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CBD Report Shows How Pres Obama Can Establish Climate Treaty WITHOUT Congress

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Published *December 10, 2009 @ 06:43AM PT*



You've probably heard this refrain yourself: "So what if Obama works to establish a strong agreement to end climate change in Copenhagen — the Senate will never muster the 66 votes needed to pass it."

That's certainly true, it's so unlikely it verges on impossible. Given that "the Party of No" has 40 Senators, there simply aren't 66 who would vote to ratify anything meant to address global warming. That's why I was so thrilled to hear the presentation by Kassie Siegel of the Center for Biological Diversity on their new report, "Yes, He Can: President Obama's Power to Make an International Climate Commitment Without Waiting for Congress."

Ms. Siegel was on a panel organized by my colleagues here at Greenpeace for a so-called "side event" at the UN climate summit, and her basic message was that President Obama has all the legal authority he needs to establish a binding agreement in Copenhagen despite Congressional inaction on the issue.

I'm not a lawyer, so I'll stop there and let them explain it:

"President Obama's hands are not tied by Congress's lack of action or the grossly inadequate cap-and-trade bills currently under debate. President Obama can lead, rather than follow, by using his power under the Clean Air Act and other laws to achieve deep and rapid greenhouse emissions reductions from major polluters," said Center attorney Kevin Bundy, the report's lead author. "Obama can use his authority to make a binding agreement in Copenhagen without additional action from Congress. The Constitution and existing domestic environmental laws

give President Obama all the power he needs to join with other nations in making a real commitment to solve the climate crisis."

Now, of course, many questions remain: Will Obama actually work to pass a legally or politically binding treaty next week? And what will that treaty look like?

I came up to Oslo, Norway from Copenhagen along with several other Greenpeace activists to help Obama "celebrate" his Nobel Peace Prize. Our basic message is that in order to earn that award, Obama needs to go down to Copenhagen next week and make sure that we get a fair, ambitious, and *legally* binding treaty. Anything less would not be what we should expect from a Nobel Laureate.