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FEASIBILITY OF A UNIVERSAL DECLARATION OF ETHICAL PRINCIPLES IN RELATION TO CLIMATE CHANGE

SUMMARY

Under the terms of 169 EX/Decision 3.6.1, the Director-General was invited, *inter alia*, to keep the Executive Board informed of the studies undertaken to examine the principles of environmental ethics and to identify possible international actions in this field. Under the terms of 181 EX/Decision 15, the Director-General was requested to enhance the intersectoral Plan of Action with respect to the challenges of climate change, in particular through focus on the social and ethical implications thereof.

At its Sixth Ordinary Session (16-19 June 2009), the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST), drawing conclusions from its ongoing work on the ethical implications of global climate change, noted that, in view of the nature and extent of the scientific, social and human challenges of global climate change, which necessitate adoption of policies at the global level to address the pressing needs of the most vulnerable in the face of major uncertainties and the exigencies of international cooperation, it is urgent to determine universal ethical principles to guide responses to such challenges. COMEST therefore recommended that UNESCO should develop an ethical framework of principles in relation to climate change.

In light of this recommendation and of the force and urgency of its rationale, it is proposed that, if so decided by the General Conference at its 35th session, a draft universal declaration of ethical principles in relation to climate change would be submitted for the consideration of the 36th session of the General Conference, following further study of the question by the Director-General and the Executive Board and consultations with Member States.

Financial implications: see paragraph 22.

Action required of the Executive Board: see decision paragraph 23.

I. BACKGROUND

1. The UNESCO Strategy for Action on Climate Change, approved by the Executive Board at its 180th session (180 EX/16 Rev.), is designed to help Member States to build and maintain the requisite knowledge base, and to adopt measures to adapt to the impacts of climate change, contribute to the mitigation of its causes, and enhance sustainable development. The strategy consists of an integrated multidisciplinary programme offering Member States capacity-building and technical advice to design and implement evidence-based policies and projects at the local, national, subregional and regional levels. It draws on two principal pillars: the sound and unbiased generation and use of data, information and research concerning climate change (the knowledge base); and the application of educational tools, specific sectoral measures, public awareness activities and the development of national policy frameworks on climate change adaptation.

2. Within this strategic focus, ethics has an essential contribution to make. Action to address climate change needs assessment tools that can take adequate account of extended and poorly understood causal chains across time and space, conflicting bases of responsibility, fundamental uncertainties relating to the knowledge required for effective policies, and the challenge of responsible management of collective risk at the global scale.

3. In 180 EX/Decision 16, the Executive Board invited the Director-General to further develop the contribution of social sciences in the climate change action plan through, *inter alia*, the study of the social consequences of climate change, of which ethical assessment is a crucial component. In 181 EX/Decision 15, considering the Plan of Action to implement the Strategy, the Executive Board explicitly noted the ethical aspects of the social and human dimensions of climate change, requesting the Director-General to enhance the Plan of Action, in particular through focus on the social and ethical implications of climate change, with particular reference to migration.

4. The UNESCO Strategy for Action on Climate Change ensures 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" presented by the Secretary-General of the United Nations to UNFCCC COP-14 in Poznań (December 2008), UNESCO together with WMO is entrusted within the CEB climate change action framework with the responsibility as convener for the cross-cutting area of climate knowledge: science, assessment, monitoring and early warning. Furthermore, reflection on the ethical challenge is among the key inputs expected from UNESCO within the comprehensive CEB response.

5. Given the nature of the challenges of climate change, ethics is an essential component of assessment of risks, vulnerabilities and potential responses. In addition, there are major ethical issues with respect to the scope, focus and availability of basic science, monitoring information and early-warning capacity that should be taken into account in the development and management of climate knowledge. With respect to analysis of the ethical implications of climate change, UNESCO has a clear comparative advantage and expertise.

6. In a context where extensive international cooperation is required to address the challenges of an enhanced scientific knowledge base, stronger agreed frameworks for mitigation, and improved adaptation capacities, clearer and more consensual specification of underlying ethical principles will help strengthen the overall policy response. A powerful way to specify such principles and to express their consensual nature is to adopt, if feasible, a universal declaration.

7. The rationale for action in this area is based on the existence of a consensual body of key ethical principles relevant to climate change that have been enshrined in a number of currently applicable international normative instruments, including the United Nations Framework Convention on Climate Change, the Kyoto Protocol thereto, and the Convention on Biological

Diversity. A declaratory framework of global environmental ethics has also been proposed by the Earth Charter, which the 32nd session of the General Conference (32 C/Resolution 17) recognized as an important ethical framework for sustainable development, acknowledging its ethical principles, its objectives and its contents, as an expression that coincided with UNESCO's vision. However, these documents do not currently provide a comprehensive and universally agreed framework of ethical principles that can be used to inspire and guide policy responses to climate change.

8. Among the agreed ethical principles that may require refinement, and articulation in the framework of an integrated declaration designed to support action to address the challenges of global climate change are: the established human rights framework, including in particular the right to share in scientific advancement and its benefits; the precautionary principle; the principle of shared but differentiated responsibilities; the principle of sustainability; the principle of integrity as applied to ecosystems; and the principle of safeguarding and promoting the interests of future generations, expressed in the Declaration on the Responsibilities of the Present Generations Towards Future Generations adopted by UNESCO in 1997 (29 C/Resolution 31). The compilation, reconciliation and articulation of currently agreed principles could equip the international community with a powerful tool to frame comprehensive and ambitious responses, at all levels, to the challenges of climate change. This would help to address the special needs of countries deeply vulnerable to the effects of climate change such as the least developed countries (LDCs) in Africa or the small island developing states (SIDS), which are likely to be among the first countries confronted by the devastating social and human consequences of climate change. Whether, in addition, new ethical principles might need development to address certain distinctive challenges of climate change is an open question that requires further detailed study.

9. The World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) has, since its creation in 1998, been contributing actively to UNESCO's work on environmental ethics. Following on from its work on the ethics of freshwater use and on the precautionary principle, and in conjunction with current activities on the teaching of environmental ethics and on the ethics of energy, COMEST is engaged in clarification of the conceptual issues relating to an ethical approach to climate change. COMEST members have been actively involved in the SHS contribution to the intersectoral platform on climate change, in particular through regional events relating to the Arctic (Monaco, March 2009) and to West Africa (Niamey, May 2009), and COMEST's own ethical work is an integral part of the UNESCO Plan of Action on climate change (see document 182 EX/5).

10. Summarizing its work in 2008-2009, COMEST has completed a report on the ethical implications of global climate change, which has been circulated to the Executive Board as document 182 EX/INF.56. Considering the draft report at its Sixth Ordinary Session (16-19 June 2009), COMEST judged that, in addition to analytical work, a stronger impetus is required, in order to ensure that, with respect to climate change, ethics does not remain confined within a language of concern, however appropriate, but extends its reach to a practically oriented language of response.

11. On this basis, COMEST concluded that, in view of the nature and extent of the scientific, social and human challenges of global climate change, which necessitate adoption of policies at the global level to address the pressing needs of the most vulnerable in the face of major uncertainties and the exigencies of international cooperation, it is urgent to determine universal ethical principles to guide responses to such challenges. COMEST therefore recommended that UNESCO develop an ethical framework of principles in relation to climate change.

12. The COMEST recommendation comes at a time that is ripe for a UNESCO initiative. Regardless of the outcome of the still uncertain negotiations due to take place in Copenhagen at UNFCCC COP-15 in December 2009, a strong case can be made for a comprehensive global approach building on ethical principles. This would complement the envisaged negotiations on numerical targets (under the UNFCCC) by a universal declaration of principles (comparable, in a

different area, to the UNESCO Universal Declaration on Cultural Diversity) to commit governments and societies to certain ethical standards of behaviour to help counter climate change.

13. Such an approach would be unobjectionable at the multilateral level and fill existing lacunae. There is now a broad consensus that climate change represents a civilizational threat that individual measures, however ambitious and however necessary, will not fully tackle in a holistic manner. If UNESCO were not to seize the initiative in this regard it is likely that other international entities or initiatives may seek to promote a more coherent and comprehensive ethical approach to the challenges of climate change.

14. According to the General Conference multi-stage procedure for the elaboration, adoption and follow-up of declarations, charters and similar instruments:

“Stage 1: It shall be a matter for the General Conference to decide whether a question should be the subject of a declaration, charter or similar standard-setting instrument on the basis of a report by the Director-General or a recommendation by the Executive Board or a recommendation by a subsidiary organ of the General Conference, whose members are elected by the General Conference.

Stage 2: The General Conference shall request the Director-General to submit to it on a date that it shall determine a draft declaration, charter or similar standard-setting instrument drawn up in consultation with the Member States. The General Conference may also specify the steps to be followed in the preparation of the instrument, including the convening by the Director-General of intergovernmental meetings and committees of experts in accordance with the Regulations for the general classification of the various categories of meetings convened by UNESCO.”

15. Due to the urgency of determining universal ethical principles in relation to climate change as set out above in paragraphs 10-13, the Director-General is presenting this report for review by the Executive Board at its 182nd Session. The report, along with a possible recommendation by the Executive Board would then be transmitted by the Director-General at its 35th session for it to decide whether the question should be the subject of a declaration, as per stage 1 of the multistage procedure described above. The General Conference could then ask the Director-General to prepare a draft declaration on the question to be submitted to it at its 36th session, following further study by the Director-General and the Executive Board and consultations with Member States as per stage 2 of the multistage procedure described above.

16. Indeed, in order to assess the appropriate focus, structure and content of a universal declaration of principles, the potential value of which is clearly supported by arguments at a strategic level, further study is required.

17. Such study should proceed by systematic consultation with Member States, other international organizations and all relevant stakeholders. As a first step, on the basis of the COMEST report on the ethical implications of global climate change and of a complementary study on the legal and technical issues raised by the possible development of a universal declaration, a questionnaire could be developed for circulation to assess views on the ethical challenges of climate change, the relevance, form and scope of a universal declaration, the available principles on which such action might be based, and the process by which appropriate conclusions might be reached.

18. Analysis of the responses to the questionnaire would be considered by COMEST at its Ordinary Session in 2010 with a view to production of a comprehensive report to the Director-General on the consultation process and outcome, on the basis of which the Director-General would submit to the 185th session of the Executive Board a second report on a universal declaration of ethical principles in relation to climate change.

19. In addition to more detailed substantive conclusions about the necessity of drafting a universal declaration of ethical principles in relation to climate change, the second report might also address the form and scope of such a declaration, if appropriate; the extent to which the international community would be able to ensure compliance with such norms as might in due course be adopted; the possible need for regular revision of guiding ethical principles; and the role of specialists, decision-makers, civil society and international organizations both inside and outside the United Nations system. The second report might also explore the value of the declaration in terms of awareness-raising, information, education, consultation and public debate.

20. Therefore, after considering the second report, the Executive Board would communicate its conclusions to the Director-General, who would, if appropriate, prepare a draft universal declaration of ethical principles in relation to climate change for submission to the General Conference at its 36th session.

21. Regardless of the conclusions of the second report on a universal declaration of ethical principles in relation to climate change, the process itself would be highly beneficial for the capacity of UNESCO to contribute to the United Nations system response to the challenges of climate change and to support national policies in this area. In particular, the clarification of key ethical issues and of the relations between currently unarticulated principles would contribute directly to an enhanced capacity to conduct an ethically sensitive assessment of policy options.

22. The financial implications of the proposed second report, corresponding to consultation meetings, working group meetings and other additional direct costs, represent an estimated minimum of US \$60,000, which is currently not foreseen in the draft 35 C/5 Rev., and which may therefore have to be funded through re-allocations within the Draft Programme and Budget (35 C/5 Rev. for MP III). In addition the Sector will seek extrabudgetary funding. This figure excludes costs related to modification of the Statutes of COMEST, which are addressed in document 182 EX/57.

II. CONCLUSION

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

The Executive Board,

1. Having examined document 182 EX/56,
2. Taking note of document 182 EX/57, proposing modification of the Statutes of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST),
3. Recommends that the General Conference adopt the following draft resolution at its 35th session:

The General Conference,

Recalling 29 C/Resolution 13, paragraph 2.C(d), 30 C/Resolution 20, 31 C/Resolution 21.1(a) and 32 C/Resolution 26, calling upon UNESCO to promote ethical reflection associated to the advancements of science and technology, with the advice of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST),

Having taken note of 169 EX/Decision 3.6.1,

Considering the UNESCO Strategy for Action on Climate Change, as approved by the Executive Board at its 180th session (180 EX/16 Rev.),

Taking note 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,

Having been informed of 182 EX/Decision 56 and 182 EX/Decision 57,

Taking note of the recommendation made by COMEST at its Sixth Ordinary Session (16-19 June 2009) that, in view of the nature and extent of the scientific, social and human challenges of global climate change, which necessitate adoption of policies at the global level to address the pressing needs of the most vulnerable in the face of major uncertainties and the exigencies of international cooperation, and of the urgency to determine universal ethical principles to guide responses to such challenges, UNESCO should develop an ethical framework of principles in relation to climate change,

Considering that the ethical principles in relation to climate change should be the subject of a declaration:

Requests the Director-General, following consultations with Member States and other stakeholders, further study on the matter by COMEST and the UNESCO Secretariat, and review by the Executive Board at its 185th session, to prepare, if appropriate a draft universal declaration of ethical principles in relation to climate change, and to submit this draft declaration to the General Conference at its 36th session provided that the cost of the study can be covered by re-allocation within the approved programme and budget for MP III and extrabudgetary funding.



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REFLECTION ON CLIMATE CHANGE AND ETHICS

CORRIGENDUM

SUMMARY

Preliminary discussions with Member States have highlighted the need for additional information and further consultations on the development of an ethical framework of principles in relation to climate change. **The title of the item, as well as the draft decision contained in paragraph 2 of the present document, have been modified accordingly.**

1. Preliminary discussions with Member States have highlighted the need for further consultations on the desirability of developing an ethical framework of principles in relation to climate change. The revised draft decision, contained in paragraph 2 below, has been modified in order to request the Director-General to consult with Member States, COMEST and other stakeholders, and present to the Executive Board at its 184th session a complete report on the matter.

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

The Executive Board,

1. Having examined document 182 EX/56 and 182 EX/56 Corr.,
2. Recalling 29 C/Resolution 13, paragraph 2.C(d), 30 C/Resolution 20, 31 C/Resolution 21.1(a) and 32 C/Resolution 26, calling upon UNESCO to promote ethical reflection associated to the advancements of science and technology, with the advice of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST),
3. Having taken note of 169 EX/Decision 3.6.1,
4. Considering the UNESCO Strategy for Action on Climate Change, as approved by the Executive Board at its 180th session (document 180 EX/16 Rev.),

5. Taking note 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,
6. Taking note of the recommendation made by COMEST at its Sixth Ordinary Session (16-19 June 2009) that UNESCO develop an ethical framework of principles in relation to climate change,
7. Requests the Director-General to consult with Member States, COMEST and other stakeholders and present to the Executive Board at its 184th session a report on the desirability of preparing a draft universal declaration of ethical principles in relation to climate change, taking into account the conclusions reached at the 15th Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC COP-15) to be held in Copenhagen in December 2009.