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REPORT ON THE DESIRABILITY OF PREPARING A DRAFT UNIVERSAL DECLARATION OF ETHICAL PRINCIPLES IN RELATION TO CLIMATE CHANGE

SUMMARY

In 35 C/Resolution 36, the General Conference considered that “ethical principles in relation to climate change may be the subject of a declaration and that further study of this issue is necessary” and requested the Director-General “to submit to the Executive Board at its 185th session, a report on the desirability of preparing a draft declaration of ethical principles in relation to climate change and to prepare, if found appropriate by the Executive Board, a draft declaration of ethical principles in relation to climate change”.

The present report has been prepared following written and oral consultations with Member States and other stakeholders, including relevant United Nations agencies, as well as further study on the matter by COMEST and the UNESCO Secretariat.

Financial implications: see paragraph 17.

Action required of the Executive Board: see decision paragraph 18.

I. BACKGROUND

1. In considering that “ethical principles in relation to climate change may be the subject of a declaration and that further study of this issue is necessary”, with due consideration of “the conclusions reached at the 15th Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC COP-15), the General Conference (35 C/Resolution 36) took account, *inter alia*, of the UNESCO Strategy for Action on Climate Change, as approved by the Executive Board at its 180th session (180 EX/16 Rev.), of the request by the Executive Board, at its 181st session (181 EX/Decision 15), that the Director-General enhance the Plan of Action on Climate Change, in particular through focus on the social and ethical implications thereof, of the recommendation made by the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) at its Sixth Ordinary Session (16-19 June 2009) “that UNESCO should develop an ethical framework of principles in relation to climate change”.

2. Within the Director-General's Climate Change Initiative (formally presented at the Copenhagen Conference in December of 2009) and within the larger strategic focus adopted by UNESCO with respect to climate change, ethics has been recognized as having an essential contribution to make. Response to global environmental change requires assessment tools that can take adequate account of extended and still to be understood causal chains across time and space, including the conflicting bases of differentiated responsibility in mitigation and adaptation, fundamental uncertainties relating to the knowledge bases required for the successful elaboration of effective policies, and the challenge of responsible management of collective risk at the global scale. In addition, there are major ethical issues with respect to the scope, focus, availability and accessibility of basic science, monitoring information and early-warning capacity that should be taken into account in the development and management of environmental knowledge.

3. The UNESCO Strategy for Action on Climate Change (180 EX/16 Rev.) and the Enhanced Plan of Action for the UNESCO Strategy for Action on Climate Change (182 EX/INF.7 Annex) ensure that UNESCO's actions are coherent with and supportive of the United Nations system-wide climate change action framework initiated by the United Nations System Chief Executives Board for Coordination (CEB) and the Bali Road Map launched at the UNFCCC COP-13 in Bali in December 2007. As outlined in the publication *Acting on Climate Change: The United Nations System Delivering as One* (see p. 8 and pp. 11-19) presented by the Secretary-General of the United Nations to UNFCCC COP-14 in Poznan (December 2008), UNESCO together with the World Meteorological Organization (WMO) is entrusted within the CEB climate change action framework with the responsibility as convener for the cross-cutting area of a interdisciplinary climate knowledge: science, assessment, monitoring and early warning. Furthermore, insofar as UNESCO has a specific ethical mandate, reflection on the ethical challenges of climate change should figure as among the key inputs expected from UNESCO within the comprehensive CEB response.

4. While the political context of international negotiation processes to enhance climate change cooperation has been modified by the outcomes of UNFCCC COP-15 in Copenhagen in December 2009 and deferred to the UNFCCC COP-16, in Cancun in December 2010, the basic framework for United Nations system coordination has been maintained.

5. In light of the above background, consideration of the desirability of preparing a draft declaration of ethical principles in relation to climate change depends on the answers to the following three key questions:

- (a) whether, if feasible, preparation of such a declaration might be expected to make a useful contribution to international response to climate change;
- (b) whether an agreed basis of relevant principles is available or capable of being developed in a reasonably short time frame;

- (c) whether there exist alternative approaches or more flexible means to ensure enhanced ethical awareness and behaviour.

6. With a view to clarifying each of these questions, a process of consultation and study has been implemented in several distinct phases.

- (a) An action plan and a questionnaire were addressed to Member States and experts in February 2010, inviting them to make written submissions on the usefulness, possibility and general parameters of a declaration of ethical principles in relation to climate change. The action plan and questionnaire were reviewed and reissued in light of Member State criticisms.
- (b) Meetings have been convened, both regionally and at UNESCO Headquarters, to give Member States the opportunity to express their views orally.
- (c) United Nations agencies, funds and programmes were invited to a consultation meeting at UNESCO Headquarters and also invited to make submissions in writing.
- (d) COMEST has established an ad hoc drafting group to draw conclusions based on a series of regional expert workshops organized jointly with the UNESCO Secretariat resulting in a report on “An Ethical Framework for Climate Change Policies”. In very general terms, the report, confirming the findings of the COMEST sponsored regional expert workshops and the earlier work of the UNESCO Secretariat at Headquarters and in field offices, argues that existing international normative instruments do not sufficiently take into account the ethical aspects of climate change. Following from this, the report also suggests that in light of the complex debates on the question of ethical principles in relation to climate change, the results of the regional and subregional expert workshops do not yet provide over-arching support for the construction of a normative instrument in this domain, thus necessitating further work by COMEST on the key controversies surrounding such ethical principles in relation to climate change and their implications on policy.

7. Following the circulation of the questionnaire, 56 Member States made written submissions. Support for the principle of preparing a draft declaration was expressed by 39 Member States. Among Member States opposed to the preparation of such a declaration, eight were primarily concerned that such action was untimely given the current circumstances of UNFCCC negotiations, whereas nine were unconvinced that a UNESCO declaration of ethical principles in relation to climate change would be appropriate in any circumstances. Among these 56 responses, 40 questionnaires were received (of which 2 were later withdrawn). The remaining 16 responses came in the form of attached letters and/or commentary.

8. Three regional consultation meetings were convened in Auckland, New Zealand (26-27 April 2010), Bangkok, Thailand (11-12 May 2010) and Belgrade, Serbia (24-25 May 2010). The regional consultation meetings were attended by 13 Member States in total. Concerns were raised by Member States regarding the short notice provided for their organization and the lack of specific funding to support participation. Furthermore, a consultation meeting was convened at UNESCO Headquarters on 7 July 2010, at which 31 Member States made oral statements. The views expressed were divided between support for and opposition to the preparation of a draft declaration. Some of the views expressed complemented the written submissions referred to in paragraph 7.

9. The consultation meeting for United Nations agencies, funds and programmes took place at UNESCO Headquarters on 5 July 2010. Oral or written input was provided by the Food and Agriculture Organization (FAO), the International Labour Organization (ILO), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Environment Programme (UNEP), the UNFCCC Secretariat, the World Health Organization (WHO) and the World Intellectual

Property Organization (WIPO). General interest was expressed in the potential contribution of environmental ethics to international action to respond to climate change, particularly with respect to the scientific knowledge base and to adaptation policies. However, it was not generally felt that preparation of a draft declaration, especially in the short term, would be the most effective way of addressing climate change in ethical terms. UNESCO was invited to seek alternative modalities, including the development of indicative policy guidelines on a concerted basis.

10. The work of COMEST on “An Ethical Framework for Climate Change Policies” was designed to consider the possibility of a declaration within a broader context of ethical response to climate change, including in particular areas such as education and awareness-raising and support for national policies. With a view to exploring these issues, expert workshops were held in Dakar (Senegal), New Delhi (India), Yerevan (Armenia), Yokohama (Japan) and Montevideo (Uruguay), attended by 79 experts from 45 countries. In addition, experts were also consulted in conjunction with the regional consultation meetings with Member States referred to in paragraph 8. The study process considered the key ethical issues raised by climate change, the principles available to address them, the policy options to respond to the issues in light of the principles, and, specifically, the possibility and advisability of a declaration of ethical principles in this regard. While there was broad support from workshop participants for the idea of a declaration in general terms, there were significant differences in opinion regarding the availability, relevance, and universal acceptability of currently recognized ethical principles as they apply to climate change.

11. Considering the outcome of the COMEST Extraordinary Session, held at UNESCO Headquarters from 28 to 30 June, COMEST adopted an interim report entitled “Towards an Ethical Framework for Climate Change Policies”. Taking into account the results of the COMEST sponsored regional expert workshops and the conclusions of the debate at the COMEST Extraordinary Session, in its recommendation to the Director-General COMEST acknowledged that “determination of universal ethical principles in relation to climate change would complement other efforts under way within the United Nations system, subject to explicit articulation of UNESCO action with discussion on implementation of the United Nations Framework Convention on Climate Change”. In particular, “relevant universal ethical principles would provide invaluable support to climate change responses at various levels, and in particular to design of appropriate equitable adaptation policies”. However, while there is “a significant body of internationally recognized principles that are relevant to climate change or could be adapted to apply to it, many of these principles require further elaboration on the basis of extensive consultation”. Therefore, in the view of COMEST, preparation of a draft declaration of ethical principles in relation to climate change would not be feasible for submission to the General Conference at its 36th session. On this basis, COMEST proposed that it might conduct “a systematic review, including consultation with Member States, of ethical principles identified as requiring further elaboration in relation to climate change” which may lead to a report for the consideration of the Executive Board in 2012.

12. The outcomes of the process of consultation and study summarized in paragraphs 6-11 thus provide fairly definite answers to the key questions posed in paragraph 5, which jointly bear on the desirability of preparing a draft declaration of ethical principles in relation to climate change:

- (a) in certain clearly identified areas, the contribution of environmental ethics to international response to climate change can probably be ensured by other, more flexible means;
- (b) it is unclear whether an agreed basis of relevant principles is available or capable of being developed in a reasonably short time frame;
- (c) there is no consensus that preparation of such a declaration would make a useful contribution to international response to climate change and the opinions of Member States also remain divided.

13. Considering these findings, the Executive Board may wish to discuss whether the preparation of a draft declaration of ethical principles in relation to climate change should be initiated with a view to submitting it to the General Conference at its 36th session.

14. Nonetheless, the conclusions summarized in paragraph 12 engender a series of appropriate follow-up actions. It would be helpful to clarify the nature, scope and significance of the disagreements identified by COMEST with respect to the ethical principles relevant to climate change. A number of objections to the preparation of a declaration of ethical principles in relation to climate change relate to the current state of international negotiations and of responsibilities within the United Nations system and these might evolve. Certain other activities in the area of environmental ethics as applied to climate change deserve also to be considered and could be implemented in a flexible manner within the existing framework of UNESCO's programmes.

15. Consistent with the multi-stage procedure for the elaboration, examination, adoption and follow-up of declarations, charters and similar standard-setting instruments, the General Conference should be given the opportunity, at its 36th session, to review the desirability of preparing a draft declaration of ethical principles in relation to climate change in light of information that may then be available, including in particular the outcomes of UNFCCC COP-16 and related international processes. In order to inform discussion at that time, COMEST should be encouraged to complete its work on "An Ethical Framework for Climate Change Policies" at its 2011 Ordinary Session and, in conjunction with the UNESCO Secretariat, to enhance the inclusiveness of its expert consultation processes, at both the international and regional level. Consideration might also be given to work by COMEST over a longer timeframe with a view to establishing, after review by the General Conference, the basis of ethical principles that could, if required, underpin the development of a draft declaration.

16. In parallel, the Executive Board may wish to request the UNESCO Secretariat to develop proposals for ethically grounded capacity-building tools in the areas of science and adaptation. United Nations agencies, funds and programmes, and other relevant stakeholders, should be consulted with a view to reporting to the General Conference, at its 36th session, on their relevance, feasibility and likely usefulness in supporting ethical responses to climate change, especially but not exclusively at the national level. Synergies with the work of COMEST should be explored as deemed appropriate.

17. The action called for in paragraphs 14-16 is covered by existing provision in the 35 C/5. It has no financial implications, except in so far as its scope may be expanded subject to the availability of extrabudgetary funding.

II. CONCLUSION

18. Accordingly, the Executive Board may wish to consider adopting the following draft decision:

The Executive Board,

1. Responding to 35 C/Resolution 36, which called on the Executive Board to determine whether it is appropriate to request the Director-General to prepare a draft declaration of ethical principles in relation to climate change for submission to the General Conference at its 36th session,
2. Recalling the request by the Executive Board, at its 181st session (181 EX/Decision 15), that the Director-General enhance the Plan of Action on climate change, in particular through focusing on the social and ethical implications thereof,
3. Recalling the UNESCO Strategy for Action on Climate Change (180 EX/16 Rev. – October 2008) and the Enhanced Plan of Action for the UNESCO Strategy for Action on Climate Change (182 EX/INF.7 Annex – September 2009),

4. Taking note of the Director-General's Climate Change Initiative (December 2009) which foregrounds ethical and social questions in relation to climate change,
5. Also taking note of the interim report by COMEST entitled "Towards an Ethical Framework for Climate Change Policies" (June 2010),
6. Further taking note of the recommendation made at the Extraordinary Session of COMEST (28-30 June 2010) that preparation of a draft declaration of ethical principles in relation to climate change would not be feasible for submission to the General Conference at its 36th session,
7. Having examined document 185 EX/13,
8. Requests the Director-General to take into account recent scientific and scholarly findings on the ethics of climate change and submit to the Executive Board at its 187th session a report reviewing the issues relevant to assessment of the desirability of preparing a declaration of ethical principles in relation to climate change, with particular reference to the outcomes of UNFCCC COP-16 and to related international processes, with a view to informing deliberation on the follow-up of 35 C/Resolution 36 by the General Conference at its 36th session,
9. Invites COMEST to continue its work on "An Ethical Framework for Climate Change Policies" at its 2011 Ordinary Session and, in conjunction with the UNESCO Secretariat, to enhance the inclusiveness of its expert consultation processes, at both the international and regional level,