PART 3

Key elements to building integrity in decision-making

3.0

Key elements to building integrity in decision-making

This part introduces some of the key principles and elements that need to be in place for what could be termed a climate governance integrity system, a web of interconnected checks and balances that protects against corruption and undue influence. The contributions in this chapter situate such a system in the context of norms, practices and experience of related governance frameworks and environmental regimes, enabling us to learn from and benchmark climate governance against important standards and insights already established. The subsequent chapters then focus on how these principles are applied concretely with regard to adaptation and mitigation policies.

Scientific integrity is the first such element of an integrity architecture for climate governance. All climate policy starts with the science of climate change, and safeguarding the independence, integrity and trust of science is a fundamental prerequisite for the legitimacy and efficacy of climate policy-making. How does climate science fare in this regard, now that outright denial of climate change may have become less tenable? How well does scientific fact-finding cope with unprecedented public attention, as evidenced for example by more than 90,000 review comments that the Fourth Assessment Report has received?[1] Sheila Jasanoff broaches this question and finds ample space for improvements.

Peter Haas expands on the pivotal role of evidence and information by drawing on lessons from other regimes. He reviews insights from 30 years of experience with multilateral environmental governance to help us better understand how information supports effective regimes and under what conditions it can fulfil this function best – important lessons for the current and future design of climate governance.

Taking a similar comparative approach Michael Stanley-Jones elaborates on the principles of transparency, participation and environmental justice as they have been articulated in the Aarhus Convention, which is widely regarded as a standard-setter on access to environmental information and norms of participation in this area. Stanley-Jones also explores to what extent the convention itself may be applicable to climate policies and thus provide a direct building bloc for integrity in climate governance.

The global climate summits might have received more public attention and media coverage than any other environmental decision-making process before them. Yet, does this unparalleled visibility also translate into unparalleled transparency and effective participation? Gareth Sweeney seeks to answer this question by examining how public participation in the United Nations Framework Convention on Climate Change (UNFCCC) subsidiary processes hold up to established practices in other international institutions – and arrives at rather surprising results.

Measuring and benchmarking the performance of countries and other stakeholders with regard to climate policies and the strength of the governance system that underpins them is another essential element for creating accountability for climate policy outcomes. Many performance assessments and rankings have been developed for environmental issues and a new crop of indices is being developed for climate policies. Daniel Abreu in his contribution surveys this landscape of performance indices. He seeks to find out whether and to what extent the major indices in use also consider governance factors, shedding light on important gaps and future development priorities for benchmarking climate policy performance.

Rounding off this comparative examination of essential principles and features for climate governance is a refreshing opinion piece by Anthony Giddens. He presents a bold outlook on a possible development trajectory for climate governance, given near deadlocked negotiations in Copenhagen. This contribution may also provide a glimpse on how the integrity architecture for climate policies may have to evolve to respond to climate politics of the future.

Notes

1. InterAcademy Council, 'Climate Change Assessments: Review of the Processes and Procedures of the IPCC', 30 August 2010.

3.1
Climate science
The world is its jury

Sheila Jasanoff[1]

In November 2009 computer hackers struck what seemed to be a blow for transparency in science. Hundreds of private e-mails and thousands of documents were taken from servers at the University of East Anglia's Climate Research Unit, one of the world's most respected centres for climate science. While university authorities cried foul and stressed the unlawful nature of the disclosure, climate sceptics rejoiced because the evidence, they said, showed collusion among scientists to overstate the case for human-induced climate change. The media, ever ready to pounce on scandal in high places, quickly dubbed the episode 'Climategate', an allusion to the disclosure of dirty doings by the White House under US President Richard Nixon. Enforced transparency in this case had the perverse effect of undermining years of hard-fought scientific consensus-building on a topic that is critically important to human survival on this planet.

The damage caused by these disclosures underlines why transparency, as conventionally understood, is not good enough for climate science or climate policy. To prevent the corruption of scientific knowledge for global policy, we need more than just the opportunity to look behind the façade of expert claims at science in the making. We also need conceptual resources to make sense of what we see when the curtains of power, scientific or political, are pulled aside. With respect to science, we need tools to distinguish legitimate disagreement from illegitimate corruption – and to ask the right questions.

It matters, to begin with, whether disagreement originates from within or outside the scientific enterprise. In this respect the events of 2009 were a far cry from the 1990s, when the carbon lobby more or less openly hired scientists to challenge the mounting evidence that emissions of greenhouse gases from human activity are contributing to a rise in global temperatures. In that phase of the climate controversy,

carefully selected scientists were paid to sow doubt. Some industry sponsorship for climate scepticism appears to continue, albeit in a less direct way.[2] A poisonous legacy of the earlier period was to politicize climate science itself, however. Against that background, the hacked e-mails seem to reveal a different kind of advocacy – in defence of ideas and interpretations, not just to satisfy financial sponsors. The messages showcase scientists fiercely committed to their pet interpretations of data, and not above *schadenfreude* when bad things befall their opponents.

Historians and sociologists tell us that passionate belief and fierce debate are part of normal science; but should we worry about such zeal when science seeks to serve policy? Can passions, even the passion for scientific truth, corrupt?

Until a half-century ago, the answer to both questions would have been 'No'. Scientists were deemed to be their own best judges and critics, ensuring quality control through peer review, publication, replication, competitive funding and big rewards, such as Nobel Prizes, for demonstrated excellence. With so many safeguards in place, science was widely seen as incorruptible. Besides, in the end nature was always there as the final arbiter: false claims would eventually be ruled out by nature's refusal to behave as predicted. The Soviet state under Joseph Stalin could not make crops grow in accordance with Trofim Lysenko's optimistic claims.

As society's need for science has risen, however, the mechanisms for securing reliable knowledge have in some respects grown weaker. Today we need a more distributed and participatory approach to the stewardship of science – one that engages scientists, governments and publics in a shared enterprise of responsible knowledge-making. There are three good reasons why a more complex system of accountability needs to be put in place, and they all apply forcefully to climate science.

First, scientists no longer are (if they ever were) disinterested seekers after esoteric knowledge. Modern societies demand that their scientists be ends-directed and instrumental in their uses of expertise. Governments liberally support science and encourage scientists to seek out opportunities to patent and profit from their work. The rationale is that such incentives ultimately serve the public good – by rapidly translating discoveries at the bench into inventions and solutions that further economic growth or meet other social needs. Successful scientists enjoy media attention and often material rewards once accorded only to politicians, film stars and business tycoons. Pulled into closer collaboration with policy leaders, the climate science community has learned to navigate the worlds of politics, hobnobbing with presidents and Cabinet secretaries and campaigning for its findings to be more widely heard. Indeed, across the Western world there has been a rise in the

attractiveness of science advice as a career path. In short, science has become another face of politics.

Second, many issues that science addresses demand forms of work that are not easily self-correcting. Policy-relevant knowledge typically grows from interdisciplinary collaborations in which methods and criteria for quality control are not well established in advance but emerge instead from the dynamics of enquiry and assessment. This creates a potential for public misunderstanding and potential corruption, since only those internal to the relevant technical communities can fully appreciate why choices were made in one way and not others. There is no external judge to whom conflicts can be referred or who can act as an impartial arbiter of disagreements. Thus, a body such as the Intergovernmental Panel on Climate Change (IPCC) may take enormous pains, as the IPCC indeed did, to ensure that its reports undergo extensive peer review. Nevertheless, peer critique may never satisfy powerful external sceptics that IPCC findings were not simply the consensus of a narrow and clubby elite. This was an important lesson of 'Climategate'.

Third, nature can no longer be counted on to act as a timely corrective when human judgement fails. This is partly because, in the middle of the 20th century, human societies moved from a preventive to a precautionary posture with respect to many of our expectations from policy. For example, it is no longer acceptable to wait until environmental threats are imminent or people are visibly harmed before undertaking protective action. The costs would be too high: massive loss of life, incalculable property damage, pandemic disease and, in the case of climate change, human survival itself. As environmental policy moves from a reactive to an anticipatory posture, however, it becomes harder to judge whether scientists are crying wolf, whether their predictions are accurate enough and whether public resources are being efficiently targeted towards the most pressing needs.

If we cannot rely on science's self-policing or nature's benign regulation, how can we ensure the integrity of knowledge about urgent global problems such as climate change? The most promising way is to enlarge the circles of accountability within which scientific judgement has to prove itself. It is to supplement mere voyeurism, triggered by malicious disclosure, with systematic opportunities for reasoned criticism and informed give and take.

National legal and administrative systems have developed many mechanisms for enabling publics to question the scientists who advise governments: hearings, consultations, freedom of information, opportunities to contest findings and demand reasons, and even lawsuits for misuse of knowledge. These processes do not seek to establish a singular truth or eliminate all disagreement. Instead, they ensure that experts are honest, that they fairly represent the spectrum of doubts and

uncertainties *and* that they are technically skilful at reading nature. Most important, good administrative procedures are two-way streets along which publics can carry their information and analyses to the seats of power, knowing that reasonable arguments must be heard and answered respectfully.[3]

As yet, such mechanisms are thin or missing at the global level, although the need for them is, if anything, more critical. Bodies such as the IPCC must find or invent procedures to allow their judgements to be publicly tested, not only for substance but also for process. A raft of recent, comprehensive assessments of both the IPCC and the incident at the University of East Anglia reject the charge of manipulation and lack of integrity on the part of individual scientists, but they also underscore this demand for more attention to process: more proactive and routine disclosure of data sources, a stronger culture of transparency, and enhanced capacity to respond to public comments during the peer review process.[4] These recommendations go part-way towards meeting the demand for accountability in climate science, but they need to be reinforced. Scientific peer review, however open and transparent, is no substitute for informed citizen participation in all stages of knowledge production – not merely far downstream at the stage of technical review of already drafted consensus documents.

In sum, the integrity of climate science depends on faith more than truth; faith that the best people are using the best of their judgement in pursuit of the best available knowledge. Only if climate scientists can satisfy the jury of the world that they have met those tests will their product rise above the malice of hackers and 'denialists' and prove itself as reliable knowledge for governing the planet.

Notes

1. Sheila Jasanoff is Pforzheimer professor of science and technology studies at Harvard University's John F. Kennedy School of Government.
2. See, for example, *Mother Jones* (US), 'Most credible climate skeptics not so credible after all', 26 February 2010; *Guardian* (UK), 'ExxonMobil continuing to fund climate sceptic groups, records show', 1 July 2009; and *The New Yorker* (US), 'Covert operations', 30 August 2010.
3. For a more extensive elaboration of these arguments, see Sheila Jasanoff, *The Fifth Branch: Science Advisers as Policymakers* (Cambridge, MA: Harvard University Press, 1990).
4. On East Anglia, see UK House of Commons, 'The disclosure of climate data from the Climatic Research Unit at the University of East Anglia', Eighth Report of Session 2009-10, Science and Technology Committee, 31 March 2010; on the IPCC, see Netherlands Environmental Assessment Agency, *Assessing an IPCC Assessment: An Analysis of Statements on Projected Regional Impacts in the 2007 Report* (The Hague: Netherlands Environmental Assessment Agency, 2010) and InterAcademy Council, Climate Change Assessments: *Review of the Processes and Procedures of the IPCC*, pre-publication copy (Amsterdam: InterAcademy Council, 30 August 2010).

3.2

Making climate governance accountable

Reflections on what can be learned from international environmental governance

Peter M. Haas[1]

After more than 30 years of experience with multilateral environmental governance, it is now possible to assess some common assumptions and draw lessons about what makes for effective international environmental governance (IEG). Three broad conclusions can be reached about the nature of IEG.[2]

First, multiple actors are involved in environmental governance. States are no longer the sole legitimate sources of authority in this area. They now share roles and expectations about their behaviour with the private sector, civil society, scientific networks (epistemic communities) and international organizations.[3]

Second, governance entails a number of discrete components. It can be broken down into the analytic categories of agenda-setting, negotiated rule-making and enforcement/compliance.

Third, usable information is a vital element of environmental governance. While most of the research on information has looked at agenda-setting, usable information is also important for contributing to strong rule-making and compliance/enforcement for all three of these components.

Information and social learning/agenda-setting

Many politicians, policy-makers and private sector decision-makers are ignorant about the environmental effects of their activities, as well as being uncertain about what policies will best mitigate (or provide adaptation for) those environmental threats.

In selective instances – such as dealing with stratospheric ozone, European acid rain and land-based sources of marine pollution – the provision of usable information has led to social learning. Leaders and governments recognized that their traditional foreign policy goals were severely impeded by environmental degradation outside their territorial boundaries, and relied on expert information about how the degradation of global environmental commons affected national well-being. In response they upgraded national goals to promote ecological integrity and sustainable development.

Information and negotiated settlements

Actors are also often ignorant or uncertain about the choices or policies that other actors are likely to make, and thus collective action is difficult without confidence about these features of strategic behaviour.

In order for governments to willingly enter into binding legal agreements, they must have confidence that those agreements are likely to benefit them, and that others are likely to reciprocate their commitments. Thus, usable information is highly valued by decision-makers and negotiators, not only to clarify their own interests but also to advance their understanding about the likely behaviour of others.

Information and compliance/enforcement

Effective governance requires states to convert international obligations into national law (compliance) and to enforce those commitments on domestic society (enforcement).

Those responsible for accelerating the transition to a post-carbon economy require accurate information about the behaviour of markets in key greenhouse-gas-producing countries. Who is funding green projects? Are green technology and greenhouse-gas-reducing projects performing as promised? This information is of value to firms that actually make short-term decisions about technological choices.

The vital role that non-state actors play in enforcement on the ground has also been confirmed. Structured adversarial relations between multinational corporations and civil society set the context in which firms are held accountable for their activities through non-governmental organization (NGO) practices of 'naming and shaming', while green firms are recognized and potentially gain market share.

Experience shows that information about malfeasance will resonate more strongly with consumers when related commitments are formulated through partnerships between civil society and the private sector, rather than purely by the private sector.[4]

What makes information usable? Quality and legitimacy

A key lesson learnt is that for information to fulfil its multiple functions in IEG it must be accurate, legitimate and timely.[5]

For effective agenda-setting, the related information must relate to true threats and not respond prematurely to false alarms. In IEG this typically involves reporting by transnational scientific communities organized into standing research and monitoring networks by international organizations.[6] In climate change this has largely been the purview of the Intergovernmental Panel on Climate Change (IPCC).

Studies of international environmental regimes clearly indicate that legitimacy is crucial in this context. This legitimacy is largely a function of the social authority accorded to the process by which the information is developed and delivered. Are the 'experts' largely impartial and independent of some form of patronage? Is the knowledge base on which they rely transparent?[7] These questions are already playing a prominent role in climate policy-making. As lessons from other environmental governance regimes show, their resolution will be crucial for making climate governance effective.

Notes

1. Peter M. Haas is a professor at the Department of Political Science, University of Massachusetts, Amherst.
2. Norichika Kanie and Peter M. Haas (eds), *Emerging Forces in Environmental Governance* (Tokyo: UNU Press, 2004); Edgar Grande and Louis W. Pauly (eds), *Complex Sovereignty: Reconstituting Political Authority in the Twenty-First Century* (Toronto: University of Toronto Press, 2005); Peter M. Haas (ed.), *International Environmental Governance* (Aldershot: Ashgate, 2008); Peter M. Haas et al. (eds), *Controversies in Globalization* (Washington, DC: CQ Press, 2009).
3. Frank Biermann and Bernd Siebenhüner (eds), *Managers of Global Change* (Cambridge, MA: MIT Press, 2009); Peter M. Haas, 'Introduction: Epistemic Communities and International Policy Coordination', *International Organization*, vol. 46 (1992), pp. 1–37.
4. Benjamin Cashore et al., 'Can Non-State Governance "Ratchet Up" Global Environmental Standards?', *Review of European Community and International Environmental Law*, vol. 16 (2007), pp. 158–172; Benjamin Cashore et al., *Governing Through Markets: Forest Certification and the Emergence of Non-State Authority* (New Haven, CT: Yale University Press, 2004); Sanjeev Khagram, 'Possible Future Architectures of Global Governance', *Global Governance*, vol. 12 (2006), pp. 97–117; Graeme Auld et al., 'The New Corporate Responsibility', *Annual Review of Environment and Resources*, vol. 33 (2006), pp. 413–435.
5. UN Environment Programme (UNEP), *Global Marine Assessment: A Survey of Global and Regional Marine Environmental Assessments and Related Scientific Activities* (Nairobi: UNEP, 2003); Peter M. Haas, 'When Does Power Listen to Truth? A Constructivist Approach to the Policy Process', *Journal of European Public Policy*, vol. 11 (2004), pp. 569–592.

6. Organizations such as the IPCC, Millennium Ecosystem Assessment, Ozone Trends Panel, Global Environment Fund (GEF) Scientific and Technical Advisory Panels and the Long-Range Transboundary Air Pollution (LRTAP) Working Group on Integrated Assessment Modeling. Efforts are under way to initiate a biodiversity assessment panel through the International Mechanism of Scientific Expertise on Biodiversity (IMoSEB). Ad hoc arrangements were created for the North Sea, Baltic Sea and various marine pollution issues through the Group of Experts on Scientific Aspects of Marine environmental Pollution (GESAMP), and for Antarctica through the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR).
7. See Sheila Jasanoff, section 3.1 in this volume.

3.3

The Aarhus Convention

A blueprint for inclusive and accountable climate governance?

Michael Stanley-Jones[1]

Access to information, public participation in decision-making and access to justice are three key dimensions across which climate policy needs to engage the public. One historic legal agreement not only provides an intriguing and progressive template for how these important principles can be elaborated, it is also readily applicable to some aspects of climate change governance.

Known as the UN Economic Commission for Europe (UNECE) Aarhus Convention, it commits 45 European and Central Asian countries to practical principles of environmental justice.[2] The convention's origin can be traced to principle 10 of the Rio Declaration on Environment and Development, adopted at the 1992 Earth Summit in Rio.[3] As the only legally binding instrument that implements this Rio principle, the convention's public participation provisions include access to environmental information, early and ongoing public involvement in decision-making, transparent and user-friendly processes, an obligation that authorities consider public input, a supportive infrastructure and effective means of enforcement and appeal.

The convention also addresses the public's right of access to information, as well as the collection and dissemination of information. The convention's Protocol on Pollutant Release and Transfer Registers[4] seeks to 'enhance public access to information through the establishment of coherent, integrated, nationwide pollutant release and transfer registers', which are also envisaged to capture information on major sources of greenhouse gas (GHG) emissions.

The convention's rights-based approach can also help advance demands for climate justice. Among its climate-related decision-making processes are those

related to permits/licences for certain projects involving GHG emissions; and national, provincial or local plans, programmes and policies on climate change and related sectors, e.g. energy, human rights, transportation, agriculture, industry.

Not all climate-related decisions fall within the scope of the convention, however. For example, decision-making on Clean Development Mechanism projects outside the jurisdiction of Aarhus parties may not be covered. This also applies to emissions trading, carbon taxation, eco-labeling, auditing and liability schemes. As a consequence, some observers have called for the convention to be amended to bring its provisions in closer alignment with the demands of the age of climate change.[5]

Progress on these issues would still leave unresolved the fact that the convention is currently regional in focus and binds primarily countries in Europe and central Asia, whereas a truly international approach is required for the global challenge of climate change.

These constraints notwithstanding, the convention sets pioneering standards for progressive participation and rights to information in environmental governance. It is therefore a very important reference point for international agreements on climate governance, which so far fall short of Aarhus on several counts.[6]

Notes

1. Michael Stanley-Jones is public information officer at the United Nations Environment Programme (UNEP). This contribution reflects his personal views only.
2. The Aarhus Convention – formally the UN Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters – was adopted in Aarhus, Denmark, on 25 June 1998 and entered into force on 30 October 2001. It currently has 44 parties, including the EU as a regional economic integration organization. Two signatories to the convention have not yet ratified the agreement.
3. The UN Conference on Environment and Development, Rio de Janeiro.
4. The Kiev Protocol on Pollutant Release and Transfer Registers to the UNECE Aarhus Convention was adopted on 23 May 2003 and entered into force on 8 October 2009, when it had been ratified by 20 countries and by the European Community. It currently has 26 parties.
5. Jerzy Jendroska (former vice chairperson of the Meeting of the Parties to the Aarhus Convention and professor of law, Opole University, Poland), remarks to the International Conference on the Role of Information in an Age of Climate Change, University of Aarhus, Denmark, 13–14 November 2008.
6. See Daniel Abreu, section 3.5 in this volume.

3.4

Civil society and the climate change process

How does participation compare as a measure of transparency?

Gareth Sweeney[1]

How does public participation in the United Nations Framework Convention on Climate Change (UNFCCC) subsidiary processes[2] hold up to established practices in other international institutions? In terms of the relative size of governing bodies, relevance to the public interest, and level of civil society participation, the human rights arena provides an interesting comparison.

The principle of public participation is duly reflected in article 71 of the United Nations Charter, as well as relevant resolutions and rules of pursuant intergovernmental bodies.[3] Quickly following the formation of the UN, the former UN Human Rights Commission took the early lead in applying article 71, on the grounds that a body whose decisions affected the lives of individuals also needed to heed the voices of individuals. The Commission's 2006 successor, the UN Human Rights Council, has in many ways improved upon the practices for non-governmental organization (NGO) engagement, to the point at which it now provides a good barometer for measuring approaches to participation across multilateral bodies.

In terms of formal engagement, the UN Human Rights Council provides that accredited NGOs[4] can observe all plenary and special sessions. NGOs can submit formal written submissions in advance of the session, which then become part of the official documentation. They can speak on all agenda items of the Council plenary, in principle allowing them to address all thematic and country-specific issues.[5] They may also address questions and comments to independent experts of the Council as well as to the High Commissioner for Human Rights during the interactive dialogues

with states. NGO experts are also invited as a matter of course to speak as panellists in formal thematic days of discussion.

Concerning meetings of the Human Rights Council's intergovernmental working groups, NGOs are entitled to attend all sessions, and are generally granted speaking time on all issues. Draft working texts are publicly accessible. In informal meetings on draft resolutions (equivalent to UNFCCC 'contact group' meetings), state sponsors may host open or closed meetings, and in open meetings NGOs may be called upon for interventions. In either case, the status of meetings is announced in advance through bulletins and their accessibility is very seldom subject to change. Side meetings of particular relevance to public participation, such as resolutions on human rights defenders or freedom of expression, are almost always public.

In contrast, the agendas of UNFCCC subsidiary bodies do not have a formal provision for NGO participation. According to the draft rules of procedure of the UNFCCC, the right of NGOs to intervene in the meetings is left to the discretion of the president or the chair of the meeting.[6] The practice of the chairpersons of subsidiary bodies such as the Ad Hoc Working Group on Long Term Cooperative Action has been to allow general statements from NGO constituencies at the outset of each meeting, but not to offer them the floor during substantive discussions. It has also become the norm for informal meetings, during which most of the negotiations take place, to be closed to civil society. The openness of 'contact group' meetings to NGOs is also subject to change at the last minute, through notification on monitors in the conference premises, and in open meetings NGOs may observe but not participate.

In terms of access to information, both the UNFCCC and UN Human Rights Council websites host live and archived webcasts of plenary meetings.[7] The latter also subcategorizes the archived webcast by speaker, however, so that viewers can source individual statements. The secretariat of the UN Human Rights Council also hosts an online 'extranet', which files all statements delivered by Council member and observer states by date and agenda item, as well as all statements by NGOs and national human rights institutions.[8] The extranet is updated daily and is an invaluable means of holding states to account.

The UNFCCC has no such system for organizing and publicizing statements. Aside from uploaded high-level statements, one has to sit through up to three hours of webcasting and then transcribe statements manually. Likewise, while the UN Human Rights Council extranet uploads all draft resolutions, voting records and outcome documents immediately, too often such information is not available on the UNFCCC's website, and thus participating NGOs and states are excluded from having an informed position on developments.

It should be noted that both the UNFCCC secretariat and the UN Human Rights Council secretariat endeavour to provide meeting rooms and office spaces for NGOs, as well as space for side events and exhibits, yet attention has more recently focused on the UNFCCC on account of problems related to NGO entrance to the Conference of the Parties in Copenhagen in December 2009.[9] In response, perhaps the most logical place to begin a reform of engagement should be in the interim subsidiary processes in Bonn, and it is positive at least to hear that the UNFCCC secretariat is currently considering means to improve participation.[10]

How, then, can the UNFCCC process improve? Issues related to access to public documentation, physical accessibility and other logistical matters are the responsibility of the UNFCCC secretariat and can be readily addressed. A good starting point would be to acknowledge and seek to integrate the provisions of the Aarhus Convention as working principles,[11] to assess the working methods of equivalent secretariats in the UN system, such as the UN Human Rights Council, and to subsequently apply best practice as described above.

Questions related to participation in formal and informal meetings rest with states parties to the UNFCCC, specifically the Subsidiary Body on Implementation, and it is more difficult here to arrive at a consensus to revise practices once they have been put in place. The 'beyond 2012' discussions currently under way offer a good opportunity for states to review their commitments and factor in a strengthened role for civil society, however.

The goal should be to arrive at a point where the positions and bargaining tactics of state delegates can be tracked and appraised by the very public that these negotiators are meant to represent, and where civil society is fully informed and can play a meaningful part in collective actions that affect everyone.

Notes

1. Gareth Sweeney is editor-in-chief of the *Global Corruption Report*.
2. The term 'subsidiary processes' of the UNFCCC refers to the Ad Hoc Working Group on Long Term Cooperative Action under the Convention (AWG-KP), the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-LCA), the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI). See http://unfccc.int/2860.php.
3. For example, ECOSOC Resolution 1996/31 (updating ECOSOC Resolution 1296 (XLIV) of 23 May 1968), which addresses the consultative relationship between the UN and non-governmental organizations.
4. A/HRC/5/1, rules 7 and 8.
5. Including, for example, the promotion and protection of all human rights (item 4), and human rights situations that require the Council's attention (item 5).

6. Draft Rules of Procedure of the Conference of the Parties and its Subsidiary Bodies, rule 7, FCCC/CP/1996/2, 22 May 1996.
7. See http://unfccc.int/press/multimedia/webcasts/items/2777.php and http://www.un.org/webcast/unhrc/archive.asp.
8. The form to receive the password to access the Human Rights Council extranet is available at www2.ohchr.org/english/bodies/hrcouncil/form.htm.
9. See, for example, 'NGO shutdown at Copenhagen climate talks', at http://tcktcktck.org/stories/campaign-stories/ngo-shutdown-copenhagen-climate-talks.
10. See www.stakeholderforum.org/sf/index.php?option=com_content&view=article&id=190&Itemid=77.
11. Noting of course that the UNFCCC cannot be party to the Aarhus Convention, there is nonetheless nothing to stop the secretariat from integrating its provisions as principles of good practice.

3.5

Holding commitment to account

The governance dimension in climate change indices

Daniel Abreu[1]

Climate-change-related indices are important public policy tools that help to measure the ability, commitment and performance of a country or an industry with regard to climate change adaptation or mitigation efforts. Such indices make it possible, for example, to benchmark and rank country mitigation action, creating peer pressure for and scrutiny of performance. Similarly, on the adaptation side, climate indices can help map risks, vulnerabilities and adaptation pressures and therefore help prioritize support for adaptive action.

For all such indices to be truly effective and useful, however, they would also have to consider governance issues as an important dimension – such as control of corruption and rule of law at the national level, and the strength of verification and oversight at the sector level. Without governance factors, indices will fail to describe vulnerabilities comprehensively and will offer little confidence about the ability to translate commitments into practice or verify the reported performance. This could lead to a situation in which the trust that is so essential to sustain a global system of mutual promises and commitments is eroded, thus posing serious threats to the overall effectiveness and sustainability of international climate agreements.

Conceptualizing climate indices

Climate change indices generally fall into two categories: those that measure *performance* and those that measure *capacity.* Performance-based indices are the most

conventional type, measuring variables such as CO_2 emission levels and energy use. These indices are particularly useful in tracking progress on established climate goals.

Capacity-based indices, on the other hand, are more likely to contain qualitative variables and also to consider governance factors, when measuring the ability of governments or systems to respond to climate change effectively.

An overview of climate indices through the governance lens

The recent generation of adaptation-related indices includes a variety of governance or corruption aspects – for example, HELIO International's Adaptive Capacity Indicators include a civic/governance dimension[2] and, more explicitly, Maplecroft's Climate Change Vulnerability Index[3] includes an index for institutions, governance and social capital.

Additionally, some prominent climate research centres – including the Tyndall Centre for Climate Change Research and the International Institute for Sustainable Development – have developed adaptive capacity proposals that factor in institutional and governance aspects. Two of the most prominent adaptation indices – Germanwatch's Global Climate Risk Index[4] and the United Nations Environment Programme's (UNEP's) Environmental Vulnerability Index[5] – lack clear governance-related factors, however.

Some major mitigation-related indices, such as Yale and Columbia's Environmental Performance Index,[6] the Environmental Indicators of the European Environment Agency and the Environment Indicators of the Organisation for Economic Co-operation and Development (OECD),[7] also exhibit a rather limited regard for governance factors. One notable exception is the World Resources Institute's (WRI's) Climate Analysis Indicators Tool,[8] which includes an aggregated governance indicator. Additionally, WWF's G8 Climate Scorecards[9] aim to assess the 'climate political will' of the G8 countries, though without an explicit indicator for governance-related issues.

Two of the more complex issues related to index design are how governance variables should be weighted and which variables should be included. In this sense, no climate measurement generates primary governance data, but instead all rely upon existing governance metrics. The most commonly used is the World Bank's Worldwide Governance Indicators,[10] which include voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law and control of corruption.

Climate focus	Climate index	Description	Governance dimensions
	WRI Climate Analysis Indicators Tool (CAIT).	Information and analysis tool focusing on greenhouse gas emissions, and socio-economic and natural factors.	Explicit. Socio-economic indicators include an aggregated governance indicator.
Mitigation	WWF G8 Climate Scorecards.	Ranking of G8 countries based on energy use, emissions levels and policies for the future.	Not directly, though it assesses a country's level of political commitment.
	Yale/Columbia Environmental Performance Index (EPI).	Tracking of environmental stresses to human health and ecosystem vitality.	Not directly.
	Maplecroft Climate Change Vulnerability Index 2009.	Cluster of six indices related to socio-economic and environmental factors.	Explicit. Includes an index with seven indicators focusing on institutions, governance and social capital.
Adaptation	UNEP Environmental Vulnerability Index.	50 'smart indicators' that capture key elements of environmental vulnerability. Includes a climate change sub-index.	Limited. Measures the number of environmental treaties in force and the number of conflicts.
	Germanwatch Global Climate Risk Index.	Indicators that measure human and material impacts of extreme weather events.	Not directly.

Table 3.1 Governance dimensions in selected climate/environmental indices

The case for more integrated and sector-relevant climate indicators

The links between climate mitigation and adaptation are increasingly being recognized – a dynamic that is also reflected in the development of related indicators.

Integrating both capacity and performance oriented elements, the Intergovernmental Panel on Climate Change (IPCC) has more recently proposed the concept of *response capacity*, which includes governance aspects such as the structure of critical institutions, allocation of decision-making authority, stock of social capital, and the credibility and ability of decision-makers to manage information.

This conceptual approach is still in its infancy, however. There is also the need to develop more robust indices that are particularly sensitive to the different measurement issues of diverse climate-sensitive sectors.

Independent of the area or focus of climate indices, governance factors and transparency must be prominent both in substance and methodology if policy relevance and credibility are to be attained.

Notes

1. Daniel Abreu is currently working with the United Nations Children's Fund in the Dominican Republic, and previously worked for Transparency International. This contribution reflects his personal opinion only.
2. See www.helio-international.org/energywatch/indicators.cfm.
3. See www.maplecroft.com/portfolio/climate_change/index_analysis/2010/ccvi_2010.
4. Sven Harmeling, *Global Climate Risk Index 2010: Who Is Most Vulnerable? Weather-Related Loss Events since 1990 and How Copenhagen Needs to Respond*, briefing paper (Bonn: Germanwatch, 2009).
5. See www.vulnerabilityindex.net/EVI_Indicators.htm.
6. Yale Center for Environmental Law and Policy, 'Environmental Performance Index', at http://epi.yale.edu.
7. OECD, *Key Environmental Indicators* (Paris: OECD, 2008).
8. WRI, *CAIT: Indicator Framework Paper* (Washington, DC: WRI, 2009).
9. WWF and Allianz, *G8 Climate Scorecards 2009* (Gland, Switzerland, and Munich: WWF and Allianz, 2009).
10. See info.worldbank.org/governance/wgi/index.asp.

3.6
Personal view
A fresh approach to climate politics?

Anthony Giddens[1]

I am not one of those who felt downhearted by the failure of the climate change meetings held in Copenhagen in December 2009. To be sure there have been some strongly negative consequences. The UN, which staged the whole event, has been weakened. The bickering that occurred between nations and groups of nations undermined the idea that the world is coming together to combat what is probably the greatest set of risks humanity faces this century. The Copenhagen Accord – on the face of things the only tangible result to come from the meetings – is a slim document, put together by a handful of nations and to which countries at least initially committed themselves only in a voluntary way.

However, consider the counterfactual. Suppose the event had been successful and a comprehensive treaty signed by the 192 nations whose representatives attended. Legal obligations to reduce carbon emissions would have been established. Yet such obligations already existed for the developed countries under the Kyoto agreements. A range of such states which had formally signed up more or less ignored them. Since there are no effective punitive sanctions within the international system, nothing could be done to bring the laggards into line. Kyoto took more than seven years from being 'finalized' in 1997 to come into practice. The framework which might have emerged from Copenhagen would have been even more cumbersome and the process of applying it almost certainly would have dragged on even longer.

Will the Copenhagen Accord, by contrast, lead to concrete action on a scale commensurate with the huge task involved? Obviously it could founder. We shall have to wait and see. The 16th Conference of the Parties (COP 16) in Cancún, which will have taken place by the time this account is published, may provide some answers. In the longer term, however, I tend to think that we will come to view the accord as marking a new beginning of potential importance. The accord in principle

allowed a much smaller group of countries to move ahead quickly in setting out targets and specify how they will go about achieving them. That group involves the major polluters; it cross-cuts the divide between the developed and developing world, so destructive at Copenhagen. For the first time the leaders of the large developing economies – China, India and Brazil – announced carbon-related reduction targets.

The situation post-Copenhagen also made it clear that a lot of new thinking is needed to make further progress. Some such innovations will have to come at the level of international relations. The accord could provide the anchor, but a variety of bilateral and regional agreements will be needed in order to make real progress. A handful of countries create the vast bulk of carbon emissions, and they should be meeting in a regular way. People get uneasy about a G2 – the US and China working together bilaterally – but in the struggle to contain climate change it is a necessity, since the two states alone contribute over 40 per cent of annual carbon emissions. The same applies to countries suffering from deforestation – thus the ongoing relationship between Brazil and Indonesia should be supported and in some large part externally funded.

There should also be a G3, since the European Union countries collectively are big polluters. The EU was sidelined at Copenhagen because of its leadership problem: who speaks on its behalf? The summit made clear that a single person should be authorized to negotiate on behalf of the EU on climate change matters, either the new High Representative, Cathy Ashton, or someone who is specifically appointed for the task. The accord promised that the rich states will supply funding, building up to US$100 billion a year, to help developing countries either to reduce their emissions or to adapt to the consequences of climate change. The related funding needs made a transnational tax on financial transactions – in all likelihood organized through G20 – no longer look as implausible as it did even a couple of years ago. If set at an appropriate level it could generate that amount and more.

Copenhagen was also insightful as it showed the consequences of putting too much of a focus on costs. It demonstrated that it makes sense to place the emphasis also upon mutual opportunity, wherever it can be found. Self-interest is generally a more powerful motivating force in international politics than appeals to altruism. Most countries now (quite rightly) are worried about future energy security. We should use the overlap with climate change policy as creatively as possible to spread renewable technologies across the world. G20, but also the World Bank, would seem to be the appropriate agencies for encouraging such processes.

Copenhagen also raised the important question of what the role of the UN should be in the future so far as climate change is concerned. The essential weaknesses

of the UN were fully on display during the summit. Proceeding by means of full consensus simply is not possible upon issues where there are abiding divisions of interest in the world community. Most of the real action therefore started to migrate elsewhere. Yet, feeble though it is in decision-making terms, the UN is in some respects irreplaceable. Whatever comes from the accord and now Cancún can't be left to the participating countries to monitor. We require a global regime, for example, to assess the emissions of states and track their progress. The logical home for a body set up to carry out such work is the UN, since its participation is the best guarantee of impartiality.

Finally, Copenhagen underscored that activism below the level of nations will play a major role in the struggle against climate change, and some means should be found of giving non-governmental organizations (NGOs) a formal role in international bargaining. Participation by groups below the level of the nation state, as well as transnational collaboration between them – local communities, cities and local states – will be equally important. Depending on one's perspective, the debacle at Copenhagen could be judged to have led to a period of relative quiescence, in which no comprehensive progress was made in pursuing an active climate change policy. I do not think that this will – in the longer run – be remembered as Copenhagen's lasting legacy. The American writer Henry Adams once wrote: 'Chaos often breeds life, when order breeds habit.' He had a point. My hope, and anticipation, is that the impasse reached at Copenhagen will have prompted just that burst of creativity and ingenuity we need, even if its full impact may only unfold after Cancún.

Notes

1. Anthony Giddens is former director of the London School of Economics and a member of the UK House of Lords.