

***Dr Richard A E North v The Guardian***

Clauses noted: 1

Dr Richard A E North complained to the Press Complaints Commission that a blog post published on guardian.co.uk, headlined "Sunday Times admits 'Amazongate' story was rubbish. But who's to blame?", was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The complaint was not upheld.

The article was a blog post by George Monbiot which followed the publication of a correction by the Sunday Times in regard to an article of 31 January 2010. The article referred to the complainant. The complainant had also complained that the correction itself was inaccurate and misleading, and the Commission has issued a separate adjudication in this regard.

The complainant said that the following statement in the post was inaccurate and misleading: "Now that the IPCC has been vindicated, its accusers, North first amongst them, are exposed for peddling inaccuracy, misrepresentation and falsehood". While the complainant took no issue with the columnist's "insulting tone, nor his free use of obvious insults", he said that such a claim went "over the line". Although written in a blog, this was not "framed as opinion or intended as such". The complainant said that it could not be correct to argue that a blog necessarily only dealt with opinion. He rejected the 'fair comment' defence put forward by the newspaper when he contacted it directly to complain.

The complainant pointed to two issues: the assumption that the IPCC had been "vindicated"; and the assertion that the complainant had been "exposed for peddling inaccuracy, misrepresentation and falsehood". He rejected both claims.

In regard to the first, the complainant said that the columnist did not know the full story as to why the Sunday Times article had been retracted: the issues relating to the IPCC had predated the article and been published by other newspapers which had not retracted the claims. The columnist had failed to go beyond the fact of the retraction and the apology to look at all the issues. On the second point, the complainant said that - while he had assisted in terms of research on the Sunday Times article - he did not write the piece, and could not be held responsible for it.

The newspaper said that its columnist was renowned for his "robust polemic style". The post in question was clearly a comment piece: it had been labelled as the columnist's blog, and used the language of comment. It was "quite clearly his opinion, based on his own knowledge and beliefs". It argued that the claims were 'fair comment'. Readers would have recognised that other views were available on a highly contentious subject about which the columnist and the complainant clearly held entirely contrary opinions.

The newspaper said that the claim that the IPCC had been "vindicated" was clearly an opinion (based on the correction in the Sunday Times which readers could access via a related blog). The reference to vindication in itself risked challenge, as this was a subjective point; however, the columnist had made plain the basis for this conclusion and it was "unnecessary for him to consider every unretracted polemic against the IPCC in reaching that view".

The further claim about "peddling inaccuracy, misrepresentation and falsehood" was an opinion which extended logically from his view that the IPCC had been vindicated in the face of its critics (with the complainant chief amongst them): "In other words, if the UN body had not been 'shamed' and had not made 'bogus claims' (as the Sunday Times had claimed); and if its statement on climate change was in fact 'supported by peer-reviewed literature' and 'did relate the impact of climate change' on the rainforest (PCC-agreed correction), it was therefore not guilty of 'false

predictions' and 'grossly exaggerated' claims 'unsupported by science' which Dr North - in Monbiot's opinion - has inaccurately stated in his blogs".

The newspaper added that each side in the climate change debate may - and frequently does - accuse the other of getting it wrong, and that scientific debate depended on claims being challenged and debunked. In this case, the columnist had apologised for one error (which had been appended prominently to the blog) and the newspaper had offered the complainant an opportunity to reply of 1,000 words, cross-linked from the blog. He had taken up this offer.

The complainant said that he had taken up the offer, which had been made before the involvement of the Commission. However, his complaint rested on the newspaper's claim that anything labelled as comment allowed the author to avoid any responsibility for factual accuracy: while columnists could be robust in expressing their views, they were required to base those views on fact. He said that the two claims had been presented as fact, which did not allow for alternative possibilities of interpretation. He requested an apology from the newspaper.

#### *Adjudication*

The article in question was a blog post, which clearly sought to represent the columnist's trenchant views on an ongoing controversy. As a general point, the Commission was satisfied that readers would have recognised that the article as a whole represented Mr Monbiot's opinion on the issue, and indeed the complainant. Nonetheless, the publication was still bound by the terms of Clause 1 (Accuracy) in terms of taking care not to publish inaccurate, misleading or distorted information. The Commission has recently upheld a complaint about a blog piece which made a statement of fact which could not be substantiated.

The two points of dispute here were not specific statements of fact, however. The Commission took the view that the reference to the IPCC being "vindicated" clearly represented the columnist's interpretation of the correction which the Sunday Times had published. Readers had been informed of the background to the matter, and the basis upon which the columnist had made such a judgement. This was, of necessity, a subjective position, based on the columnist's interpretation of a stated set of events.

The second point raised by the complainant related to a forceful allegation which accused him, and others, of "peddling inaccuracy, misrepresentation and falsehood". Again, however, the matter appeared to relate to an expression of opinion by the columnist, which the complainant had disputed, rather than verifiable fact. The reference to "inaccuracy, misrepresentation and falsehood" was clearly linked to the fact that the Sunday Times had published a correction regarding an article to which the complainant had made some contribution. This was the basis for Mr Monbiot's claim, and readers would be well aware of this.

In the realm of blogging (especially in cases touching upon controversial topics such as climate change), there is likely to be strong and fervent disagreement, with writers making use of emotive terms and strident rhetoric. This is a necessary consequence of free speech. The Commission felt that it should be slow to intervene in this, unless there is evidence of factual inaccuracy or misleading statement. It did not find either on this occasion.

There was also another point. The newspaper had allowed the complainant the opportunity to challenge in another blog (at some length) the position taken by Mr Monbiot, including his accusation of inaccuracy. This would make readers aware of the full context of the dispute and the complainant's rebuttal. It was a proportionate response to the complaint in the circumstances, and appropriate given that the claims had themselves appeared in a blog.

The Commission did not uphold the complaint.

Adjudication issued 26/11/2010