

**B, Montague  
On behalf of the Appellant  
08 January 2012**

**IN THE INFORMATION TRIBUNAL**

**B E T W E E N : -**

**BRENDAN MONTAGUE**

Appellant

**- And -**

**THE INFORMATION COMMISSIONER**

Respondent

**WITNESS STATEMENT OF BRENDAN MONTAGUE**

I Brendan Montague of Request Initiative Limited 27-29 Cursitor Street, Holborn, London, EC4A 1LT

1. I am director of the Request Initiative, a community interest company.
2. I make this witness statement in support of Brendan Montague's appeal. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief. References in this statement are to documents in the bundles of documents prepared for the Tribunal hearing.
3. I am appealing a decision [DN: FS50353245] by the Information Commissioner's Office not to uphold my complaint against the Charity Commission following its decision not to disclose the name of the seed donor of the Global Warming Policy Foundation (GWPF) citing Section 40(2) of the Freedom of Information Act.

4. The Charity Commission notes that the obligation under Principle 1 of the Data Protection Act is to process personal data “fairly and lawfully” and that it would be unfair on the data subject to release the name of the donor without his permission to a journalist.
5. The GWPF would, I assume, argue that campaigning against climate change mitigation is acting in the public and national interest because of the perceived adverse impact such policies could have on the UK economy. If the foundation is acting in the public interest it would be unfair to name its seed donor without his consent.
6. However, I believe that in this particular case the Charity Commission would be processing the subject data fairly by disclosing the name of the seed donor of the Global Warming Policy Foundation because the public has a legitimate interest in being granted access to this information which outweighs the right to privacy of any one individual. This is based on the argument that the activities of the foundation are counter to the public interest in a significant and material way.
7. The policy recommendations advocated by the GWPF would have an adverse impact on millions of people by allowing the unabated emission of carbon dioxide and causing climate change.
8. I argue that the GWPF is serving the interests of the oil industry against the interests of the public more generally. The facts which I will now present show conclusively that:
  - a) The oil industry and energy sector more generally has funded climate denial;
  - b) The GWPF is closely associated with organisations funded by the oil industry;
  - c) That Lord Lawson has had a long and distinguished career serving the interests of the oil industry;

- d) The GWPF is a political campaigning organization and a considerable proportion of its activity is concerned with directly campaigning for a change in Government policy with regard to the emission of greenhouse gasses including carbon dioxide, which includes but is not limited to the repeal of the Climate Change Act.
9. Charities are limited in how much activity they can contribute to campaigning for a change in government policy and I believe that the GWPF has crossed this threshold.
10. I have submitted a significant number of documents relating to the GWPF, including website content, privately sent membership newsletters and comments and articles published in the national press (see paragraphs 83 to 122), to support the argument that the foundation is a political organization actively campaigning for a change in government policy as a central focus of its work.
11. For these reasons, I do not believe that it can be assumed that the public interest is best served by allowing donors to contribute to the GWPF anonymously. When considering whether data is processed fairly and lawfully the public body should look beyond the interests of the data subject and to whether such processing would be fair on others, and society generally.

### **The aims and objectives of the GWPF**

12. The Global Warming Policy is a registered educational charity. The GWPF application for registration [Open Bundle: Tab 5 – Additional documentation; A Information disclosed by Charity Commission to Appellant in response to request] was released by the Charity Commission to Request Initiative under the Freedom of Information Act. The application states that the objects of the GWPF are *“to advance the public understanding of global warming and of its possible consequences, and also of the measures taken or proposed to be taken in response to it,*

*including by means of the dissemination of the results of the study of, and research into: a) the sciences relevant to global warming, b) its impact upon the environment, economies and society, and the above mentioned measures and also by the promotion of study and research in those subjects.”*

13. The document adds: *“There is no detriment or harm that might arise from the GWPF carrying out its aims. While some of its reports may attract comment or criticism, as highlighted in section A6, the information it disseminates will be subject to academic scrutiny and will be supported by scientific and economic evidence”.*
  
14. According to the GWPF accounts for 2010 filed with the Charity Commission and Companies House [Open Bundle: Tab 5 – Additional documentation; C Global Warming Policy Foundation Financial Statements – 15.07.09 - 31.07.10]: *“The Foundation was launched on 23 November 2009 as an all-party and non-party think tank and educational charity, with a commitment in particular to advancing the understanding of the policy options that might be adopted in response to global warming, and in doing so to improve the level of debate on this important issue.”*
  
15. The 2010 accounts also state: *“...the failure of the Copenhagen conference to endorse a legally binding global decarbonisation agreement of any kind, has led to a greater degree of open-mindedness about climate issues and the future course of global warming policy than had previously existed, to which I believe the Global Warming Policy Foundation has been able to make a significant contribution. There remains, however, a particular problem in the United Kingdom, which under the previous Labour government enacted, uniquely in the world, a unilateral legally-binding commitment to massive decarbonisation, a commitment which its Conservative / Liberal Democrat coalition successor has stridently continued. The fact that this is therefore no political policy debate on this issue in the UK makes the role of our Foundation all the more necessary.”*

## **Funding and the Protocol for the Acceptance of Gifts**

16. The GWPF has to date not named any of its funders. It has stated that funders include private individuals and family trusts. Lord Lawson has MPs sitting on the House of Commons Select Committee in 2010 that the GWPF would happily name its donors, implying that the donors themselves have each independently declined to be named rather than there being a policy or practice at the GWPF not to name its donors. He said: *"I would be very happy to see the names of all our donors published, I can assure you, it would be very, very good"* [ref: SOB050].
17. This appeal before the Information Rights Tribunal concerns only the identity of the seed funder to the GWPF because the Charity Commission does not hold information relating to any other donors.
18. The 2010 GWPF accounts show that for the period 15 July 2009 to 31 July 2010 the foundation raised £594,625 from anonymous donors compared to just £8,186 from individual membership fees. The operation costs for the first year were £128,342 with the foundation having £373,460 in funds carried forward.
19. In the Chairman's Statement signed by Lord Lawson it states: *"I am most grateful to all our donors for making the Foundation's launch and existence possible..." "...in order to reassure those who might otherwise doubt our complete independence, our Protocol for the Acceptance of Gifts lays down that we do not accept donations either from the energy industry or from anyone with a significant interest in the energy industry. This was formally resolved at the first meeting of our Board of Trustees. Nor, for that matter, do we accept money from government."*

## **The significance of the seed funder to the GWPF and its existence and work.**

20. The seed donor is known to have donated £50,000 to the GWPF [Open Bundle: Tab 5 – Additional documentation; A Information disclosed by Charity Commission to Appellant in response to request].

21. Evidence of this donation was used in registering the foundation as a charity [Open Bundle: Tab 5 – Additional documentation; A Information disclosed by Charity Commission to Appellant in response to request]. The single donation represents a 10<sup>th</sup> of the total amount raised from donors by the GWPF leading up to and including its launch as a foundation. Moreover, it represents well over a third of the total amount spent in the first year of operation, according to accounts filed with the Charity Commission and at Companies House.
22. Lord Lawson stated in his Chairman’s Statement in the accounts: “...*the Foundation has to all intents and purposes no source of income other than private donations...*”.

**The seed donor to the GWPF**

23. I have requested that the judge hold a part of the information rights tribunal in camera in order that she can be made aware of the identity of the seed donor and to allow for further research into his possible links to the oil industry and public statements about climate change. On this basis a ruling can be made on the facts rather than assurances and speculation.
24. However, some information about the funder of the GWPF is now in the public domain, mostly contained within a letter from the Charity Commission to the Information Commissioner’s Office about this Freedom of Information request [ref: SOB049]. The letter states:

*“1. In the course of dealing with [redacted, assumed to be Mr Montague’s] request the Commission has undertaken internet searches looking for information about the donor. The donor is well known. Entering the donor’s name into a google [sic] search provides initial results which identify the donor and nobody else with the donor’s name. I have reviewed the first page of results of this google search and they do not contain any indication that the donor is a well known climate sceptic. I have noted that*

*[redacted] questions the Commission's argument that disclosing the donor's identity would bring unwanted media interest. [Redacted] is a journalist who is very interested in the identity of the donor and clearly this demonstrates that there is media interest in this matter. The Charity has informed the Commission that the donor wishes to remain anonymous. It is on this basis that the Commission has come to the conclusion that disclosure of the donor's identity would lead to unwanted media interest.*

*2. (a) The Commission is not aware that the donor has any links to oil or energy companies. However, we have not undertaken extensive research on this matter as this is not our role. Likewise we have not investigated whether the organisation for which the donor works or alternatively the donor's close relatives have any- links with the oil industry...*

*2. (C) The Commission does not know whether a third party provided the funds to the donor, however, there is nothing to suggest that they did. I can confirm that the donor is a person of considerable personal wealth and therefore it is not surprising that s/he was mable to make a donation of £50,000 to a charity of\_his/her choice."*

25. The Charity Commission also states in the letter that, "we have not undertaken extensive research on this matter as this is not our role". It seems clear that the Charity Commission is not currently in a position to make a fair appraisal of whether there is a legitimate public interest in making the identity of the data subject.

26. Some further information about the donor is given in "Note of telephone conversation 22 September 2010" written by a member of staff at the Charity Commission following a call with Lord Lawson and released to Request Initiative under the Freedom of Information Act [ref: SOB048].

27. The note states: "[Lawson] said that the donation had been given to the Charity on the basis of strict anonymity and that the Charity is keen to be

*able to keep his identity out of the public domain so that they can remain faithful to the undertaking they gave him at the time. I pointed out that [redacted] has made his donation to other charities a matter of public record and his support for [redacted]. Mr [sic] Lawson said that he would get in touch with [redacted] and check whether he was willing to have his name released."*

### **Reasons given by GWPF to remain secretive about funding**

28. The GWPF has given several reasons for not naming its donors. In the Chairman's Statement in the accounts for 2010, Lord Lawson states: *"There has been criticism in some parts of the media and elsewhere that we do not disclose the identity of our donors. In this we are not alone. Few think tanks do. Unlike most other charities, think tanks tend to operate in controversial areas. Indeed, that is part of their raison d'etre. It is understandable that donors do not wish to be publicly engaged in controversy. This is particularly true of GWPF, where the soil we till is highly controversial, and anyone who puts their head above the parapet has to be prepared to endure a degree of public vilification. For that reason we offer all our donors the protection of anonymity."*
29. The Charity Commission refused to release the name of the seed donor of the GWPF on similar grounds, following a telephone conversation with Lord Lawson in which he argued the donor would suffer from press intrusion.
30. A memo written by a member of staff at the Charity Commission following this conversation released under the Freedom of Information Act to the Request Initiative, titled "Note of Telephone Conversation 22 September 2010 [ref: SOB048], states: *"The charity is a think tank and think tanks operate in controversial areas – particularly this one. If the identity of donors is revealed they may be subject to "vilification and abuse" in the media and elsewhere. He acknowledged that there may be some people who think that because we don't reveal donors we must be funded by*



*the oil industry. He categorically refuted this and said that the Charity has a formal protocol for the acceptance of gifts which makes it very clear they will not accept donations from the oil industry. I asked for a copy of the protocol and he said he would get it to me."*

31. This explanation is different to the one that Lord Lawson offered to the Science and Technology Committee on March 1, 2010 when he was questioned about the funding of the GWPF. Then he did not mention media intrusion or vilification but instead gave a hypothetical reason centred on the more domestic concerns of an imaginary donor. The exchange has been published by the House of Commons and is available on the website [ref: SOB050]:

**Lord Lawson of Blaby:** *No, like most think tanks, not all but like most, we do not publish a list, because if donors wish to remain anonymous, for whatever reasons, perfectly good reasons, then it is their privilege. I am very happy for them to be published.*

**Q18 Dr Harris:** *That is strange, because Sense about Science, which is an organisation we hear from a lot, publish all their donors, because they are often accused of being partisan. Would it not be a good idea for you to adopt that rule; otherwise people might have concerns?*

**Lord Lawson of Blaby:** *We are absolutely clean. I would be very happy to see the names of all our donors published, I can assure you, it would be very, very good, but if they wish to remain anonymous, for whatever reason, maybe they have other family members who take a different view and they do not want to have a row within the family, maybe they do not want a whole lot of other people asking them for money—*

### **Public interest vs personal data**

32. Lord Lawson and the Charity Commission have both argued that the name of the donor should not be published because the individual would suffer media intrusion. I have been a journalist for more than a decade with experience working at the Mail on Sunday, The Daily Mail and the

Sunday Times. I have worked on breaking stories and investigations in close proximity to the News of the World and the Sunday Mirror, which are broadly accepted to be the most robust when it comes to probing people's personal affairs.

33. My experience as a journalist leads me to two very concrete conclusions which impact on this Freedom of Information request: 1) The newspapers most likely to intrude on people's personal lives are not interested in discovering who is the seed funder of the GWPF and 2) the newspapers most interested in the identity of the GWPF donor have demonstrated a clear commitment to public interest journalism and adhere to the Press Complaints Commission's Editors' Code of Practice.
34. As previously stated in my complaint to the Information Commissioner's Office, if the seed funder of the GWPF is not associated in any way with the oil sector and is not a public figure as the Charity Commission has suggested there will be very little, if any, interest in the identity of the funder.
35. The Charity Commission noted in its communications with the Information Commissioner's Office that I am a journalist interested in the identity of the seed donor and therefore there must be media interest [Open Bundle: Tab 5 - Additional documentation; E Email correspondence relating to this appeal].
36. While the Freedom of Information process is applicant blind, I would also like to make the point that I am only interested because I have yet been unable to satisfy myself that this donor is not related to the oil industry in any way. Good journalism always involves significant investment in establishing the facts even when the facts turn out to be less interesting and therefore provide no immediate return on such efforts. This is very clearly journalism in the public interest.

37. There is to my mind also a very clear argument that fairness is clearly served by an individual who has funded extensive media relations work by the GWPF - including personal attacks on climate scientists and unsupported claims about climate science - should himself be subject to proportionate media scrutiny. For example, it seems unfair that the GWPF should encourage intense media scrutiny and vilification of Professor Phil Jones, who was driven to thoughts of suicide, while protecting the identity of the private individual who made this work possible.

**The GWPF is different from most charities**

38. I am asking for the identity of the seed donor of the GWPF to be disclosed. This is not based on an argument that the donors to all charities should be released under the Freedom of Information Act when that information is held by public bodies. Rather, I am arguing that the GWPF differs from other charities.
39. As quoted above, Lord Lawson has himself argued that the GWPF differs from most charities because its work is highly controversial.
40. There is evidence to suggest that this controversy exists because climate scientists, eminent scientific bodies and even the Chief Scientific Advisor to the Government, Sir John Beddington [Ref: Open Bundle: Tab 5 – Additional documentation; D Correspondence between Lord Nigel Lawson and Professor John Beddington (April – June 2010)], have questioned the scientific validity of the claims made by the GWPF. In short, there is controversy around the GWPF because many eminent figures question whether the charity is acting in the public interest.
41. In addition, I argue that the GWPF operates outside some of the guidelines of the Charity Commission because its main activities are political: it spends a considerable proportion of its resources campaigning for a change in government policy and it publishes and disseminates information which is demonstrably false.

## **Funding of organisations supporting climate change media work**

42. Charities that contribute to the public debate about climate change often name their funders. I have researched two charities whose stated aims are similar to those given by the GWPF and found that they both name a significant number of their donors, either directly on their websites or as part of annual reports which are available to download. As quoted above, in 2010 Dr Evan Harris, then an MP and a member of the Science and Technology Committee, raised the fact that Sense about Science named its funders with Lord Lawson. I have also researched the Science Media Centre on the basis that this is one of the most successful charities working in science communications.
  
43. The Science Media Centre facilitates effective communications by scientists and scientific bodies including extensive work with journalists and media organisations [ref: SOB051].
  
44. A simple Internet search using Google found the Science Media Centre's policy on donations and a list of contributors in less than four minutes. The annual review [ref: SOB051] contains a page about funding. It states: *"The Science Media Centre currently has over 80 funders, reflecting the diversity of organisations that feel they benefit from the improved environment for science in the media that the Centre promotes in the UK. These include scientific institutions and universities, science-based companies, media organisations and government bodies with a stake in science. In order to maintain independence from its funders, donations are capped at 5% of the running costs of the Centre, making the maximum single donation £22,500. The Wellcome Trust is the only exception to this, granting the Centre £30,000 per annum of core funding. The Science Media Centre is also indebted to Mr John Ritblat and family for making the capital development of the Centre possible."* There follows a list of more than eighty organisations although it is not explicitly stated that this is a comprehensive list.

45. Sense about Science is a registered charity that *“work[s] in partnership with scientific bodies, research publishers, policy makers, the public and the media, to change public discussions about science and evidence.”* [ref: SOB052].
46. The “Funding” section of the website is easy to find from the front page and gives a chart which breaks down the funding sources of the organisation into key categories, the most significant of which are trusts and foundations and individuals. Under the chart is the following statement: *“Sense About Science is grateful to the following organisations for their support for both core and project-related costs in financial year ending April 2010:”* The page then lists organisations which have provided funding. A brief review suggests there are no private individuals on the list.

#### **Lord Lawson and the energy sector**

47. Lord Lawson is the founder and chairman of the board of the Global Warming Policy Foundation. I will now present evidence that Lord Lawson has a long history of working in the interests of the energy sector. On this basis I argue that the public has a legitimate interest in establishing whether the seed funder of his charity, the GWPF, has any relationship with the energy sector.
48. Lord Lawson is a former energy minister and Chancellor of the Exchequer. During his entire political life he has been close to the energy industry. As Energy Minister he travelled to Saudi Arabia and neighbouring countries where he enjoyed the gifts and hospitality of oil ministers. The extent of this relationship, according to Lord Lawson’s own account, was “unusual”. In *The View from Number 11*, his autobiography, Lord Lawson wrote: *“...when in April 1983 I visited Saudi Arabia, Kuwait, Qatar and the Emirates, I was given a warm welcome in all these Gulf states. Indeed, in Saudi Arabia Yamani gave a luncheon in his own home in my honour, to*

*which he invited a number of his Cabinet colleagues and their wives – something our then Ambassador, James Craig, told me was a most unusual gesture of friendship.”*

49. Lord Lawson as Energy Minister and Chancellor was responsible for the most significant privatization in British history up until that point and was personally responsible for the creation of the privatized energy industry in the UK as we know it today: as chancellor he oversaw the privatization of British Gas.
50. After his retirement from frontline politics in the House of Commons, Lord Lawson continued to represent the interests of the energy sector. The registers of members’ interests at the House of Lords confirm that he was president of the British Institute of Energy Economics from 2000 to 2003. Company accounts for the BIEE confirm he fulfilled this role from 1994 to 2003 [Accounts for 2001, 2003, 2003 and 1996 can be found at ref: SOB007, SOB008, SOB009 and SOB011].
51. The accounts show that BIEE was established and then registered as a charity and was engaged in supporting relationships between the oil industry and energy interests more generally with government and academia. The BIEE accounts for 1986 [ref: SOB010] state: *“The principal activity of the Institute is the advancement of education and understanding of all economic aspects of energy at both national and international level...As a result of initiatives made in 1985, Corporate Membership has been introduced during 1986, and at 1 September there were 17 Corporate Members, representing principally energy industries and financial institutions.”*
52. The accounts for 1994 [ref: SOB011], when Lawson became president, state: *“Lord Croham retired as President at the end of the year and sincere thanks go to him for al his support during almost a decade in office. Council was delighted that The Lord Lawson PC felt able to accept the office in succession to Lord Croham. He in fact participated in the November Joint*

*Conference and also chaired the Russian Union of Oil Exporters' Conference in February 1995 organised by the RIIA." The same accounts also show that the BIEE organized joint meetings with the Institute of Petroleum and the RIIA and hosted speakers from BP and the Institute of Economic Affairs.*

53. The institute states that its sponsors include British Petroleum and Shell, the country's biggest oil interests. BIEE arranged meetings held at the headquarters of BP on an annual basis. The 2001 accounts [SOB007] state: *"The charity's object and its principal activity continues to be that of the advancement of education and understanding of all aspects of energy at both national and international levels."* In 2001 the institute received £17,455 from corporate sponsors, dwarfing the amount given by individuals, which was reported as £5,045.
54. The 2002 accounts [SOB2008] state that BIEE events included the Oil Markets Outlook presented at BP, the presentation of the BP Statistical Review of World Energy and a presentation titled "Energy Needs, Choices and Possibilities" by Doug McKay of Shell. The 2003 accounts [SOB009] state that Mike Smith of BP was chairman of the BIEE for the year.
55. Lord Lawson did not draw a salary as president for BIEE so one can assume that he held the role for reasons of personal principal. The accounts do not give a reason for his no longer being president of the charity. He left in 2003, two years before writing the article 'Against Kyoto' in which he stated his climate scepticism.
56. The BIEE, which is still in existence, does not currently mention anywhere on its website that its former president was Lord Lawson despite the prestige having the chancellor to Margaret Thatcher in its history would lend, according to a search conducted at 13.06pm on Sunday, January 8, 12.

57. Lord Lawson explains his interest in climate change in his book, 'Memoirs of a Tory Radical' as being a result of his invitation to join the Economics Affairs Select Committee in the House of Lords by happenstance.
58. The latest accounts available for BIEE, from 2010, [ref: SOB012] show that the charity continues to run events with BP and Shell. BIEE has also hosted Paul Golby, CEO of Eon.
59. At the same time as acting as president of the BIEE, Lord Lawson was chairman and a major shareholder in the Central Europe Trust. The Central Europe Trust states on its website that its clients include Shell, BP Ameco and other major oil interests. Lord Lawson has stated that: "*[CET Ltd] has not, in fact, had any oil company clients for many years now, and at the present time its only involvement in the energy sector is a small interest in wind and other renewables.*" [ref: SOB013].
60. The accounts for CET do not show how much the oil clients paid the company. However, the accounts show that CET went from making a healthy profit to making an equally unhealthy loss in 2003 [ref: SOB2014], the same year that Lord Lawson ceased to act as president of the BIEE.
61. Lord Lawson drew a salary of up to £76,000 as chairman of the CET [ref: SOB015] but has since divested his shares: CET is now owned by a Jersey based company and it is not clear whether it continues in any substantive way [ref: SOB016].
62. The evidence presented shows that Lord Lawson's financial interests and personal commitment have at times intertwined with the energy sector.

### **Lord Lawson and climate change**

63. Lord Lawson is the founder and chairman of the board of trustees of the Global Warming Policy Foundation. The scientific and policy analysis of Lord Lawson and the Global Warming Policy Foundation are to all intents



and proposes identical. Therefore, it is appropriate to provide evidence about the veracity of the scientific claims made by Lord Lawson, including in his book, “An Appeal to Reason: A Cool Look at Global Warming”.

64. The scientific statements made by Lord Lawson and the GWPF are often inaccurate and have repeatedly been challenged by climate scientists and those working in the field of climate policy.
65. Lord Lawson has been told by the Government’s Chief Scientist, Sir John Beddington, that the claims made in his book, *An Appeal to Reason*, are not accurate during an exchange of letters between two men released following a Freedom of Information Request. (Open Bundle reference: Tab 5 – Additional documentation; D Correspondence between Lord Nigel Lawson and Professor John Beddington (April – June 2010)]. The exchange of letters was reported in *The Observer* newspaper on 27 March 2011 under the headline, “Lord Lawson's 'misleading' climate claims challenged by scientific adviser” [ref: SOB025].
66. Significantly, Lord Lawson also makes the following comments in the letters: “...*the main focus of my book, as of the GWPF which I have founded, is not the science but what policies it is sensible to pursue, and which it is not sensible to pursue in the light of all we know or think we know about prospective global warming.*”
67. This statement strongly suggests that the object of the GWPF is government policy on climate change. It could be understood from this that the purposes of the foundation are political, which could mean that that the charity is acting outside the guidelines of the Charity Commission.
68. Bob Ward, the policy director of the Grantham Research Institute on Climate Change and the Environment, has repeatedly publicly pinpointed errors in fact disseminated by Lord Lawson and his foundation [ref: SOB020]. For example, Mr Ward wrote an article for the Guardian titled:

*“Lord Lawson’s GWPF is spreading errors”* on October 21 2011 which was subtitled, *“The former chancellor is an avowed climate sceptic – and the facts’ he represents are demonstrably inaccurate”* [ref: SOB26].

69. Despite the detailed refutation of the information given by the GWPF the foundation has not, as far as I can see, retracted these statements.
70. The GWPF publishes information of a highly political nature on its website, attacks scientific reports adding to the considerable evidence that climate change is taking place and expresses hostility to senior climate scientists and environmental groups.
71. The content on the site is not educational and does not provide balanced information on climate change. The most grievous example of this bias and hostility was a blog post noting the death of Osama bin Laden, a terrorist believed to be responsible for the 9/11 attack on New York and the death of more than 3,000 mainly US citizens with the headline, “Global Warming Spokesman Passes Away” [ref: SOB053, SOB054, SOB055, SOB056, SOB057].
72. The GWPF has already been subject to an investigation by the Charity Commission following a complaint from a member of the public which argued that “it is clearly a highly political organization whose trustees consist almost entirely of extremely outspoken climate change sceptics and whose aims are to influence the UK government in particular and others by means of propaganda and media manipulation on the matter of climate change” [ref: SOB058, SOB059]. The complaint has been released under the Freedom of Information Act but the commission has refused to release its intelligence report despite the fact the investigation has now concluded.

### **The scientific evidence for the impacts of climate change**

73. This is not the venue to discuss climate change science in all its complexity. However, an analysis of whether the GWPF acts in or against

the public interest can only take place with an understanding of the context of climate change science.

74. The International Panel on Climate Change (IPCC) draws upon the work of thousands of climate change scientists reviewing and analyzing mainly peer review literature to reach as balanced and accurate understanding of climate science as possible.
75. The most recent assessment report from the IPCC was published in 2007 that made a series of predictions about future climate change based on different emissions scenarios. However, since that report new evidence has emerged that climate change is more severe than the IPCC had then predicted. A paper by Rahmstorf et al in the peer review journal *Science* in May 2007 shows that observed sea level change is greater than the highest forecasts of the IPCC.
76. If the charity wanted to critique the IPCC or challenge this analysis it would make sense that it would highlight some science which suggests the UN panel has overestimated climate change and other evidence which suggests that it has underestimated the potential impacts. This would provide educational material that is balanced.
77. However, having spent a considerable amount of time reading the website, newsletters, press statements and authored articles by Lord Lawson, Dr Benny Peiser and other members of the academic advisory board it is clear that the function of the GWPF is not to educate or critique but to organize, lend credibility to and amplify climate denial in all its hues.
78. This view is confirmed by a statement in the accounts of the GWPF filed both with Companies House and with the Charity Commission. In the Director's Report written by Dr Benny Peiser and dated 20 October 2010, it states that: "*The GWPF does not have an official or shared view about the science of global warming – although we are of course aware that this issue is not yet settled. On climate science, our members and sponsors cover a*

*broad range of different views, from the IPCC position through agnosticism to outright skepticism*". This statement suggests that those who believe the IPCC may have underestimated climate change are excluded from the foundation while it is also evident that anyone who does support the IPCC science does not contribute to GWPF publications in any meaningful way.

## **Influencing policy**

### **The GWPF and the Chancellor Lord Lawson**

79. Lord Lawson has been successful in influencing public opinion and gaining access to key decision makers who will influence government policy on the regulation of greenhouse gasses. The Treasury, in responding to a Freedom of Information request made by the Request Initiative, confirmed in September 2011 that Lord Lawson has met with the current chancellor, George Osborne on two occasions, on 10 June 2010 and 2 December 2010 [ref: SOB027]. The Treasury has classified the meetings as party political rather than governmental and has on this basis refused to disclose any information regarding what took place at these meetings, including whether climate change policy was discussed.

### **The Global Warming Policy Foundation and the House of Lords**

80. The Board of Trustees consists, among others, of members of the House of Lords belonging to each of the benches: the Conservative (Lord Lawson), Labour (Lords Barnett and Donoughue) and Liberal Democrat (Baroness Nicholson) bench as well as the Crossbench (Lord Fellowes) and bishops' bench (Rt Rev Peter Forster). The GWPF does not yet have any MPs who are members, according to publicly available information.

81. The activities of the GWPF have a direct bearing on the formulation and implementation of government policy relating to the mitigation or otherwise of carbon dioxide and other greenhouse gasses. The House of Lords retains the power to prevent proposed legislation becoming law.

82. Moreover, Lord Lawson has used the venue for media events adding considerable political gravitas to such occasions. Therefore, the GWPF through its representation across all benches has the potential to influence legislation relating to climate change and the formulation and implementation of government policy and procedures.

### **Media messaging of the GWPF**

83. The GWPF is a registered charity so it would be assumed is acting in the public interest. However, there are limitations to the extent to which a charity can be a political, campaigning organization. I will now present evidence to establish the extent to which the GWPF is political and is proactive in campaigning for changes to legislation and government policy regarding climate change.
84. The GWPF has been the most prolific climate sceptic organisations in terms of media messaging. According to the executive summary of the Poles Apart study by James Painter of the Reuters Institute of the Study of Journalism [ref: SOB017]: *"The Global Warming Policy Foundation (GWPF) has been particularly successful in getting its views reported across most of the 10 newspapers [in the UK]. The two most quoted sceptics by far in the second period where Lord Lawson and Benny Peiser (more than 80 times between them), both from the GWPF. This compares with the 13 times for the most quoted climate sceptic scientist (Professor Ian Plimer)."*
85. The GWPF also states in media interviews that it does not challenge the science of climate change. This is evidenced by a short extract from an article published in the Guardian on 4 December 2009 [ref: SOB020] which includes comments by the director of the Global Warming Policy Foundation, Dr Benny Peiser: *"We are certainly not taking a critical stance on the basic science of the greenhouse effect or the fact that CO2 emissions in the atmosphere are having an effect on the climate." He said the foundation exists to help restore a less "hysterical" and "emotional" debate*

*on the subject and promote what he calls a more "flexible and long-term approach" to the problem."*

86. The suggestion that the GWPF does not challenge the basic science of climate change is demonstrably false. As an example, the GWPF has given quotes to the media attacking claims by the world's leading scientists that Arctic sea ice is melting dramatically as a result of global warming.
87. A very stark example of this is an article in the Telegraph newspaper from 13 December 2011 [ref: SOB21] in which a comment from Dr David Whitehouse to directly contradict Dr Mark Serreze of the US National Snow and Ice Data Centre (NSIDC) and the Met Office scientist Vicky Pope. The article quotes Dr Whitehouse as being from the GWPF.
88. Dr Peiser has repeatedly challenged the basic science of climate change in the media, including questioning whether global warming is taking place at all. As an example, he gave a quote to Hannah Devlin and Robin Pagnamenta of the Times that was published on December 1 2009 [ref: SOB018] relating to sea level rise predictions from Professor James Hansen of NASA. He said: *"The predictions come in thick and fast, but we take them all with a pinch of salt. We look out of the window and it's very cold, it doesn't seem to be warming. We're very concerned that 100-year policies are being made on the basis of these predictions."*
89. Further evidence that the GWPF attacks climate science and supports others that do the same can be seen in its response to comments made by Professor Harold Lewis as reported in the Express newspaper on October 12, 2010 in a story headlined "Global Warming is 'the Greatest Fraud in 60 Years'" [Ref: SOB019]. Professor Lewis describes global warming as a "scam" to divert "trillions of dollars" which has "corrupted" climate scientists, according to the Express. The report states: *"Yesterday Benny Peiser, of the climate-sceptical Global Warming Policy Foundation, said Prof Lewis has agreed to join its advisory council."*

90. Dr Benny Peiser in a letter to the *Sunday Telegraph* headlined, "Global Warming theory doesn't fit the climate" [ref: SOB022] also challenges the very basic scientific claim that global warming is taking place. He quotes Professor Phil Jones as claiming "*there has been no statistically significant global temperature rise since 1995*". Statistically significant means there is a 95 percent certainty that a fact is true. At the time this letter was published there was 90 percent certainty that global warming had taken place since 1995. Dr Peiser is arguably exploiting the complexity of scientific terms to give the impression there has been no global warming to a lay audience.
91. The GWPF has invited scientists to speak in the UK who have directly challenged the very basic science of climate change and supported their work in challenging the science in the media. As an example, Professor Bob Carter of James Cook University spoke at a GWPF organized event in London and his comments were reported in the Express newspaper on December 1, 2010 with the headline, "Learn to Live With Climate Change" [ref: SOB023].
92. Peiser attacks government policy on wind farms in comments quoted in the *Daily Mail* [ref: SOB024] on 11th July 2011 stating: "*It is the inevitable and inexorable consequence of a costly, unpopular and completely pointless policy that is butchering Britain's green and pleasant landscape without having any effect on the climate.*"

**Reports and publications from the GWPF:**

93. The fact that the GWPF challenges the basic science of climate change in order to lobby the government to challenge its policy is very starkly illustrated by the report authored by Andrew Turnbull for the GWPF titled, *A Really Inconvenient Truth* [ref: SOB028] which was reported in the Telegraph on 16 May 2011 [ref: SOB029].

94. Lord Turnbull is described as a trustee of the GWPF and a link to a longer version of the article on the GWPF website is given [ref: SOB029]. In the article he states: *“On the face of it, this [the current government position] seems like a cohesive package: policy is aligned with scientific advice. But the Really Inconvenient Truth (not the one in Al Gore's film) is that this whole edifice is flawed and built on shaky foundations. First, the science is nowhere near as conclusive as it is presented. Though there is no disagreement that CO2 is a greenhouse gas, there is no consensus on the relationship between CO2 and temperature. Many scientists also challenge the dominant role assigned to man-made CO2, arguing that other variables such as the sun, cosmic rays, oceans and clouds have been underplayed. Given this, it is unwise of the Government to have placed such heavy bets on just one interpretation of the evidence.”*
95. The same report was reported in the Daily Mail newspaper with the headline: *“We Must stop pandering to climate scaremongers: Ex-Civil Service chief blasts ministers for global warming ‘evangelism’.”* [ref: SOB030].
96. The report and the comments quoted in the Daily Mail show that the report is entirely political and aimed directly at persuading government to change policy. Lord Turnbull is quoted as saying: *“From our politicians we need open-mindedness, more rationality, less emotion and less religiosity; and an end to alarmist propaganda and to attempts to frighten us and our children”. “And we want them to pay more attention to the national interest and less to being global evangelists.”* [ref: SOB030]
97. The report about government climate policy is described by the Daily Mail as an “unprecedented assault”. The Daily Mail states: *“In it, he describes the Government’s expansion of wind power as folly and warns that Britain was rushing too quickly into a costly low carbon future. He condemned Britain’s self-imposed legally binding climate change targets as ‘unilateralism’ at a time when other countries are doing very little...He*



*singles out the Conservative Party for its 'uncritical adoption of the green agenda' as a way to help them escape 'the nasty party image'.*

98. Lord Turnbull also attacks the basic science in the report, which the Daily Mail summarizes in the following way: *"Lord Turnbull accepts that global temperatures have been rising for the past 150 years and that some of that increase was caused by rising levels of CO2 in the atmosphere...However, he claims there is still 'huge controversy' about the role of the sun, cosmic rays, clouds and oceans in climate change..."There has been a consistent pattern of cherry-picking, exaggeration, highlighting of extremes and failure to acknowledge beneficial effects,' he said [of the IPCC]."*
99. The Daily Mail states: *"On the IPCC's work on the impacts of climate change, he declared: 'This is where their work is at its shabbiest; lots of dramatic claims about sea levels, melting glaciers, ice, crop yields, extinction of species eg polar bears.' He denounced the senior scientists who have become 'campaigners, trying to close down debate'."*
100. The report and media campaign was so successful that it prompted a letter to Lord Lawson and Lord Turnbull in response from the Secretary of State for Energy and Climate Change, Chris Huhne, in which he described the report as "misinformed", "wrong" and "perverse", according to an article published in the Guardian on 22 November 2011 [ref: SOB031].
101. In the letter, Huhne wrote: *"Let me say straight away that [I] believe that you have been misinformed and that your conclusions are poorly supported by the underlying science evidence."* He goes on to say: *"It would be perverse to ignore this well attested and thoroughly reviewed body of evidence."* Huhne tells Lawson and Turnbull: *"It is not true to say that UK climate change policy relies on a single source of evidence,"* and that *"you wrongly assert that the UK is taking unilateral action"* in tackling climate change. In conclusion, Huhne writes: *"The scientific case for action is robust. We would be failing in our duties to pretend otherwise and we must*

*with other countries take the actions necessary to protect our planet from significant climate change" [ref: SOB031].*

102. The GWPF has also used its own reports to publish allegations of fraud against leading climate scientists. Andrew Montford, a blogger, authored the GWPF's first report titled the Climategate Inquiries in September 2010 [ref: SOB060]. The report contains a section titled *Fraud Allegation* in which the following statement appears: "Despite being aware that a fraud allegation had been made against [Professor Phil] Jones, the committee do not appear to have investigated the issue."
103. Dr Evan Harris, then an MP and a member of the committee named by Montford above, was quoted in the Guardian on 14 September 2010 in a report titled "'Climategate' inquiries were 'highly defective', report for sceptic thinktank rules" [ref: SOB061] as saying: "It would have given weight to [the allegation] that it may not deserve," he said. "Some of the claims in this area are absurd and, frankly, defamatory. It would have been extremely dubious to have random defamatory allegations dealt with individually."
104. In the same Guardian report cited above Andrew Montford is quoted as saying: "I'm partisan in this argument. There's no denying that." [ref: SOB061].
105. The choice of the "partisan" author and the "absurd" nature of the allegations made in the report raise questions about the GWPF's status as a charity and its obligations to provide balanced and impartial and factually accurate information when campaigning.

### **The website content of the GWPF**

106. A representative selection of articles from the GWPF website demonstrates that the information they provide about climate science and climate change is highly partial and at odds with the scientific

consensus on the subject which has been debated and argued over by the scientific experts. One of the most frequently recurring arguments made by the body is that a slow-down in global temperature rise over the last decade means that global warming has stopped. This is a key climate skeptic claim and is made several times on the GWPF website.

107. Dr David Whitehouse, the chairman of the GWPF academic advisory council, wrote an article for the website which was posted on 01 October 2010 under the title: “Nothing Wrong With Our Graph” in which he defends the claim by the GWPF that the last decade of temperature records show that global warming is not taking place [ref: SOB032].
108. The GWPF reposted a very similar article written by Patrick Michaels and published by Forbes on the 16 July 2011, titled: “Why Hasn’t The Earth Warmed in Nearly 15 Years?” [ref: SOB033].
109. The GWPF have repeatedly covered the so-called ‘Climategate’ email hack, in which emails were stolen from the University of East Anglia and released on the internet. Many articles on their website refer to or rely upon the email’s content to cast doubt on the science of climate change. This despite the conclusion of several independent inquiries, which found that the contents of the emails did not cast doubt upon the basic science of climate change.
110. A clear misrepresentation of private emails written by Professor Phil Jones of the University of East Anglia in the form of a republished article from the Register. The headline “*Climategate 2.0: ‘All Our Models Are Wrong’, Phil Jones Concedes*” published on 23 November 2011 [ref: SOB034] is misleading. The GWPF has not, as far as I can establish, published widely available statements by Professor Jones indicating the true context of the quote from his email. This suggests a material lack of balance in the material the GWPF chooses to reproduce on its website.

111. The content on the website also suggests that the GWPF is politically biased and has been campaigning for a change in government policy. A post entitled "*GWPF Calls for Suspension and Review of Unilateral Climate Targets*" published on 12 May 2010 [ref: SOB035] contains the following statement: "*In the national interest, the GWPF wishes the new Conservative/Liberal Democrat coalition every success*". It adds: "*...it is clear that the UK cannot afford, above all unilaterally, to move to a low carbon, let alone zero carbon, economy.*" Nigel Lawson is quoted as stating: "*At the very least, given the financial and economic state we are in, the new Government should phase out all energy subsidies of all kinds, and suspend unilateral targets...*" Dr Benny Peiser adds the comment: "*For the UK, which accounts for less than 2% of global carbon emissions, to go it alone is not merely suicidal but pointless.*" This is clear evidence that the GWPF is trying to influence government policy.
112. Lord Lawson writes in an article for the *Wall Street Journal* which was reposted on 21 December 2009 to the GWPF website [ref: SOB036] that: "*Despite the overwhelming evidence of the Copenhagen debacle, it is not going to be easy to get our leaders to move to Plan B [adaption and investment in technology].*" This further indicates that the aim of the GWPF is to influence government policy both in the UK and internationally.
113. The GWPF has shown a consistent and energetic lack of balance in relation to people it considers "green" or environmental, including reposting articles that make very extreme claims about environmentalism. As an example, the GWPF reposted an article headlined "The Green Nazi Deep Ecology Of Martin Heidegger" on 10 July 2011 which originally appeared in *the American Thinker*. The author, Mark Musser, states: "*One of the most influential philosophers of the 20th century, foundational to the academic left and deep ecology of the greens, was committed to Nazism.*" It is unclear how this article supports the GWPF's charitable aims of supporting education on climate change policy.

114. The GWPF frequently uses the terms “warmist” and “alarmist” to describe someone who believes that climate change is happening and poses a risk to human society. For example, the GWPF reposts an article by Gerald Warner headlined “Gerald Warner: Weathering The True Lies Of Global Warming Newspeak” originally published in Scotland on Sunday on Boxing Day, 2010, which uses the terms "warmist propoganda" and "warmist fanatics" [ref: SOB038].

### **CCNet, the newsletter of the GWPF**

115. The Climate Policy Network newsletter titled “CCNet” is distributed from Dr Benny Peiser’s GWPF email and under the official GWPF banner header. The newsletter is emailed to thousands of people including MPs, members of the House of Lords, MEPs, US Senators and members of the House of Representatives, journalists and members of the public.
116. It is believed the newsletter is emailed to people who request to join the list and also members of the GWPF. The list has been in existence longer than the GWPF and was originally sent from Dr Peiser’s work email address at Liverpool John Moores University (LJMU) and publicly archived on its servers. Dr Peiser no longer works at LJMU.
117. CCNet content usually consists of summaries of newspaper content about climate change, highlighting news stories or opinion articles that support climate scepticism, followed by the news article in full. I have read more than 200 newsletters and have found no examples of where CCNet has reposted articles supporting climate change science or scientists.
118. In the immediate aftermath of the accident at a nuclear power station in Japan, Dr Peiser sent out a newsletter with the title, “Japan’s Tsunami Threatens Global Warming Movement” [ref: SOB039].

119. The first article to be disseminated was by Andrew Bolt of *the Herald Sun* published on 16 March 2011 which states: *“The nuclear emergency in Japan will be a disaster for global warming activists. For a start, Japan's own emissions will most likely rise in the medium term, now that so many nuclear plants - one of the most greenhouse-friendly power sources - have been knocked out.”*
120. CCNet has been active and robust in celebrating the new technology of shale gas and oil. A newsletter dated 22 March [ref: SOB040] reposts a Times article from the previous day which declares: *“Dr Vinegar, the former chief scientist of Royal Dutch Shell, is at the centre of an ambitious project to turn Israel into one of the world's leading oil producers.”*
121. CCNet is often a vehicle for attacks on UK government policy relating to climate change. This takes the form of reposting articles and also of distributing GWPF content. An example of this was the newsletter from February 11 2011, which had the headline ‘Green Policy In Deep Crisis, UK Government Concedes’ [ref: SOB041] in which Dr Benny Peiser sends out an article in which he himself is quoted.
122. Other headlines from CCNet include: *Climategate Fallout / IPCC No Longer Trusted By US Policy Makers* [21/02/11 - ref: SOB042]; *Anger Over Prince Charles's Climate Change Blast* [10/02/11 – ref: SOB043]; *Former Cabinet Secretary Questions Blind Faith In Climate Alarmism* [16/05/11 – ref: SOB044]; *Everything You've Heard About Fossil Fuels May Be Wrong* [01/06/11 – ref: SOB045] which repeats claims that *“The arguments for converting the economy to wind, solar and biomass energy have collapsed”*; *At Last: UK Industry Demands Government Rethink On Unilateral Climate Policy*; *69% Believe Scientists Have Falsified Global Warming Research* [04/08/11 – SOB045] and *Let Them Eat Carbon: Britain's Green Tax Con* [15/08/11 – ref: SOB046].

### **The genesis of climate skepticism.**

123. The GWPF argues that skepticism is an essential element of science and that the organization represents this healthy intellectual approach and is merely educating the public about the considerable uncertainties about the science of climate change. However, climate skepticism is not the product of scientific rigor but rather a public relations strategy designed to protect the interests of the oil industry.
124. I am not speculating as to whether Lord Lawson and the GWPF are witting participants in this public relations exercise or genuine sceptics who have been convinced by the arguments and innuendo which has been deliberately manufactured by public relations experts acting on behalf of the energy industry. I do not intend to make windows into men's souls. However, what is evident is that the messaging of the GWPF is entirely consistent with the founding strategy of the public relations driven climate scepticism emanating from the United States and for this reason it is necessary to outline that strategy and some of the key messages which it hoped to propagate in the public mind.
125. The American journalist Ross Gelbspan documented as early as 1997 in his book *The Heat is On* the repeated tactic of the energy industry of establishing front groups which would disseminate climate change denial and misinformation about climate change science. In a chapter titled 'The Battle for Control of Reality' he states: "*Over the last six years the coal and oil industries have spent millions of dollars to wage a propaganda campaign to downplay the threat of climate change.*"
126. This statement is evidenced by specific examples: "*The Information Council on the Environment (ICE) was the creation of a group of utility and coal companies. In 1991, using the ICE, the coal industry launched a blatantly misleading campaign on climate change that was designed by a public relations firm. This public relations firm clearly stated that the aim of the campaign was to "reposition global warming as theory rather than fact". He adds: "Western Fuels elaborated on its approach in*

*another report: 'When [the climate change] controversy first erupted at the peak of summer in 1988, Western Fuels Association decided it was important to take a stand... [S]cientists were found who are skeptical about much of what seemed generally accepted about the potential for climate change ... Western Fuels approached Pat Michaels about writing a quarterly publication designed to provide its readers with critical insight concerning the global climatic change and greenhouse effect controversy ... Western Fuels agreed to finance publication and distribution of World Climate Review magazine.'*

127. Professor Naomi Oreskes and Erik M Conway document in their book *The Merchants of Doubt* how the methods of climate denial generally, and the use of think tanks in particular, were used originally to attack the science linking smoking to cancer and later the issues of DDT and acid rain. Exactly the same techniques and regularly the same individuals, institutions and ideas were also used to attack climate science.
128. As a single example, Professor Oreskes presents the following evidence: *"In 1989 – the very year the Berlin Wall fell – the Marshall Institute issued its first report attacking climate science. Within a few years, they would be attacking climate scientists as well. Their initial strategy wasn't to deny the fact of global warming, but to blame it on the sun. They circulated an unpublished "white paper", generated by Jastrow, Seitz and Nierenberg and published as a small book the following year, entitled 'Global Warming: What Does the Science Tell Us?'. Echoing the tobacco industry strategy, they claimed that the report would set the record straight on global warming."*

### **The aims and strategies of climate skepticism.**

129. The modus operandi of the energy sector in influencing the public understanding of climate change has been long understood. John Cushman reported in *the New York Times* on April 26, 1998 that the National Environmental Trust had obtained an internal eight-page memo from an oil industry source outlining how finance from the industry



would support media work, including recruiting scientists to challenge the consensus on global warming.

130. The memo was drafted by Joe Walker, a public relations representative of the American Petroleum Institute. The strategy included giving climate dissenters *“the logistical and moral support they have been lacking”*; to spend \$5 million over two years in order to *“maximize the impact of scientific views consistent with ours on Congress, the media and other key audiences”*; to recruit *“respected climate scientists”* expressly *“to inject credible science and scientific accountability into the global climate debate, thereby raising questions about and undercutting the ‘prevailing scientific wisdom’.”*
131. The memo states starkly that: *“Victory Will be Achieved When: Average citizens “understand” (recognise) uncertainties in climate science; recognition of uncertainties becomes part of the “conventional wisdom”; Media “understands” (recognises) uncertainties in climate science; Media coverage reflects balance on climate science and recognition of the validity of view points that challenge the current “conventional wisdoms”; Industry senior leadership understands uncertainties in climate science, making them stronger ambassadors to those who shape climate policy; Those promoting the Kyoto treaty on the basis of extant science appear to be out of touch with reality”.*
132. Despite the memo being revealed by the New York Times the same strategy has underpinned the climate sceptic attack on science ever since. The GWPF has the same aims and objectives as those outlined in the strategy, from providing logistical and moral support to scientific outriders on climate change to funding staff to produce materials for policymakers and journalists to appearing on television and providing comment to the national press which challenges established scientific facts relating to climate change.

### **Effectiveness of climate scepticism.**

133. A key issue which we as a society face is the impact that climate scepticism has. Climate sceptics, and those who would naturally support freedom of speech and balanced journalism, present what appears to be a common sense defence of the right of those who challenge climate scepticism to be represented in the media.
134. The problem is that climate science is very complex and the fact that almost all the claims being made by climate sceptics have shown to be wrong does not mean that when repeated in the media they will be dismissed by readers and members of the public generally. The complexity of the issue means that a broad and deep understanding of climate science is needed to filter fact from fiction. The severity of the outcomes of climate changes suggest that the public interest is best served by journalists and publications filtering fact from fiction rather than representing both sides of the debate (and therefore publishing the fictional arguments of the sceptis).
135. Scientific research has suggested that when members of the public are presented with a myth (in this case about flu vaccines) followed by a factual and thorough rebuttal they will immediately understand the science and come down on the side of fact. However, they will in time forget the intricacy of the rebuttal and only remember the stark myth. The rebuttal can in fact reinforce the myth in some people's minds. This has become know as the 'Familiarity Backfire Effect' (Skurnik, I., Yoon, C., Park, D., & Schwarz, N. (2005). *How warnings about false claims become recommendations*. Journal of Consumer Research, 31, 713-724.)
136. This means simply arguing the case within the sound-bite driven media is no solution to serving the public interest in reporting climate change. Instead, what is necessary is a clear understanding of the science. John Cook of the Global Change Institute, University of Queensland, and Stephan Lewandowsky of the School of Psychology, University of Western Australia, state in *The Debunking Handbook: "Is it possible to completely*

*eliminate the influence of misinformation? The evidence indicates that no matter how vigorously and repeatedly we correct the misinformation, for example by repeating the correction over and over again, the influence remains detectable. The old saying got it right - mud sticks."*

137. The GWPF in confusing people and disseminating very old and long ago discredited claims about science are doing exactly the opposite. Therefore there is very evidently a public interest in establishing who has been funding this work.

### **The Royal Society and climate skeptic think tanks.**

138. On September 4, 2006, Bob Ward who was then at the Royal Society wrote to ExxonMobil to express concern that the oil company was funding climate sceptic organisations [ref: SOB062]. He wrote in the letter: *"...some 30 organisations were featuring information on their websites that misrepresented the science of climate change, by outright denial of the evidence that greenhouse gases are driving climate change, or by overstating the amount and significance of uncertainty in knowledge, or by conveying a misleading impression of the potential impacts of anthropogenic climate change. My analysis indicates that Exxon Mobil last year provided more than \$2.9 million to organisations in the United States which misinformed the public about climate change through their websites."* In response to the letter, ExxonMobil stated it would no longer fund organisations which promoted climate scepticism.

139. A Daily Telegraph report dated 02 Jul 2009 [ref: SOB063] states: *"Company records for 2008 show that ExxonMobil gave \$75,000 (£45,500) to the National Center for Policy Analysis (NCPA) in Dallas, Texas and \$50,000 (£30,551) to the Heritage Foundation in Washington. It also gave \$245,000 (£149,702) to the American Enterprise Institute for Public Policy Research in Washington. The list of donations in the company's 2008 Worldwide Contributions and Community investments is likely to trigger*

*further anger from environmental activists, who have accused ExxonMobil of giving tens of millions to climate change sceptics in the past decade.”*

### **The funding of climate skepticism by the energy industry**

140. The founding of the GWPF as a charity with educational aims which conducts significant media work challenging climate science is best understood within the context of evidence showing that historically the energy industry has financed think tanks including charities which have denied that global warming is real, man made and requires urgent government action.
  
141. ExxonMobil has contributed millions of points to climate sceptic think tanks, according to its own reports and tax documents. Greenpeace analysed these documents in order to produce a report in May 2007 titled “*ExxonMobil’s Continued Funding of Global Warming Denial Industry*” [Ref: SOB002].
  
142. Its *Key Conclusions* state: “*ExxonMobil’s newly published World Giving Report reveals that in 2006, ExxonMobil funneled \$2.1 million in grants to some 41 think tanks and front groups that continue to deny the science and block government action on global warming. (See Appendix A). Total ExxonMobil funding to all denial organizations from 1998 to 2006 now totals nearly \$23 Million, according to the ExxonSecrets.org database. Twenty four of the groups identified in a January 2007 report by the Union of Concerned Scientists as manufacturing uncertainty around global warming science between 1998 and 2005 received an additional \$1.6 million in funding in 2006. Four groups that received continued funding in 2006 have consistently been at the center of ExxonMobil’s fight against action on global warming. These groups were named as participants in the leaked 1998 American Petroleum Institute memo that detailed the Global Climate Science Communications Plan, a multiyear, multimillion dollar strategy to manufacture uncertainty around the science of global warming. These groups are The Heartland Institute, George C. Marshall Institute,*

*American Legislative Exchange Council and Frontiers of Freedom. Total 2006 funding to these groups was \$421,000 with a sum of over \$3.6 Million since 1998."*

143. A report by Greenpeace US titled *Koch Industries Secretly Funding The Climate Denial Machine* published in 2010 [ref: SOB003] shows that that Koch Industries donated \$48 million to climate sceptic organisations from 1997 to 2008. During the last three years it donated \$25 million to climate deniers. Koch at the same time gave \$5.7 million to political campaigns and \$37 million on direct lobbying to support the energy industry. Much of the money was donated to think tanks that have supported climate skepticism, including Americans for Prosperity (\$5.17m), the Heritage Foundation (\$1.62m), the Cato institute (\$1.02m) and the Manhattan Institute (\$800,000).

144. Exxon, Koch Industries and other oil interests have also directly funded scientists. A report in the Guardian dated 28 June 2011 and headlined *Climate sceptic Willie Soon received \$1m from oil companies, papers show* [ref: SOB005] states: "*Dr Willie Soon, an astrophysicist at the Solar, Stellar and Planetary Sciences Division of the Harvard-Smithsonian Centre for Astrophysics, is known for his view that global warming and the melting of the arctic sea ice is caused by solar variation rather than human-caused CO2 emissions, and that polar bears are not primarily threatened by climate change. But according to a Greenpeace US investigation, he has been heavily funded by coal and oil industry interests since 2001, receiving money from ExxonMobil, the American Petroleum Institute and Koch Industries along with Southern, one of the world's largest coal-burning utility companies.*"

145. Brad Miller, a North Carolina Democrat, in the United States House of Representatives, said following the revelation by Greenpeace that Exxon was continuing to fund climate sceptic organisations in 2006: "*The support of climate skeptics, many of whom have no real grounding in*

*climate science, appears to be an effort to distort public discussion about global warming ... So long as popular discussion could be about whether warming was occurring or not, so long as doubt was widespread, consensus for action could be postponed."* His comments were quoted by USA Today in a report published on 19 May 2007 in an article headlined "Greenpeace: Exxon still funding climate skeptics" [ref: SOB006].

### **Exxon funding, climate skepticism and the GWPF**

146. Funding from Exxon Mobil, Koch Industries and other oil interests has been directed into a complex network of think tanks which have been directly involved in creating doubt about climate science, including those linked directly with the GWPF.
147. As an example, it can be seen from this graph that BP has funded the Institute for Economic Affairs, as has Exxon via the American Friends of the Institute of Economic Affairs. Dr David Henderson is a fellow of the Institute of Economic Affairs and has had at least two of his books published by the think tank. In turn, David Henderson is the chairman of the academic advisory council of the GWPF.
148. In a similar fashion, the Institute of Economic Affairs was instrumental in establishing the University of Buckingham which in turn was involved in establishing the GWPF with Dr Benny Peiser being both a visiting fellow of the university and director of the foundation and the vice chancellor of the university Professor Terence Healey sitting on the academic advisory council of the foundation, to name just two of the connections.
149. Within this context the public has a legitimate interest in knowing if the seed funder is related to the oil industry beyond the standard set by Lord Lawson and accepted by the charity commission: that he does not have a substantial interest in an energy company.

150. History has shown conclusively that the oil industry in particular and the energy sector more generally has funded climate denial and that this funding has been “exposed” by organisations campaigning for effective government led regulation and market intervention to prevent climate change.
151. It seems logical that the oil industry might want to consider trying to fund climate denial in less transparent means. This might include setting up a new think tank which has a protocol which prohibits taking gifts from people working for oil companies or who have a substantial interest in the energy industry but might nonetheless enjoy financial and other forms of support from the energy industry or at the very least continue to serve their interests. Within this context there is a clear and compelling legitimate interest in the public having access to information relating to the funding of the GWPF.
152. To conclude, the Global Warming Policy Foundation is a registered charity and at first blush there seems a clear public interest in preventing the disclosure of the name of the seed donor both because of the provisions of the Data Protection Act and the public interest in ensuring that people who donate to charity anonymously continue to support good causes. However, the Global Warming Policy Foundation is not a good cause and does not act in the public interest. Lord Lawson, the chairman and founder of the Global Warming Policy Foundation, has since becoming Energy Minister in 1981 served the interests of the oil industry, arguably over the interests of the public more generally. Some would argue this was true when it came to the sale of British Gas. Lord Lawson was paid handsomely serving oil companies including BP Amoco and Shell as clients to his consultancy business Central Europe Trust. During the same time he served for many years as president of the British Institute of Energy Economics, which takes corporate sponsorship from Shell and BP in order to bring the oil industry into close contact with government and academics. I argue that the Global Warming Policy Foundation serves the

interests of the oil industry by attacking climate scientists, attacking climate science and disseminating demonstrably false information about climate change. In doing so, the Global Warming Policy Foundation serves in a long and well-documented tradition of neo-liberal think tanks propagating climate denial. The founding fathers of this tradition are funded directly by ExxonMobil and the Charles G Koch Foundation, among others. Within this context the legitimate public interest in knowing the origins of the funding of the Global Warming Policy Foundation far outweighs the private rights of one individual. This would be the case if the seed donor were not a wealthy individual who already enjoys public renown and who has previously been very proud to have supported charitable causes publicly. The Global Warming Policy Foundation acts against the public interest and is demonstrably campaigning for political government policy changes on climate changes. As such it should not enjoy the privileges of being a charity and should not automatically be granted the right to remain secretive about its funders. It is manifestly unfair that the seed donor of the Global Warming Policy Foundation should remain comforted by anonymity while sponsoring shrill and unfounded attacks of “scientific fraud” against prominent climate scientists like Professor Phil Jones of the University of East Anglia. It is manifestly unfair that the seed donor should remain a secret while paying for public relations work which clearly benefits so few, the oil industry, to the detriment of so many, the public at large. The climate denial of the Global Warming Policy Foundation is damaging to the public interest and could be one of the seeds of destruction to be reaped by future generations. The public interest can only be served by disclosing the name of the funder of the Global Warming Policy Foundation.



I believe that the facts stated in this witness statement are true.

Signed

A handwritten signature in blue ink, appearing to read "J. Mark" followed by a large, stylized flourish.

Date

08/01/12