and to further rely on the opinions and participation of the environmental and social NGO communities (a/k/a, civil society).

²⁰ See Lawrence Kogan, "The Precautionary Principle and WTO Law: Divergent Views Toward the Role of Science in Assessing and Managing Risk", *supra* at pp. 93-95.