

Durban Climate Change Conference Promises UN Court Oversight



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The world community stepped away from the United Nations Climate Change Conference in Durban, South Africa two short months ago with promises that all nations will submit to the climate control supremacy of the UN – by 2020.

In the interim, developed (i.e., Western) countries will be required to pay into a \$100 billion a year Green Climate Fund – run by the UN – ostensibly to help offset the “costs” to countries affected by climate change. More ominously, a Climate Court of Justice is to be established to oversee and enforce the new emissions mandates.

At the same time, while thousands of scientists openly oppose the political conclusions drawn by UN policymakers on man-made climate change, Canada became the first industrialized nation to exit the UN’s Kyoto global warming treaty. But they didn’t just withdraw quietly.

Canadian Prime Minister Stephen Harper put a fine point on it: "To meet the targets under Kyoto for 2012 would be the equivalent of either removing every car, truck, ATV, tractor, ambulance, police car, and vehicle of every kind from Canadian roads or closing down the entire farming and agricultural sector and cutting heat to every home, office, hospital, factory, and building in Canada."

"Kyoto is not the path forward for a global solution to climate change," Canadian Environment Minister Peter Kent elaborated. "If anything, it's an impediment. A new agreement with legally binding commitments for all major emitters that allows us as a country to continue to generate jobs and economic growth represents the path forward."

Under Kyoto, the burden of slashing emissions has fallen on nations like Canada, which has a burgeoning energy industry and needs to create thousands of new jobs to support an economically viable "path forward." Sound familiar? It should. The U.S. Environmental Protection Agency (EPA) under President Obama has enacted draconian emissions regulations that emulate much of the Kyoto Protocol that by most estimates will cost the United States 4 million jobs and as much as \$1 trillion in new energy costs over the next 20 years.

President Obama's EPA has enacted these rules, which cover nearly every business, home and building in the nation, by claiming authority under the Clean Air Act to do so. The Clean Air Act, read fairly, requires congressional approval and oversight to expand its regulatory claims. This is the primary reason why 15 states, dozens of trade associations and employers, and 12 members of Congress have challenged the EPA regulations in the U.S. Court of Appeals for the District of Columbia. Oral arguments are set for February 2012.

The bottom line to the court challenges against the EPA is that an agency of government must be held accountable. There are rules, checks and balances against unilateral regulatory mandates under the U.S. Constitution. It is perhaps for this reason that the U.S. Senate failed to ratify Kyoto – it's untenable in a constitutional republic to surrender oversight and authority to unelected regulators, particularly those like the UN who are not subject to U.S. court jurisdiction.

Perhaps the congressional failure to embrace the global warming mantra is more about science and economics. Man-made global warming is widely and increasingly questionable as "settled science." New regulations – like those in the U.S. under the EPA and those enforced by the UN under Kyoto – cripple the ability of nations to create jobs and sustain economic vitality. So why pay in billions of dollars and millions of jobs for regulations that are not proven to actually benefit the environment?

The bigger question is, will the United States submit to UN "court jurisdiction" over its economic and environmental policies going forward, as pronounced by the Durban conference? If the EPA's current efforts are an indication, the climate is definitely about to change for the worse.

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