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Beyond Paris: The Next Step
The Earth's Atmosphere as A Global Trust Part II

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The following article outlines a call for a United Nations General Assembly Nonbinding Resolution recognizing the Earth's Atmosphere as a Global Trust. In Part I, I described how and why the Earth's Atmosphere should be recognized as a Global Trust. In Part II, I will expand on this approach to show how it can be used to support varied mitigation methods. Together, these two articles, are a summary of an article published in the Barry University Environmental and Earth Law Journal.

The Paris Agreement of 2015 calls for capacity building for developing states as an important step in combatting climate change; a critical component of such capacity building must be creating and enhancing the **global legal framework** required to insure sustainable development by progressively reducing the danger and risks of climate change for developing countries.

Such a global legal framework can be initiated by the United Nations General Assembly (UNGA) in support of the capacity building goals of the Paris Agreement (2015). Specifically, the UNGA has the legal authority, based on Articles 13, 16 and 85 of the UN Charter, to pass a nonbinding resolution explicitly recognizing the Earth's atmosphere as a *global trust (see "areas," Art. 85).* Or, the UNGA can simply recognize in a nonbinding resolution what is already implicated in the international legal order—namely that the Earth Atmosphere is a global commons that belongs

to all as a trust. *This resolution can then become the basis for a treaty—initiated by the developing states– that recognizes the Earth's atmosphere as a global trust as a critical component of the Common Heritage of Humanity.* To be effective, the resolution will need to include an explicit and urgent call for the restoration of the Earth's atmosphere that provides the incentive and space for considering a variety of mitigation methods.

Calling for the Restoration of the Earth's Atmosphere as the Most Immediate and Urgent Challenge Facing Humanity.

The *ultimate task* by all states must be collective efforts to restore the global atmosphere to 350 ppm. Thus, the UNGA resolution should call for the **restoration** of the Earth's atmosphere as a global trust for present and pending generations, thus accepting a historic responsibility of humanity.

Time is now not on our side as the danger of irreversible climate change is rapidly growing; so we need to accelerate global climate consultations, continuous negotiations and lasting action. As a global organization, the UNGA can help mobilize the necessary research and development of policies, programs and technologies to accomplish greater efficiencies in all possible mitigation methods, including healthy carbon *sequestration as well more remote techniques as "in stratosphere" and space-based solar screening.* In short, every possible mitigation method or every "experiment with Truth" must be tried until one or more mitigation method proves effective.

Untried ways to achieve the massive reduction of atmospheric carbon should be as varied and innovative as the human imagination and following policy initiatives allow. For instance, vastly expanded and added efforts must include, in memory and honor of Wangari Maathai, the continuous planting a billion trees per year on each of the inhabited mainland continents; renewed experimentation of the Iron Hypothesis in the Southern Ocean; and there should also be massive and accelerated conservation efforts with energy or electricity as well as recycling, especially throughout the developed world where the waste is greatest.

In doing so, the rather obvious ethical rule of application is that such mitigation or sequestration technologies should not be deployed if the actual damage that they cause is greater than the growing danger and increasing devastating consequences of continuing, unabated global climate change to all life on Earth. There is now a cruel yet unavoidable calculus of cost-benefits calculations concerning the benefits and inevitable consequences of **simply doing nothing**, such as droughts, migrations and increasing extinction events. For instance, critics of carbon sequestration in the oceans often cite the unintended potential

consequences of large scale deployment of technologies based on the Iron Hypothesis; yet, there was a massive and growing toxic orange algae bloom growing off the coast of California in 2016 caused by increased temperatures and unabated climate change. This toxic bloom caused a massive kill-off of fish, the seabirds or mammals that rely upon them. So, not doing anything—and thus allowing such unintended consequences to grow, has to be calculated against the possible and still hypothetical unintended consequences of carbon sequestration methods. The deadly costs of doing nothing are very steeply increasing.

"Policy Purists" who advocate "carbon cuts or nothing!"–which was perhaps an appropriate attitude and approach twenty years ago–are now possibly the greatest hindrance to climate progress and even human survival. There are now rapidly increasing costs of doing nothing that can be measured, calculated and compared, even roughly, against the inevitable cost/benefits of carbon sequestration methods, geo-engineering and the R/D of new technologies. The time has now simply passed when ethically "ideal" or "pure" cost free measures were perhaps feasible.

The Earth is rapidly heating up to uninhabitable levels, or will in the next years and decades, the polar ice caps and glaciers are melting at unprecedented levels, sea levels are rising and extreme weather events are spreading as well as intensifying. In view of deeply troubling developments, we need to intensify our efforts through ***a collective commitment to climate policy pluralism and have a variety of strategies, methods and approaches to stabilizing the Earth's climate***; so far, its becoming increasingly obvious—except to rabid climate deniers and ironically environmental purists–that carbon cuts alone simply aren't working.

The Paris Agreement even states that, even if fully implemented, the agreement will leave significant gaps in the action that is needed. Furthermore, what if "Plan A"—the Paris Agreement and the promised carbon cuts—simply doesn't work in time, or are too little too late? The specter of the similar yet largely unsuccessfully Kyoto Protocol based largely on the same process of voluntary carbon cuts by states, should caution us not to place all our hopes again in only one approach or plan. In view of this, we need, first and foremost, ***a truly experimental approach to simultaneously try other diplomatic approaches and collective methods to prevent further catastrophic climate change.***

Gandhi's "Experiments with Truth:" The Time to Act is Now.

Gandhi's critical insight and idea was that, when facing a crisis, a person must be willing to experiment *with a variety of ways to seek the truth in action*, and not simply be fixed on one way forward. In fact, his method included learning even from his opponents, knowing that they

contained part of the truth as well. He was never willing to throw away any possible avenue to greater insight, understanding and thus effectiveness. *This extraordinarily experimental and innovative mindset embodied by Gandhi's life is exactly what is needed among the globe scientific community, policymakers and citizens as we confront the unparalleled crisis of climate change.* **Specifically, at this late date, we simply cannot rely upon one method alone, such as carbon cuts—as important as these are—to roll back climate change. In the spirit of Gandhi, we need to develop a portfolio of mitigation methods that includes carbon cuts, carbon sequestration, and conservation, as well as intense Research and Design (R&D) efforts to develop new green technologies. The Earth scientists and policymakers need to begin to "experiment" with a whole host of mitigation methods on a potentially vast scale if we are going to succeed in reversing climate change, and thus survive.**

After over twenty years of negotiations, (since Rio in 1992), the Paris Climate Agreement (2015) is Plan "A." It's the only Plan that is "alive." It's a good start, but–by its own admission–even if all carbon cuts are achieved, more will need to be done to save us and the planet from the ravages on oncoming climate change. In view of this, the crucial question must be raised: What if the Paris Agreement doesn't work, or–more likely—proves absolutely necessary but not still not sufficient? Most alarming, what options will we have in five or ten years, despite all the promises and meetings dedicated to cutting carbon, if Plan "A"—the Paris Agreement–simply isn't enough to prevent irreversible climate change? This is not an academic question; if "Plan A" proves insufficient serious consequences are in store for life on Earth and future generations.

We now need the highly innovative and experimental mindset that Gandhi brought to the problems he faced, which he described as "Experiments with Truth" to the global effort to restore the Earth Atmosphere and thus survive. Specifically, the current UNFCCC plans and post Paris Agreement (2015) to cut carbon emissions are important and must continue. At the same time, different issues require different forums to be addressed successfully – lest complex issues become hopelessly intertwined. At the very least, we need multitrack efforts—consisting of diplomatic, policy and ultimately technical steps to develop and deploy carbon sequestration methods around the globe. In particular, we need to mobilize much more human energy, commitments, more ideas and resources to insure our own survival; the urgency of the issue is growing by the hour.

So, leaders, diplomats and citizens need to commit themselves to a vast mobilization to overcome climate change; as such, there should be a variety of forums or (as Gandhi states) "Experiments with Truth," that provide a variety of possible ways forward. In short, the UNFCCC must continue to focus on carbon cuts, UNETs could focus on carbon sequestration and other

mitigation methods designed and developed to remove CO_2 from the global atmosphere, while restitution efforts could be pursued through the ICJ. Simply stated, we need to Experiment with the Truth, and not ***risk all*** on the possibly erroneous idea that we have, at least discovered the one true way to address climate change.

We must now develop a portfolio of operational policies and methods—Plans A, B, C, etc.—until one or more are proven to work successfully. In the spirit of Gandhi, the scientific "best practice" must involve constant "experimentation" in all aspect of possible applications, study of the inevitable though often unforeseen consequences and then subsequent technical corrections, rather than simply giving up on the idea due to one-shot "scientific" studies, which has been the pattern in the past.

The key is that, consistent with Gandhi's idea of "Experiments with Truth," **all methods of carbon cuts, carbon sequestration, conservation as well as research and development must be utilized and accelerated until the Earth climate is stabilized, and climate change is reversed. Why this is not occurring now on a massive scale mobilized by state governments is simply baffling; it is also dangerously delusional of the very real global threat of irreversible climate change that is rapidly overtaking us. So, after appropriate experimentation, let a thousand plankton fields bloom!**

This is still within reach; if there are enough or even the same number of entrepreneurial scientists and engineers that, say, work in defense industries or space agencies, this goal should be within human possibility to obtain. But time is rapidly running out. So, the Paris Agreement (2015) was the beginning. The Paris negotiations finally resulted in the entire world recognizing the grave threat of climate change. Now, states and peoples must undertake massive "Experiments with the Truth" and take the next critical steps to cut back carbon emissions as well as publically or politically hold those states accountable that continue to be most wasteful of the global commons. The first step in allocating such proportionate responsibility is by declaring the Earth's atmosphere as a global trust that belongs to all, including future generations.

Humanity as a whole, as represented by the UNGA, can meet this historic challenge of reversing global climate change by acting now to mobilize fully the global resources necessary to reverse climate change and **restore** the Earth's atmosphere as a global trust belonging to all. If we fail to act now, human life and time on Earth could rapidly become past tense. If we don't act **now**, we will not get a second chance.

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