Lessons Learned from How Nations Have Responded to Climate Change on the Need to Fix Responsibility to Do Applied Ethical Analyses of Global Environmental Problems

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I. Introduction

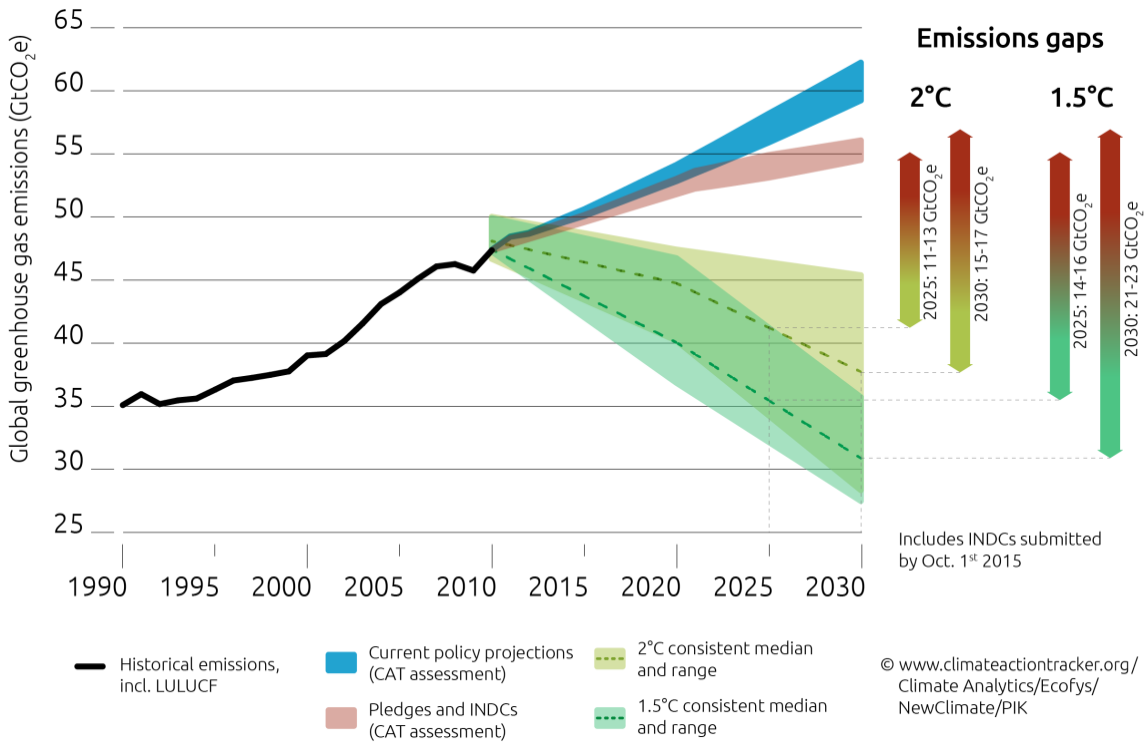
This essay argues that global environmental challenges such as climate change raise numerous ethical issues that should guide policy-makers in formulating policy. However, recent research concludes these ethical issues are largely being ignored by policy-makers and the media covering national debates about these topics. There is a need to fix responsibility in government to identify ethical issues that arise in policy, explain how the ethical perspectives were considered or ignored, and expand the work of NGOs working on environmental challenges to include a much deeper applied ethics focus of their work.

These conclusions come from lessons learned from international attempts to develop a global solution to climate change.

II. Lessons Learned from Climate Change

As the international community approaches the twenty-first Conference of the Parties (COP-21) to the United Nations Framework Convention on Climate Change (UNFCCC) to be held in Paris from November 30, 2015 to December 11, 2015, there is growing concern that national commitments to reduce greenhouse gas (ghg) emissions (known as Intended Nationally Determined Commitments or INDCs) to levels that will prevent dangerous climate change are falling far short of what is needed, If the international community is going to limit warming to non-dangerous levels of less than 1.5^0 C or 2^0 C,

How far are the INDCs holding warming below 2^0 C and bringing it back to 1.5^0 C by 2100,



Climate Action Tracker,
http://climateactiontracker.org/assets/publications/CAT_global_temperature_update_October_2015.pdf

The above chart depicts the emissions gap between ghg emissions that will be experienced if current national commitments on emissions reductions are achieved compared to emissions levels needed to limit warming to 2^0 C or 1.5^0 C. As one can see, there remains a significant emissions gap between what has been committed to by nations and emissions reduction levels needed to prevent dangerous climate change.

Because of this, there is also widespread agreement among observers of UNFCCC negotiations that there is little hope that the international community will develop an adequate international response to climate change unless nations increase their ghg emissions reductions commitments, that is INDCs, to levels that represent their fair share of safe global emissions. And so it is widely agreed that nations must base their INDCs both on achieving safe atmospheric ghg levels that will limit warming to tolerable levels and the nation's just percentage of global emissions that will achieve this level. These two issues, namely the issue of what is safe enough, and the issue of what is each nation's fair share, are ethical and moral issues at their core.

Research conducted by Widener University Commonwealth Law School and the University of Auckland concludes that the ethical issues in setting national commitments on ghg emissions are being largely ignored by governments in setting ghg emissions reduction commitments, by the press in covering national debates about climate

policy, and even more surprisingly by domestic NGOs who are proponents of climate change policies. (See Nationalclimate.justice.org under "lessons learned")

This is so despite the fact that:

> (a) It is impossible for a nation to think clearly about climate policy until the nation takes a position on two ethical issues: (1) what warming limit the nation is seeking to achieve through its policy, and (d) what is the nation's fair share of safe global emissions.
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> (b) Climate change policy making raises numerous other ethical issues that arise in policy formulation. (See below)
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> (c) Ethical arguments made in response to the arguments of climate change policy arguments are often the strongest arguments that can be made in response to the claims of climate policy opponents because most arguments made by opponents of climate policies fail to pass minimum ethical scrutiny.
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> (d) Climate change more than any other environmental problem has features that scream for attention to see it fundamentally as a moral, ethical, and justice issue. These features include: (a) It is a problem overwhelmingly caused by high-emitting nations and individuals that is putting poor people and nations who have done little to cause the problem at greatest risk, (b) the harms to the victims are potentially catastrophic losses of life or the destruction of ecosystems on which life depends, (c) those most at risk usually can't petition their own governments for protection, their best hope is that high emitters of ghgs will respond to their moral obligations to not harm others, and, (d) any solution to the enormous threat of climate change requires high emitting nations to lower their ghg emissions to their fair share of safe global emissions, a classic problem of distributive justice.

The Widener/Auckland research identified above has discovered that most participants in national debates about climate policies, including journalists, around the world have largely ignored the numerous ethical issues that arise in climate policy formation and instead usually have narrowly responded to the arguments of the opponents of climate policy which have almost always been variations of claims that climate change policies should be opposed because: (a) they will harm national economic interests, or (b) there is too much scientific uncertainty to warrant action.

Yet numerous issues arise in climate change policy formation for which ethical and moral considerations are indispensable to resolve these issues and moral arguments about these issues are by far the strongest responses to arguments on these issues usually made by opponents of climate policies. These issues include, among many others:

- Can a nation justify its unwillingness to adopt climate change policies primarily on the basis of national economic interest alone?
- When is scientific uncertainty an ethically acceptable excuse for non-action for a potentially catastrophic problem like climate change given that waiting until the uncertainties are resolved makes the problem worse and more difficult to solve?
- Should proponents or opponents of climate change policies have the burden of proof to scientifically demonstrate that climate change is or is not a threat before climate change policies are in enacted?
- What level of proof, such as, for instance, 95% confidence levels or the balance of the evidence, is needed to demonstrate climate change is a threat that warrants policy responses?
- What amount of climate change harm is it ethically acceptable for a nation to impose on those nations or people outside their jurisdiction who will be harmed without their consent?
- To what extent does a nation's financial ability to reduce ghg emissions create an ethical obligation to do so?
- What are the rights of potential victims of climate change to consent to a nation's decision to delay national action on the basis of national cost or scientific uncertainty?
- Who gets to decide what amount of global warming is acceptable?
- Who should pay for reasonable adaptation needs of victims of climate change?
- Do high emitting nations and individuals have a moral responsibility to pay for losses and damages caused climate change to people or nations who have done little to cause climate change?
- How should national ghg targets consider the per capita or historical emissions of the nation in establishing their national climate commitments?
- Do poor, low-emitting nations have any moral responsibility for climate change and what is it?
- When should a nation be bound by provisions of international law relevant to climate change that they agreed to including provisions in the United Nations Framework Convention on Climate Change such as the "no-harm," and "precautionary principle" and the duty of developed nations to take the lead on climate change?

The Widener/Auckland research mentioned above has also concluded that these ethical issues are mostly being ignored in national debates about climate policy while, for the most part, a narrow economic rationality is largely the actual basis for national climate change policy. This is so, despite the fact that in the international negotiations issues about the justice of national commitments on climate change both in regard to national INDCs, and national acceptance of responsibility for the costs of adaptation to climate change and damages and losses from climate change in poor countries that have done little to cause climate change are at the center of the most contentious issues in the climate change negotiations. For this reason, the utter failure of national media to cover the ethics and justice issues at the center of international climate change disputes is startling.

III. What is the Cause of the Failure to Identify and Discuss the Ethical Issues

Entailed by Policy-making on Climate Change?

As we have seen, most of the debate on climate change policy-making at the national level has been focused on responses to arguments made by opponents of climate change policies which have usually been claims that proposed climate change policies will impose unacceptable costs on national economies, or there is too much scientific uncertainty to warrant expensive national action on climate change. Such claims have both factual and normative assumptions. Citizens and environmental groups have unknowingly been tricked into responding to these arguments by making factual responses to these claims, such as climate change policies will increase jobs, despite the fact that each of these arguments contain hidden assumptions which clearly flunk minimum ethical scrutiny.

For example, opponents of climate change policies in the United States have frequently based their opposition to climate policies on the claim that climate change policies will destroy US jobs or the US economy.

The response of NGOs and citizens to this argument has largely been to assert that climate change policies will create jobs and boost the economy. Yet this response unknowingly implicitly supports the very dubious hidden normative assumption of the climate policy opponents' arguments, namely that the Untied States should not adopt climate policies if the policies will hurt the US economic interests despite the fact that this argument is obviously wrong when viewed through an ethical lens because polluters not only have economic interests, they clearly have moral responsibilities to not harm others. Almost all cultures agree with the Golden Rule, which holds that someone should not be able to kill others because it would be costly to the killer to stop the killing behavior.

Thus, the failure to respond to the arguments of the opponents of climate change policies on moral grounds is an astonishing oversight in light of the fact that the moral objection is very strong to someone who claims that they can seriously harm others if their economic interests are threatened and if they are required to limit their harmful activities. Such a claim violates the most non-controversial ethical rules including the Golden Rule and many well-accepted provisions of international law based on the Golden Rule such as a rule called the "no harm principle" which asserts that all nations have a legal duty to prevent their citizens from harming people outside their jurisdiction.

If citizens who support climate policies ignore the ethical problems with the arguments made by opponents of climate policies on the grounds that climate policies will impose costs on those who are harming others, they are playing into the hands of those responsible for putting the planet at risk from climate change.

There are also deeply problematic ethical assumptions that have remained largely

unchallenged when the opponents of climate change policies argue the US should not adopt climate change policies due to scientific uncertainty (See, The Ethical Duty to Reduce Greenhouse Gas Emissions in the Face of Scientific Uncertainty)

And so, for 30 years, the opponents of climate change policies have succeeded in framing the climate change debate in a way that ignores obvious ethical and moral problems. Surprisingly both environmental organizations and the national press have also failed to bring attention to the obvious moral problems with the opponents of climate policies' arguments.

And so a major cause of the failure to consider ethical problems with the arguments of opponents of climate change policies is the successful framing by opponents of climate policies of issues to be considered in policy formation.

However, an equally important cause of the failure to expressly consider the ethical dimensions of environmental policy is attributable to two problems.

First, most employees of environmental policy offices are technically trained in science or economics. As a result, they are often very poor in spotting the ethical problems with arguments made about policy. In fact, they are often expected to perform their policy analyses exclusively through the lens of science and economics, disciplines which pretend to be "value-free" yet often hide very controversial normative assumptions.

Second, higher education is largely failing to train those engaged in environmental issues to spot ethical questions. Although many schools of higher education teach environmental ethics usually as an elective, most students enrolled in courses in environmental economics or sciences have no exposure to these ethics courses.

In addition, courses on environmental ethics frequently fail to include discussion of the ethical questions that arise when environmental economics and science are applied to as prescriptive guides to public policy. This is so because the major focus of academic environmental ethics has been to explore ethical questions about human and environmental relationships, not ethical questions that frequently arise in policy formation such as the ethical limits of economic arguments, problems of procedural and distributive justice, or the ethical issues that arise when government officials must make decisions in the face of uncertainty.

Philosophers often categorize training about how to calculate something, the kind of training often provided in higher education in environmental science and economics, as "instrumental" rationality to be distinguished from "ends" rationality, or what are the right ends of society, the domain of ethics or political philosophy. Instrumental rationality is rationality about what means can be used to achieve

certain ends where the ends are not in question. Instrumental rationality focuses on how to do something, not on why something should be done.

The kind of critical thinking usually taught in science and economics is most frequently "means" rationality, not "ends" rationality. This is so because most economic analyses applied in public policy assume that governments should maximize public welfare or efficiency goals of policy that are not often questioned by the economic analysis despite the fact that welfare maximization goals sometimes dramatically conflict with other valid societal goals such as distributive or procedural justice, guaranteeing human rights, or how the environment and humans should be valued.

Science training is often focused on knowledge of how nature works or how to search for answers about how nature works that are currently unknown; it is not concerned with ethical questions that frequently arise when science is applied to public policy such as who should have the burden of proof, what quantity of proof should satisfy the burden of proof, or who gets to decide about what should be done in response to uncertain harms when some people more than others are at risk.

What should be the goal of a good life or what is right or wrong are matters of ethics, questions about the "ends" of society. However, how to calculate costs and benefits or how to conduct experiments to achieve adequate levels of confidence are understood to be questions of "means" to achieve societal goals and therefore the domain of instrumental rationality.

Now, occasionally, environmental ethics literature has acknowledged problems with the almost exclusive focus on instrumental rationality that is the domain of science and economics when these disciplines are used to guide public policy. However, much of the environmental ethics literature ignores or minimizes many of the problems entailed by the dominance of instrumental rationality in science and economics, the disciplines which almost always frame environmental controversies and frequently the only disciplines that are taught in environmental policy courses.

Because certain value-neutral policy languages structure specific environmental controversies, and because the environmental ethics literature does not usually focus on ethical analyses of concrete problems, most environmental ethics literature is not relevant to some of the most frequent issues that arise in policy making, namely economic and scientific arguments about whether to act or not to protect the environment.

IV. Conclusion

Given the extraordinary importance of the ethical dimensions of environmental policy and the utter failure of governments to consider many ethical issues that

should guide policy, and the inability of civil society to assure that ethical considerations guide policy-making, there is a need for the following:

- Government environmental policy-makers should expressly create responsibility in an office or individual for identification, analyses, and responses to ethical issues raised be environmental policy-making.
- So that citizens understand and can respond to how ethical issues were responded to by government policy-making, governments should explain how ethical principles affected policy decisions.
- Scientific organizations that make recommendations on environmental policy options, such as IUCN, IPCC, the Academies of Sciences, the American Association for the Advancement of Science, and similar professional science organizations should assign express responsibility for ethical issue spotting as part of their work to an office or individual in the organization and expressly identify in reports how ethical issues were considered, if at all, in policy recommendations.
- Institutions engaging in ethical analyses of environmental issues including academic environmental ethics programs and organizations making recommendations on how environmental policy should be guided by ethical considerations such as the Earth Charter Project, should become much more focused on applied ethical analyses of concrete issues that arise in environmental policy making rather than abstract discussion of ethical principles. In this regard they should assume responsibility for educating citizens about the ethical issues that often arise in the "value-neutral' disciplines of science and economics.