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Procedural Justice and the Work of the IPCC

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I. Introduction

Victims of climate change rarely get heard. While the accomplishments of the Intergovernmental Panel on Climate Change (IPCC) are laudable – Nobel Peace Prize, four assessment reports, wide recognition as the authoritative body on climate change – their work comprises the input of a narrow elite, not the wider community now impacted by climate change. The epistemic community that makes up and informs the IPCC is largely comprised of social and biophysical scientists and technicians from Northern centers of research (see Miguez and Domingos 2002). The voices of the sufferers – people living in climate change hot spots, indigenous nations, children, disenfranchised – are not included in the assessment reports and seldom reviewed for inclusion in the work of the IPCC. They are not part of the IPCC's decision making process, nor is their consent sought for policy decisions. These conditions have ethical implications.

Ethics, in this context, is the act of identifying criteria that ought to be used when making public policy. An ethical framework that draws on widely held principles of procedural justice helps reveal a shortfall in the work of the IPCC and offers hope for a more effective climate regime. Here I use an ethical framework we developed with the Rock Ethics Institute (see Brown et al. 2006) that serves as methodology and structure from which to assess the inclusiveness of the IPCC.

At the 27th session of the IPCC in Spain, delegates considered, among other things, the future of the IPCC. For a more inclusive and effective climate regime, we suggest an ethical framework for WG III be part of the IPCC's future.

II. IPCC structure

Examining the operational procedures of the IPCC reveals an opening -- an opportunity for a more inclusive process.

The IPCC's main directive is to objectively assess the state of scientific, socio-economic, and technical knowledge on climate change (IPCC 2007d). It does this through the compilation of assessment reports which are published roughly every five years. The first assessment report was released in 1990; the fourth report was released this past year (2007).

As an intergovernmental organization, the IPCC takes direction from requests of member governments. While it does have some autonomy for the content of the assessment reports, that "autonomy" is directed by standard academic peer-review. Individual authors contribute text according to peer-review standards and according to their field of expertise. Decisions as to what gets included in the reports are made by persons appointed by member governments. Decision on final synthesis reports, including line-by-line review of text, is made by government representatives in IPCC Plenary Sessions. Regional representation is ensured in the IPCC Bureau and lead authors, but not so with the home bases of the Working Groups. Working Group I on climate change science is based at the National Oceanic and Atmospheric Administration in the USA. Working Group II on climate change impacts is at The Hadley Center in the UK. And Working Group III (WGIII) on climate change policy is at the Netherlands Environmental Assessment Agency. In addition, the Task Force on Inventories (TFI) is at the Institute for Global Environmental Strategies in Japan. While IGO and NGOs are allowed to observe the sessions, the actual text they observe comes from northern, elite institutions of science and their peers.

More importantly is the representation of who's text is ultimately included in the reports. As Miguez and Domingos (2002) explain, "Scientists and professionals from developed countries comprise the majority of the analysts working with major international climate change institutions, including the Intergovernmental Panel on Climate Change, and most of the scientific literature on climate change is written in English" (in Brown et al., 2006: 36).

Authors are nominated by governments, and observers and lead authors are selected by the working groups and TFI. While these groups try "to ensure a balanced gender and regional representation. There has been an ongoing effort by the IPCC to recruit more expertise from industry and environmental NGOs, although authors are predominantly from government or

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academic institutions" (IPIECA 2006: 6). Even with gender and regional representation, the core contributors are members of the global epistemic elite, a group of like-minded professionals working on climate change. In many ways this group resembles other unified systems of thought being expanded by forces of globalization. For example, in order to determine "direct human induced activities" for forestry projects, the IPCC looks only to land managers, professional afforesters and reforesters (Lohman, 2006: 173). There is little room for input from non-state, non-expert, non-technical, yet highly knowledgeable, victims. Even assessment report reviews are relegated to "expert" comment. The reports are vetted by a narrow group of experts trained and privileged by larger structures of globalization.

Therefore, the IPCC assessment reports rely heavily, if not exclusively, on peer-reviewed or technical papers published by an elite cadre of privileged researchers possessing a very narrow range of specialized knowledge. The reports are then reviewed by the same class of people, or by a supportive class in governments who think alike and accept expert opinion as the only legitimate form of knowledge and the only form that can be justified for inclusion in the reports.

The point is, the IPCC is not based on bad science, but it is based on a narrow science (Lohman, 2006). The science that is included is what I have called Science – peer-reviewed, large research foundations or agencies, and largely from Northern institutions. Compared to the science that all humans use to live on the planet, Science is packaged and codified by accepted norms of research. It does not reflect the ways of knowing held by most of the victims of climate change and climate change policy.

III. Ethical framework

So what? Why do we make an issue of this? It is an issue for two reasons – it violates widely held ethical principles and it makes for a less effective climate change regime.

First, as is argued in our White Paper on the Ethical Dimensions of Climate Change (Brown et al. 2006), stemming from widely held personal rights of life, liberty, and personal security, civil society is converging on a set of ethical principles that derived from traditions of:

- Distributive justice: the allocation and distribution of results, resources, and rights;
- Retributive justice: fairness in rectifying wrongs;
- Procedural justice: fairness and transparency of the process.

These principles can help guide specific policy approaches, and principles of procedural justice, in particular, apply to issue at hand.

IV. Procedural justice

Procedural justice is based on values of fairness. The guiding assumption is that through due process, hearing all parties, a fair and equitable outcome will ensue. Procedural justice takes three forms:

- Outcomes, where the ends justifies the means;
- Participation, where those affected are active participants; and
- Balance, where costs are weighed against benefits.

From which specific rules can be developed and inserted into the process, such as these from natural justice:

Hearing rule: right to be heard, especially if the decision affects you;
Bias rule: decision makers should be unbiased to the issue;
Evidence rule: decisions based on evidence.

The IPCC has so far included outcomes and balance criteria of procedural justice. It identifies policy options that may be effective at reducing greenhouse gas emissions and has identified benefit/cost relationships for many policies. It has also been very good at following the evidence rule. It may be impossible to follow the bias rule in peer review or political processes, particularly when most are working against furthering climate change, itself a biased position. The IPCC itself is biased in its efforts to curtail climate change.

Where it could be more inclusive of procedural justice principles is in participation and with the hearing rule in particular. Schrader-Frechette suggests that "those who might be harmed by climate change options have the right to free informed consent to being exposed to climate change risks" (in Brown et al., 2006: 36). Consent must not be forced, victims must possess all relevant information, and they must understand all policy options (Brown et al., 2006: 36). For example, the IPCC does not report all impacts leaving outliers, low probability or highly uncertain impacts out of their final reports. But even the outlier impacts will impact some people. Principles of procedural justice require that the opportunity for the most vulnerable to participate be built into the policy process. All who might be affected by UNFCCC policy has the right to fair representation in decision making. In addition, efforts must be made to ensure that decisions are understood by those that might be affected.

The IPCC can be more forceful in calling for the inclusion of those affected by climate change and the policies of the UNFCCC. In particular, the concept of informed consent could be further developed by WGIII. A procedure of free prior informed consent has already been endorsed by the UN Declaration on Indigenous People's Right (IISD 2007a). Even though it is not peer-reviewed, such language is readily available for IPCC consideration.

Further, an ethical framework requires moral criteria to be identified, such as need or merit, in

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order for people to be treated differently. With complex scientific and technical climate change knowledge the role of experts seems justified on need and merit grounds, unless one acknowledges that knowledge of climate change comes in many forms. Rich ways of knowing, for example, come from systems of Traditional Ecological Knowledge held by cultures long closely tied to their environments. It is widely accepted by biodiversity professionals that local knowledge is complimentary, and often superior, to the faculties of so called experts.

In this regard ethical principles make it is incumbent upon the IPCC to explain why input from all knowledge holders is not accepted or sought after. Ethical principles require that the burden of proof lies with the IPCC to prove why treating their knowledge differently and why the opinions of scientist, economists, and policy experts deserve inclusion.

Secondly, a more inclusive process will make for a more effective climate regime. It will foster more participation, more support for its goals, and less resistance. Every year at these COP meetings we hear about policies gone wrong, particularly through the CDM mechanism. The informed consent of the people being affected is often disregarded, and often this is the reason why the projects have gone wrong. With the participation of the people being affected, these projects may now be accepted by the communities and replicated elsewhere. With the full informed participation of the communities there is a better chance for the UNFCCC system to be replicated and start to become part of the cultures of the world, as opposed to an imposed system from an elite group of climate scientists, economists, and business classes.

V. Learning from the International Mechanism of Scientific Expertise on Biodiversity

A justification the IPCC may find useful has been developed by the International Mechanism of Scientific Expertise on Biodiversity (IMoSEB). IMoSEB, to date, consists of a series of consultative meetings over the last year and a half around in North America, Europe, Asia, Latin America, and Oceania. Their goal is to consider how better to address biodiversity loss. In their final report IMoSEB identifies that a broad-based, inclusive network of input is needed for an effective biodiversity regime. As opposed to the strictly narrow and elite science-policy process of the IPCC, it identifies knowledge-based input as an effective source of information. In its final report, the IMoSEB calls for the "incorporation of all relevant sciences and other forms of knowledge" (IISD 2007c: 6).

In deliberations at the consultative meetings, many suggested that other ways of knowing biodiversity and other sources of knowledge would make the process more inclusive and better reflect the site-specific conditions of biodiversity. The IPCC may be interested in noting the reasoning behind IMoSEB's decision to incorporate as much knowledge as possible in its operations – in the face of cataclysmic and irreversible biodiversity loss, they seek a more inclusive and effective structure.

VI. Conclusion

The IPCC has started to consider these principles, but only at a nascent, perfunctory, and imprecise level. Ethics is covered briefly, for example, by WGIII in chapter 2 of the Fourth Assessment Report (see IPCC 2007c). It is portrayed as a debate that is yet settled and offers nothing concrete. The authors acknowledge what we start with in our report, that "rights-based approaches that argue that social actions are to be judged in relation to the defined rights of the individual" (IPCC 2007c: 119). We can offer something more concrete and robust.

The time is right for the IPCC to include ethical dimensions into its work. As the IPCC considers its future, we suggest WG III work on developing an ethical framework for decision making that is more inclusive and ultimately more effective.

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