

IUCN WCEL Specialist Group Updates

WCEL Ethics Specialist Group Update: June 2018

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An Introduction: IUCN WCEL Ethics Specialist Group

The IUCN WCEL Ethics Specialist Group (ESG) is a global network of practitioners and scholars from across disciplines seeking to (1) highlight the ethical issues in biodiversity conservation and specific natural resource controversies; and (2) engage with diverse local and global partners to foster ethical engagement, bear witness to ethics in action, and share stories of success and failure. Every decision has ethical underpinnings, and by creating a space and methodology for ethical engagement, we aim to inform and motivate decision-makers to advance law and governance structures to better protect the foundations of life. Our ethics is alive, our ethics is actionable, and our ethics is applied.

We define ethics as the domain of inquiry that examines claims about what is right or wrong, just or unjust, obligatory or non-obligatory. As such, ethics is the foundation for the rule of law, or the body of rules, policies, and programs that guide and govern a society to best protect that society, and allow that society to flourish. Understanding that all life is interconnected, the ESG expands the domain of inquiry into our obligations to the entire community of life, for the sustainability and flourishing of the entire community of life.

Our current Chair is Professor Klaus Bosselmann of Auckland University School of Law (NZ), and our current Deputy Chair is Kathryn Gwiazdon, Executive Director of the Center for Environmental Ethics and Law (US). We take a holistic and multi-disciplinary approach to the creation and implementation of law and governance systems; therefore, our membership includes lawyers and non-lawyers from WCEL, as well as other commissions.

The ESG seeks to be the hub for ethical engagement within IUCN. As such, we are proactive and reactive. Therefore, we actively seek to highlight ethical issues in conservation and decision-making,

and we are responsive to queries from members, commissions, or Secretariat bodies. For example, we were recently enlisted to provide input to the IUCN Council on the ethics of trophy hunting.

In addition to promoting ethical engagement within the bodies and policies of IUCN, we also advance major global projects, including the Biosphere Ethics Initiative (BEI), Climate Change Justice, Earth Democracy (including Earth Jurisprudence), and Ecological Law and Governance.

The BEI incorporates the entire body of work of the ESG and is led by the Center for Environmental Ethics and Law (CEEL; see www.environmentalethicsandlaw.org). The work began with IUCN Res. 3.020 (2004), Drafting a Code of Ethics for Biodiversity Conservation, submitted by the IUCN Comité français. The program was formally launched at the Paris Muséum nationale d'Histoire naturelle (FR) in 2010, a founding partner to the BEI (and to IUCN in 1948) and a key partner to the ESG.

The BEI is guided by the *Relato* Methodology, a process that brings together local leaders with global experts to bear witness to, highlight, advance, and share environmental ethics in action. In addition to the meeting itself, or *Relato*, ethical principles and quandaries are unpacked via scholarly research and development, and then shared across a global network of individuals and organizations, public and private, governmental and non-governmental. All of the work informs the global *Evolving Biosphere Ethic*, and local communities have the option to create their own local ethic, such as the *Ethic of the Indiana Dunes Region* (created at the *Relato* of the Indiana Dunes Region). In addition to development meetings with partners, scholarly research occurs every year at the international meeting of the Global Ecological Integrity Group (see <http://www.globalecointegrity.org/>).

The Climate Change Justice project is led by the Environmental Law Center of Widener University Commonwealth Law School (US), the School of Architecture and Planning at the University of Auckland (NZ), the New Zealand Center for Environmental Law, and the Institute for Ethics, Governance and Law of Griffith University (AUS) (see www.nationalclimatejustice.org). The project has led to the IUCN publication, *Ethics and Climate Change: A Study of National Commitments* (2015), which examined 23 nations and the extent to which national debates have considered or ignored ethics and justice issues in formulating national climate change policies.

The project is also currently working on a video that helps citizens and decision-makers, 'How to Expose Ethical Problems with Economic and Scientific Uncertainty Arguments Made Against Climate Change Policies.' Opponents of policies and laws designed to protect natural resources almost always engage in instrumental reason, often economic or scientific uncertainty arguments, to oppose proposed policies. This video project aims to highlight the ethical problems in those arguments.

Earth Democracy, including Earth Jurisprudence, has been a component of the work of the ESG since its inception, and has found its roots in several ESG projects. Most recently, alongside such partners as the U.N. Harmony with Nature initiative, the Planetary Integrity Project, Common Home of Humanity, and the Ecological Law and Governance Association (ELGA), the ESG has been promoting

the development of new frameworks in law and governance that better protect the foundations of life: ecological law and governance. Both the ESG Chair and Deputy Chair are part of the Steering Committee of ELGA, launched at the University of Siena in October 2017.

ELGA seeks to bring together practitioners, academics, and advocates from around the world, and across disciplines, to address and amplify the root failures of our existing system, to highlight the examples of promise already taking place, and to develop new frameworks for law and governance (see www.elga.world). The founding document for ELGA is the Oslo Manifesto, created at a workshop of the ESG at the 2016 annual gathering of the IUCN Academy of Environmental Law.

ELGA argues that environmental law, in its current form, is largely anthropocentric, fragmented, and reductionist, rooted in modern Western jurisprudence, with origins in religious anthropocentrism, Cartesian dualism, philosophical individualism, and ethical utilitarianism. This approach, however, has not secured the physical and biological conditions upon which all life depends. Therefore, ELGA aims to look within and beyond existing legal systems at the root causes of the ecological crisis and the transformative work that needs to happen in order to build a new, ecologically-focused governance system. The work and network is global, and so looks at common thinking across the world, but it is also rooted in local communities.

Our Role within IUCN

The ESG, within the network and leadership of WCEL, effectuates the vision and mission of IUCN. Alongside the post-WWII movements aiming to promote global peace and security, IUCN was created as an institution based in ethics, “A just world that *values* and conserves nature” with a mission to “Influence, encourage and assist societies throughout the world to conserve the *integrity* and *diversity* of nature and to ensure that any use of natural resources is *equitable* and ecologically sustainable” (emphasis added). We have a responsibility to one another, to future generations, and to vulnerable people, places, and species, and the ESG advances principles of justice, equity, diversity, and integrity of all life, for the flourishing of life. Also, as IUCN is a science-based institution, we understand that science – in its research, development, and application – is not value-neutral, and that while we must also acknowledge the limits to human understanding, we must still act (i.e. the precautionary principle).

It is important to highlight that ethics is not some new disciplinary specialty for IUCN, or some special interest of WCEL, but stands directly in line with the founding purposes and work of IUCN as a whole since its inception. Indeed, one of the key partners of the current ESG work program is the Paris Muséum nationale d’Histoire naturelle, a founding organization of IUCN.

The origins of the ESG lie in the Ethics Working Group of 1984, which was founded as an “inter-commissional working group” concerned for such Union-wide projects as the World Conservation Strategy. At the Perth Congress in 1990, the Congress adopted 18.1 Mission, Objectives, and Approach of the World Conservation Union. The first approach was an ethical approach: “That the

approach of the Union, as an effective agent of world conservation, will be to: a. develop and promote the adoption of conservation ethics based on respect and care for nature..."

The foundational importance of ethics at IUCN has also been made explicit via numerous Resolutions. Res. 3.022 (2004) adopted the Earth Charter as "the ethical guide for IUCN policy" and Res. 3.020 reaffirmed IUCN's "commitment to an ethical view of nature conservation, based on respect for the diversity of life, as well as the cultural diversity of peoples." Res. 3.020, Drafting a Code of Ethics for Biodiversity Conservation, laid the foundation to the main current program of the ESG, the Biosphere Ethics Initiative (BEI): a soft law program that highlights, shares, and unpacks continuously evolving local and global ethical principles of biodiversity conservation. In 2010, IUCN Council resolutions C/74/18 and C/75/16 noted the cross-commission and cross-sectoral nature of ethics at IUCN, and Res. 004 (2012), Establishment of the Ethics Mechanism, supported the development and implementation of the *Relato* Methodology of the BEI across the entire Union, including the Secretariat, the Commissions, and the Council. For additional resolutions, see also, Res. 4.098 Intergenerational partnerships: fostering ethical leadership for a just, sustainable and peaceful world and Res. 4.099 Recognition of the diversity of concepts and values of nature and Res. 009 (2012) Encouraging cooperation with faith-based organizations and networks.

Ethics is the foundation for the rule of law – but it is also the foundation for the entire global conservation movement.

Current Event: The ESG at the UN General Assembly Dialogue on Harmony with Nature

ESG Deputy Chair Kathryn Gwiazdon was invited to speak at the 8th Interactive Dialogue of the General Assembly on Harmony with Nature, pursuant to UN Resolution 72/223 Harmony with Nature (December 20, 2017). The theme of this year's Dialogue was Sustainable Development Goal 12: ensure sustainable production and consumption patterns. Ms. Gwiazdon spoke on, "How Earth ethics can inform local and global law and governance to create sustainable consumption and production patterns," grounded in the work of the BEI. The video and transcript can be found at www.environmentalethicsandlaw.org.

"In 2009, the United Nations General Assembly proclaimed 22 April as International Mother Earth Day. In so doing, Member States acknowledged that the Earth and its ecosystems are our common home, and expressed their conviction that it is necessary to promote Harmony with Nature in order to achieve a just balance among the economic, social and environmental needs of present and future generations. The same year, the General Assembly adopted its first resolution on Harmony with Nature." (see www.harmonywithnatureun.org).

Ms. Gwiazdon opened her remarks by arguing that state action is not adequate, and not urgent, enough. The data, the science, and the research is available, and the charts show the trajectories, but states are continuing with business as usual. Therefore, her remarks focused on "opportunities to seek change, and provide a new way to frame the issues, a new way to argue for action, and against inaction."

She argued that “the greatest challenges to living in Harmony with Nature, to creating sustainable production and consumption practices are, quite simply, the power of money and the poison of corruption,” and implored states to look at the models of good ethical action happening around the world, from local conservation initiatives to environmental defenders, and have the courage to care, and the courage to be a model for the good of humanity.

She touched on the failures of an economic system not based in ecological realities, of that same economic system that fosters corruption, and particularly in the resource extraction sectors, and how ecological security leads to national and global insecurity. She also called for the need to transform negotiation processes, at all levels, due to unequal bargaining power and decision-making that is not considering ecological realities, tipping points, and bottom-lines.

Using the social contract of a State with its citizens, and its fundamental duty to protect its citizens, she argued that the State must protect the foundations of all life on Earth, as all life is interconnected – and humans are utterly dependent on the natural environment. Therefore, business as usual (with the knowledge that what we are doing is not enough); inaction in the face of known harms; action that promotes the few over the many, those with power over the vulnerable; action that denies truth, justice, the interconnectedness of life, and our utter dependence on nature – each is a dereliction of the State’s duty to protect its citizens. The panel fielded questions and comments from states and civil society, including Denise Antolini, Deputy Chair of WCEL. She focused on recent judicial decisions that recognize the rights of nature, including the [legal standing of the Amazon River Ecosystem](#) and drew connections to WCEL and the [Global Judicial Institute on the Environment](#) (GJIE) to support development, application, and enforcement of environmental laws. Furthermore, she highlighted the [1st WCEL International Water Justice Moot Court](#) and other opportunities for learning about these cutting edge issues.

Ethics in Action Tips: Climate Change Justice Engagement

For each of our articles for WCEL, we hope to share a particular aspect of our work. Below are excerpts from our Climate Change Justice project on how to confront decision-makers when they use economic arguments as the sole justification for inaction or inadequate action on climate change:

“Climate change is a profound ethical and moral problem for the world, yet it is often debated exclusively by making seemingly “value-neutral” economic and scientific claims and counterclaims which ignore the ethical and moral reasons why governments should take action. This “value-neutral” narrative thus enables inaction or non-urgent action to continue, while temperatures and sea-levels rise, and communities – now and in the future – continue to be threatened and harmed.”

This change in narrative is essential because the existing narrative is both ethically flawed and inadequate to protect our people and planet. If we are to have any hope in limiting warming to non-catastrophic levels, all governments must reduce their emissions to their fair share of safe global

emissions. Therefore, climate change must be understood and responded to as a profound problem of global justice and ethics.

Climate change is an equity issue, a fairness issue: those suffering the harm are not necessarily those causing the harm. Climate change is a problem primarily caused by some nations and industries emitting high levels of greenhouse gases (GHG) in one part of the world leading to harm (and threats of harm) to tens of millions of people in other parts of the world;

1. *Climate change is a human rights issue:* the impacts of climate change are preventing people from exercising basic human rights, including their rights to life and security;
2. *Climate change is a future generations issue:* the harms from climate change are affecting the rights and opportunities of future generations;
3. *Climate change is a social justice issue:* the harms are disproportionately and even catastrophically affecting the world's poorest and most vulnerable people, including women and children; and
4. *Climate change is a governance, access, and due process issue:* many people most at risk from climate change are powerless to address it because of a lack of adequate governance mechanisms. Instead, their best hope is that those causing the problem will respond to their ethical and moral responsibility to greatly reduce their GHG emissions to levels that constitute a government's fair share of safe global emissions.

This project seeks to help all participants in climate change policy formation understand that because climate change is a profound problem of ethics and justice, decision-makers must respond to it in ways consistent with their ethical responsibilities and duties to prevent harm to others, and to the ecological systems on which all life depends. Therefore, those states and actors causing the problem, or preventing action on the problem, may not use economic self-interest or scientific uncertainty as the sole or primary justification for their policy responses.

Questions that should be asked of decision-makers who oppose action (local, national or global) on climate change, on the basis of cost to the economy:

Sir, Madam, Congress person, Senator _____, I understand that you have opposed proposed climate policies (or laws) because [...the policies (or laws) are too costly or threaten jobs, or will harm national GDP, or whatever the cost-based argument is...].

1. Do you believe that high-emitting industries or governments not only have economic interests that could be affected by climate change policies, but also have ethical and moral duties and obligations:
 - a. not to harm tens of millions of people around the world, including millions (from low emitting nations) who are not causing the harm?
 - b. not to harm the rights and opportunities of future generations?



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- c. not to harm those who are most vulnerable, including women and children?
2. Have you considered that harms caused by climate change will continue to grow unless governments rapidly reduce their GHG emissions to their fair share of safe global emissions?
3. Have you considered that if our government fails to reduce its GHG emissions to its fair share of safe global emissions, this will cause loss of life and great harm to people inside our borders and jurisdiction?
4. Have you considered that if our government fails to reduce its GHG emissions to its fair share of safe global emissions, this will cause loss of life and great harm to people outside of our borders and jurisdiction?
5. Do you believe that those nations and people around the world, who will suffer the most harm from climate change, have a right to participate in a decision by a government that chooses to not adopt climate change policies?
6. Do you agree that governments that emit GHGs at levels beyond their fair share of safe global emissions have a duty to help pay for the reasonable adaptation needs of (and unavoidable damage to) low-emitting countries that have done little to cause climate change?
7. Are you familiar with the Polluter Pays Principle? It is the well-established international legal norm which holds that polluters should pay for the consequences of their pollution. Do you support the Polluter Pays Principle?
8. Do you agree that governments with very high per capita and historical GHG emissions have contributed more than other nations to current dangerous atmospheric GHG concentrations and therefore have a particular duty to reduce their GHG emissions, compared to those governments that have done little to create the harm?
9. If you argue that any government [such as _____] should not adopt climate change policies because economic competitors [such as _____] have not adopted climate change policies, are you claiming that no nation has a duty to reduce emissions until all other nations reduce theirs?
10. And do you argue this despite the fact that high-levels of GHG emissions from any government are causing climate change harms?



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11. In arguing that the (United States or other high-emitting government) need not reduce its GHG emissions to its fair share of safe global emissions because of costs, how have you considered:
 - a. the specific harms to vulnerable people, ecological systems, and other nations created by current levels of emissions; and
 - b. what value have you put on these harms?

12. Do you agree with the promise made in Paris that all nations should adopt policies and measures to limit warming to as close as possible to 1.5 C but no more than 2.0 C?
 - a. and if you object to proposed climate policies on the basis of cost, how do current climate policies of your government achieve the 1.5 C to 2.0 C warming limit?

Membership Engagement

We are always looking for new ideas, new partnerships, and leadership and assistance as we unpack our body of work. The ESG is foundational to WCEL, foundational to IUCN – and whether we are building up to Congress, or at Congress, we continue to strive to make ethics – and ethical engagement – more visible across IUCN. Our decisions need to be rooted in truth, justice, democracy, and integrity, and only with an active and committed membership body can we hope to achieve that goal.

In addition to the existing projects outlined above, we are beginning to develop the ESG Strategic Plan 2019-2020, which will include our work through the 2020 Congress. We hope to make ethics a key theme to the entire Congress, host/co-host workshops, and advance a number of Resolutions.

If you are interested in ESG membership, or would like to propose a project or partnership, please contact kathryngwiazdon@environmentalethicsandlaw.org.