

GLOBAL
COMPLIANCE
RESEARCH
PROJECT

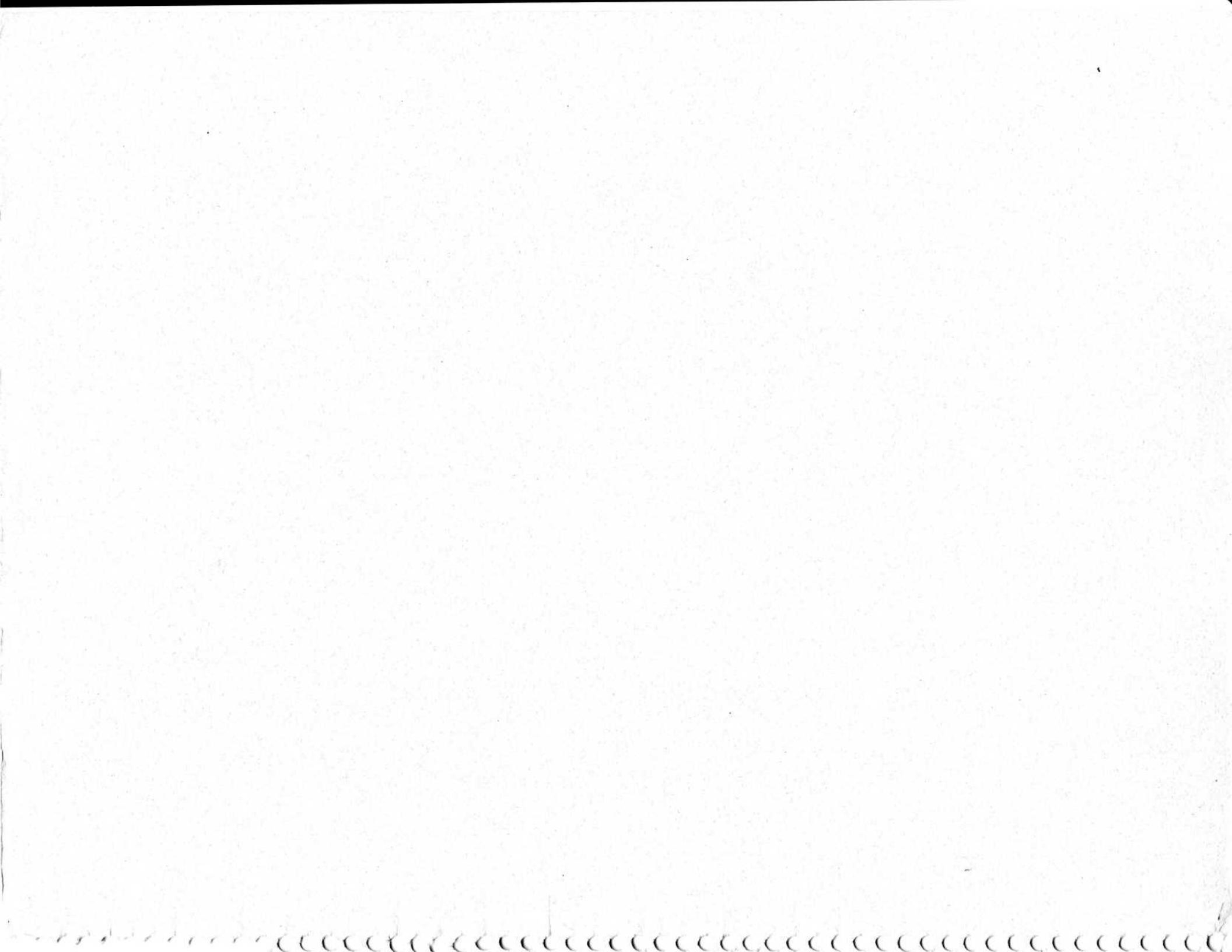
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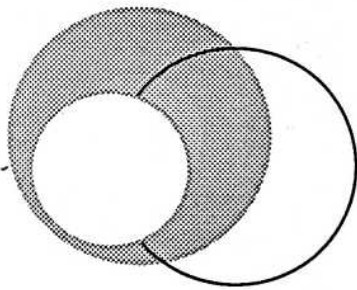
CHARTER OF OBLIGATIONS

A Foundation Charter for the "Beijing Declaration", for the bracketed sections of the "Platform of Action" and for the Establishment of "Civil Society"



Photo: Canadian International Development Agency (CIDA), David Barbour





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Photo: Canadian International Development Agency (CIDA), David Barbour

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TABLE OF CONTENTS

CHAPTER 1:

GLOBAL COMPLIANCE RESEARCH PROJECT 1

PART 1

THE GLOBAL COMPLIANCE PROJECT 2.

A. GLOBAL COMPLIANCE RESEARCH PROJECT:

BACKGROUND 2

(1) PRESENTATION TO UN CONGRESS ON INTERNATIONAL PUBLIC LAW 4

(2) RESOLUTION PASSED AT THE WE THE PEOPLES CONFERENCE: 5

(3) DRAFT RESOLUTION FOR OCTOBER 24, 1995 GENERAL ASSEMBLY 6

PART 2:

GLOBAL COMPLIANCE PROJECT INVOLVEMENT IN THE FOURTH UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT, (HUMAN RIGHTS ENVIRONMENT) PEACE 7

A. BACKGROUND AND ACTIONS OF THE GLOBAL COMPLIANCE RESEARCH PROJECT IN THE UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT AND PEACE 7

(1) BACKGROUND: THE GLOBAL COMPLIANCE RESEARCH PROJECT 'S INVOLVEMENT IN UN CONFERENCE ON WOMEN 7

(2) GLOBAL COMPLIANCE RESEARCH PROJECT'S INTERNATIONAL WOMEN'S ADVISORY COMMITTEE 7

(3) PRESENTATION TO THE UN COMMISSION ON THE STATUS OF WOMEN, TRUSTEESHIP COUNCIL, UNITED NATIONS 10

(3) PRESENTATION TO THE UN COMMISSION ON THE STATUS OF WOMEN, TRUSTEESHIP COUNCIL, UNITED NATIONS 17

B. PROPOSAL FOR BEIJING DECLARATION 21

CHAPTER 2:

CHARTER OF OBLIGATIONS 23

PREFACE

TO THE CHARTER OF OBLIGATIONS 24

A. OBLIGATIONS AND CIVIL SOCIETY AND DOCTRINE OF LEGITIMATE EXPECTATIONS: REDEFINITION OF CIVIL SOCIETY	24
(1) THE DOCTRINE OF LEGITIMATE EXPECTATION	24
(2) CIVIL SOCIETY LINKED WITH THE DOCTRINE OF LEGITIMATE EXPECTATIONS REDEFINED AND BASED ON THE CHARTER OF OBLIGATIONS	27
(B). UNDERTAKING TO DISCHARGE OBLIGATIONS	30
(C) LEVELS OF OBLIGATIONS	33
CHARTER OF OBLIGATIONS	
PREAMBLE	34
PART 1: OVERVIEW	39
A. OVERVIEW OF CHARTER OF OBLIGATIONS	39
(1) RATIONALE BEHIND SELECTION OF DOCUMENTS	39
(2) CODE FOR INTERPRETING AND COMMENTING ON CHARTER	42
B. DEFINITIONS, REDEFINITIONS REPLACEMENT OF TERMS	43
(1) RE-DEFINITION OF "EQUALITY" "SOCIAL EQUALITY/EQUITY"	43
(2) REPLACEMENT OF TERM "SUSTAINABLE DEVELOPMENT" WITH SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT	45
(3) "DEVELOPMENT" {"ENVIRONMENTALLY SOUND DEVELOPMENT"}	46
(4) REDEFINITION OF "DEVELOPMENT" IN EQUITABLE AND ECOLOGICAL TERMS	47
(5) RE-DEFINITION OF ECOSYSTEM INTEGRITY	49
(6) DEFINITION OF PEACE	50
(7) REDEFINITION OF "CIVIL SOCIETY"	50

PART II:		
ACKNOWLEDGMENT OF URGENCY OF THE GLOBAL SITUATION		51
A. GENERAL ACKNOWLEDGMENT OF URGENCY		51
1. CONCURRING WITH THE GLOBAL RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION		51
B. ACKNOWLEDGMENT OF URGENCY IN SPECIFIC AREAS		53
(1) IMPACT OF CONTINUED IMPOSITION OF CONSUMPTIVE MODEL OF DEVELOPMENT		53
(2) ACKNOWLEDGMENT OF URGENCY: INEQUITABLE DISTRIBUTION OF RESOURCES AND DENIAL OF BASIC NEEDS		57
(3) ACKNOWLEDGMENT OF URGENCY: CONTINUED HEALTH PROBLEMS		62
(4) ACKNOWLEDGMENT OF URGENCY: DETERIORATION OF ENVIRONMENTAL QUALITY AND IMPLICATIONS FOR HUMAN HEALTH		64
(5) ACKNOWLEDGMENT OF URGENCY: ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE		67
(6) ACKNOWLEDGMENT OF URGENCY VIOLATION OF HUMAN RIGHTS		73
(7) ACKNOWLEDGMENT OF URGENCY: DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION		80
PART III:		
PRINCIPLES OF ACTION TO ADDRESS URGENCY AND OBLIGATIONS TO ADDRESS URGENCY		82
A. ACKNOWLEDGING THE NEED FOR ACTION TO ADDRESS THE URGENCY		82
(1) ACTION AND POLITICAL WILL		82
B. GENERAL FUNDAMENTAL PRINCIPLES UNDERLYING PRINCIPLES OF ACTION		83
(1) PRINCIPLE OF INTERPRETATION THROUGH ORDINARY MEANING		
(2) OBLIGATION PRINCIPLES		

- (3) EQUITY PRINCIPLES
- (4) POSSIBILITY OR REVERSIBLE PRINCIPLE
- (5) HIGHEST TENABILITY PRINCIPLE
INTERNATIONAL OBLIGATIONS AS A
MINIMUM PRINCIPLE
- (6) INTERDEPENDENCE PRINCIPLE
- (7) PRINCIPLE OF SOCIALLY EQUITABLE AND
ENVIRONMENTALLY SOUND DEVELOPMENT
- (8) PRINCIPLE OF SELF-SUFFICIENCY
- (9) PRINCIPLE OF EXTRA-TERRITORIALITY
- (10) HUMANITARIAN PRINCIPLE
- (11) EQUALITY PRINCIPLE
- (12) PRINCIPLE OF NON-PRESUMPTION
- (13) LIMITS-TO GROWTH PRINCIPLE
LIVING WITHIN THE CARRYING CAPACITY OF
THE ECOSYSTEM
- (14) INHERENT WORTH PRINCIPLE
- (15) PRECAUTIONARY PRINCIPLE
- (16) PRINCIPLE OF NON-DISPLACEMENT
- (17) PRINCIPLE OF SOLUTION BEING BETTER
THAN THE PROBLEM PRINCIPLE
- (18) TRANSBOUNDARY PRINCIPLE
- (19) PRINCIPLE OF JUSTIFIABLE INTERVENTION
- (20) PRINCIPLE OF MORAL IMPERATIVE
PRINCIPLE OF WARRANTED INTERVENTION
- (21) PRINCIPLE OF RIGHT TO OBJECT
- (22) ARMS LENGTH RESEARCH PRINCIPLE
- (23) REGULATOR MUST NOT PROMOTER BE
PRINCIPLE
- (24) PRINCIPLE OF PROPORTIONAL RESPONSE
- (25) PRINCIPLE OF DISCRIMINATION

**C. PROPOSED PRINCIPLES OF ACTIONS TO ADDRESS
URGENCY**

90

- | | | |
|-----|--|-----|
| (1) | AFFIRMING THE RIGHT TO BASIC
NEEDS | 91 |
| (2) | UNDERTAKING OBLIGATIONS TO FULFILL
BASIC RIGHTS | 94 |
| (3) | ENDORING A MODE OF DEVELOPMENT
THAT WOULD SATISFY FUNDAMENTAL
RIGHT TO SAFETY, SECURITY AND
SURVIVAL AND FREEDOM FROM POVERTY | 97 |
| (4) | UNDERTAKING MEASURES TO ADDRESS
INEQUITABLE DISTRIBUTION OF
RESOURCES | 99 |
| (5) | LINKING OF DEBT, HUMAN RIGHTS AND
POVERTY | 102 |

(6)	UNDERTAKING ACTIONS TO ELIMINATE POVERTY	104
(7)	UNDERTAKING PROVISIONS FOR HEALTH CARE	108
(8)	RESPECTING BASIC HUMAN RIGHTS AND HEALTH: REPRODUCTIVE RIGHTS	111
(9)	UNDERTAKING ACTIONS RELATED TO FOOD AND THE ENVIRONMENT	113
(10)	UNDERTAKING ACTIONS RELATED TO HEALTH AND ENVIRONMENT	114
(11)	COMMITTING TO NON-TRANSFERENCE OF HARM	116
(12)	ENSURING ENVIRONMENTAL INTEGRITY AND THE PRESERVATION OF THE ENVIRONMENT	122
(13)	UNDERSTANDING THE INTERDEPENDENCE OF ISSUES	123
(14)	ENDORING 'SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT	126
(15)	ENSURING NON-TRANSFORM TYPE OF POLLUTION INTO OTHER MEDIA	126
(16)	PREVENTING ENVIRONMENTAL DEGRADATION	127
(17)	DEVELOPING PREVENTION TECHNOLOGIES	131
(18)	COMPLYING WITH STANDARDS AND ENFORCING REGULATIONS	132
(19)	FACTORING IN THE REAL COSTS	135
(20)	ENSURING RESTITUTION	137
(21)	REHABILITATING THE IRREVERSIBLE	138
(22)	EXTENDING THE NOTION OF DISASTER TO INCLUDE ENVIRONMENTAL AND TECHNOLOGICAL DISASTERS (ANTHROPOGENIC DISASTERS)	139

COMMENT PRINCIPLES OF ENVIRONMENTAL
COMPLIANCE

(23)	RESPECTING FOR CULTURAL INTEGRITY, INDIGENOUS KNOWLEDGE AND PRACTICES, THE RIGHT OF INDIGENOUS PEOPLES TO BENEFIT FROM THIS KNOWLEDGE AND PRACTICE	145
(24)	CONVERTING TO AND SUPPORTING ECOLOGICALLY SOUND ALTERNATIVE ENERGY AND TO PREVENTION TECHNOLOGY	150

(25)	RESPECTING BASIC HUMAN RIGHTS, EQUALITY/EQUITY AND DEVELOPMENT	150
(26)	RESPECTING BASIC HUMAN RIGHTS AND GENDER EQUALITY/EQUITY ENVIRONMENT	153
(27)	ENSHRINING AND ENDORSING FUNDAMENTAL RIGHTS OF EXPRESSION AND THOUGHT AND RELIGION	154
(28)	RESPECTING THE LIMITATIONS OF FUNDAMENTAL FREEDOMS: RELIGION	155
(29)	GUARANTEEING FUNDAMENTAL HUMAN RIGHTS RELATED TO WORK	156
(30)	AFFIRMING THE RIGHT TO EDUCATION	158
(31)	RIGHT TO EDUCATION THAT IS EQUITABLE, COLLABORATIVE, AND MEANINGFUL	160

COMMENT: RESTRUCTURING EDUCATION AFFIRMING
THE RIGHT TO EDUCATION AND RIGHT TO EDUCATION
THAT IS EQUITABLE, COLLABORATIVE, AND MEANINGFUL

(32)	HUMAN RIGHTS AND EDUCATION	163
(33)	ELIMINATION OF ILLITERACY	164
(34)	RESPECTING FUNDAMENTAL HUMAN RIGHTS OF EQUALITY	165
(35)	ENSHRINING AND ENDORSING FUNDAMENTAL RIGHTS OF EQUALITY BETWEEN MEN AND WOMEN	172
(36)	RECOGNIZING VARIATIONS OF FAMILY COMPOSITION AND EQUAL RIGHTS IN THE FAMILY	177
(37)	ELIMINATING VIOLENCE	178
(38)	ELIMINATING VIOLENCE AGAINST WOMEN	179
(39)	ENSHRINING, GUARANTEEING AND ENDORSING FUNDAMENTAL RIGHTS OF THE CHILD	181
(40)	ENSHRINING AND ENDORSING FUNDAMENTAL RIGHTS OF THE GIRL CHILD	184
(41)	ENDORSING THE RIGHTS OF THE FUTURE GENERATIONS	188
(42)	AFFIRMING THE RIGHTS OF PERSONS WITH DISABILITIES	190
(43)	RESPECT FOR RIGHTS OF MIGRANT WORKERS	196
(44)	RESPECT FOR RIGHTS OF REFUGEES	198
(45)	AFFIRMING THE RIGHTS OF INDIGENOUS PEOPLES KARI-OCA VILLAGE DECLARATION	200

(46)	RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY	211
(47)	AFFIRMING THE RIGHTS OF PEOPLES TO SELF DETERMINATION	212
(48)	RECOGNIZING THE NEED TO INTEGRATE PEACE, EQUALITY, DEVELOPMENT AND HUMAN RIGHTS	213
(49)	ELIMINATING THE ENVIRONMENTAL IMPACT OF MILITARY ACTIVITY	214
(50)	UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR MILITARY PURPOSES	216
(51)	CONTROLLING THE MILITARY BY GOVERNMENT, PROMOTING CIVILIAN RULE	216
(52)	RESPECTING HUMAN RIGHTS OF CIVILIANS	217
(53)	PREVENTING OF GENOCIDE	219
(54)	SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE	221
(55)	PROVIDING FOR AND PROTECTING CONSCIENTIOUS OBJECTORS	222
(56)	ELIMINATING THE THREAT OF WAR AND PREVENTING CONFLICT	224
(57)	ENSURING THE PEACEFUL USE OF COMMON HERITAGE	225
(58)	PREVENTING NUCLEAR CATASTROPHE	228
(59)	ELIMINATING WEAPONS OF MASS DESTRUCTION	229
(60)	OBLIGATIONS TO REMOVE THE THREAT OF NUCLEAR WAR AND CONDEMNING NUCLEAR WAR	231
(61)	BANNING THE TESTING OF NUCLEAR WEAPONS	231
(62)	RECOGNIZING THE LINKING BETWEEN CIVIL NUCLEAR ENERGY AND NUCLEAR ARMS AND NEED TO PHASE OUT CIVIL NUCLEAR POWER	233
(63)	VIOLATING ARMS CONTROL	234
	COMMENT ON VIOLATION IN ARMS CONTROL	234
(64)	ELIMINATING THE PRODUCTION, SALE, AND USE OF LAND MINES	238
(65)	PROHIBITING DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES	239
(66)	REDUCING, FREEZING OF THE MILITARY BUDGET	241

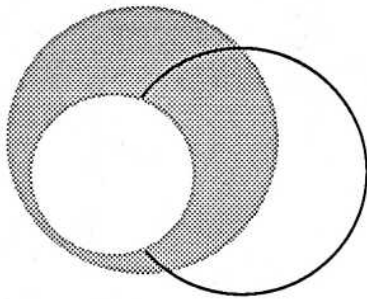
(67)	TRANSFERRING THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ECOLOGICALLY SOUND DEVELOPMENT	243
	COMMENT: REDIRECTING THE GLOBAL MILITARY BUDGET	248
(68)	CANCELING DEBT FROM POOR NATIONS	250
(69)	ENSURING EQUALITY AND PEACE	251
PART IV: INFORMATION DISSEMINATION, RESEARCH, AND DECISION MAKING		253
A.	CODES OF FOR THE DISSEMINATION OF INFORMATION CONDUCT UNDERLYING THE DESIMINATION OF INFORMATION	253
(1)	OBLIGATION TO REFORM THE MEDIA PROVIDING A MEDIA THAT RECOGNIZES ITS RESPONSIBILITY TO PUBLIC TRUST PROMOTING HUMAN VALUES AND DIGNITY ON THE PART OF THE MEDIA	253
(2)	OBLIGATIONS TO REFORM THE MEDIA PROVIDING A MEDIA THAT RESPECTS HUMAN RIGHTS	257
(3)	OBLIGATIONS TO REFORM THE MEDIA PROVIDING AN INFORMATIONAL, EDUCATIONAL AND ADVOCACY ROLE	259
B.	ROLE OF SCIENTISTS IN THE USE OF SCIENTIFIC AND TECHNOLOGY	261
(1)	OBLIGATIONS OF SCIENTISTS SERVING PEACE AND HUMAN RIGHTS	261
PART V: INTERNATIONAL INSTRUMENTS THAT HAVE BEEN EXAMINED FOR THE GLOBAL COMPLIANCE PROJECT		264
PART VI: INDEX: RELATED TO CRITICAL AREAS IN THE PLATFORM FOR ACTION (INSERT)		see page 322 & 323

CHAPTER 3: SYSTEMIC CONSTRAINTS AND OBSTACLES THAT MUST BE OVERCOME IF THERE IS TO BE SUBSTANTIAL SOCIO-POLITICAL GLOBAL CHANGE	268
PART I: GENERAL SYSTEMIC CONSTRAINTS: PRACTICES AND BEHAVIOURS	268
PART II: SYSTEMIC CONSTRAINTS — OBSTACLES TO URGENT PRINCIPLED ACTION	270
CHAPTER 4. DISCUSSION OF USE OF CHARTER OF OBLIGATIONS	274
PART 1: GENERAL USE FOR THE CHARTER OF OBLIGATIONS	274
A. ESTABLISHING FOUNDATION FOR DETERMINING WHAT CONSTITUTES “CIVIL SOCIETY” BY DR. LANYAN CHEN	277
(1). HISTORICAL AND THEORETICAL PERSPECTIVES OF A CHARTER OF OBLIGATIONS	277
(2). EXISTING VIEWS OF CIVIL SOCIETY	278
(3). A HISTORICAL AND MATERIALIST PERSPECTIVE OF GLOBAL CIVIL SOCIETY	282
(4). CHARTER OF OBLIGATIONS AND GLOBAL CIVIL SOCIETY	285
B. “CIVIL SOCIETY AND DECISION MAKING: ESTABLISHING ADVISORY BODIES DRAWN FROM NON-VESTED INTEREST INDIVIDUALS AND REPRESENTATIVES WITH VARYING EXPERIENCE AND EXPERTISE	288
CHAPTER 5 PRINCIPLE-BASED EDUCATION: AN INSTRUMENT OF SOCIO-POLITICAL GLOBAL CHANGE. BASED ON THE CHARTER OF OBLIGATIONS	296
CHAPTER 6: CONCLUSION:	321



PHOTO: BERNADETTE MERTENS, THE RAINCOAST CONSERVATION SOCIETY

DRAFT CHARTER FOR DISCUSSION AND CIRCULATION
AUGUST 24, 1995



GLOBAL
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CHARTER OF OBLIGATIONS

Charter of Action for Development,
Equality/equity Environmental Integrity, and
Peace

**A Foundation Charter for the Beijing Declaration,
for the Platform of Action and for the
Establishment of "Civil Society".**

including a Draft Declaration

Compiled by Joan Russow, coordinator of the Global Compliance Research Project with the assistance of Eugenia Amporfu, and Theona Russow and in consultation with some of the members of the International Advisory Committee of the Global Compliance Research Project. This Charter is to be circulated at the United Nations Conference on Women: Equality, Development and Peace.

Humanity stands at a defining moment in history. We are confronted with **a resurgence of nationalism and ethnic conflict, a rise in the power of transnationals**, a perpetuation of disparities between and within nations, and **between genders and races**, a worsening of poverty, hunger, ill health and illiteracy and a continuing deterioration of the ecosystem *on which we depend for our well being* (Agenda 21, UNCED, 1992)



CHARTER OF OBLIGATIONS

CHAPTER 1: GLOBAL COMPLIANCE RESEARCH PROJECT

On the 50th Anniversary of the UN, we call upon states

- to establish conditions under which justice and respect for the obligations arising from treaties and international law can be maintained;
- to fulfill fifty years of obligations undertaken through Conventions, Treaties, Declarations and Resolutions made in the UN system;
- to sign and ratify what they have not yet signed and ratified, and to enact the necessary legislation to ensure the discharging of these obligations;
- to fulfill additional obligations undertaken through globally adopted UN Conference action plans, and programs of action.

(GLOBAL COMPLIANCE RESOLUTION, adopted at the plenary of the We the Peoples Conference, "The Role of Civil Society in the History and Future of the United Nations", San Francisco, June 24, 1995)

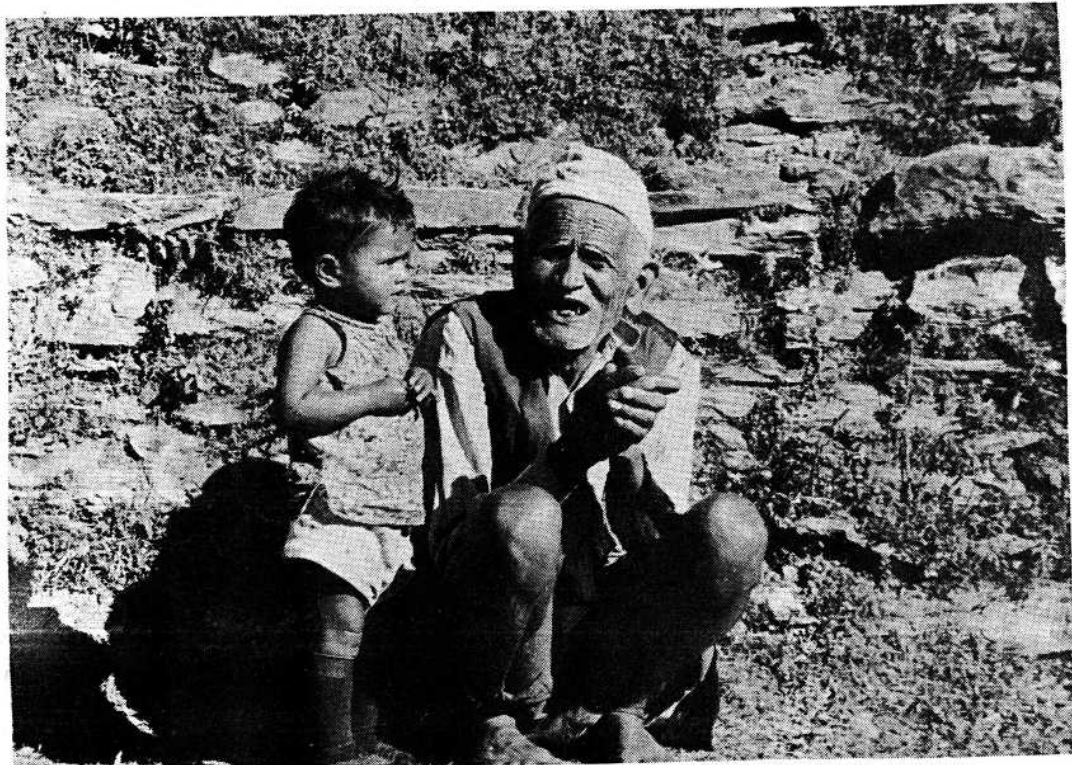


Photo: Cam Cooper

PART 1

THE GLOBAL COMPLIANCE PROJECT

A. GLOBAL COMPLIANCE RESEARCH PROJECT: BACKGROUND

Throughout the past 50 years the member states of United Nations have undertaken obligations to address the denial of equity and social justice, the degradation of the environment, the violation of human rights, and the escalation of war and conflict; yet states within the United Nations have failed either to sign these international instruments, to ratify these instruments, or even when signed and ratified to enact the necessary legislation to enforce these instruments. In addition, they have failed to act on globally adopted Platform of Actions and Action Plans, and to respect United Nations General Assembly resolutions.

If these fifty years of obligations had been honored and acted upon, socially equitable and environmentally sound development could have been enabled, preservation and protection of the environment could have been ensured, respect for human rights could have been guaranteed, and threats to peace could have been prevented and removed, disarmament achieved.

The fulfillment of the purpose of the United Nations would require the discharging of the 50 years of obligations related to ensuring socially equitable and environmentally sound development; to preserving and protecting the environment; to guaranteeing respect for human rights, and to promoting peace. The 50th anniversary of the United Nations provides a unique opportunity to reaffirm the support for and commitment to the purposes and principles of the Charter of the United Nations, and to undertake to discharge previous obligations undertaken through Charters, Covenants, Conventions, Declarations, Resolutions, and Treaties.

The premise of the Global Compliance Research project is that there needs to be an informed "civil society" that is founded on principles which enable socially equitable and environmentally sound development, which ensure the preservation and protection of the environment, which guarantee respect for human rights, and which remove and prevent the threats to peace. This informed civil society must be aware of which obligations have already been undertaken by states so that they can work towards the establishing of conditions under which justice and respect for the obligations arising from treaties and international law can be maintained; towards requiring the fulfillment of fifty years of obligations undertaken through Conventions, Treaties, Declarations and Resolutions made in the UN system; towards demanding the signing and ratifying of what states have not yet signed and ratified, and the enacting of the necessary legislation to ensure the discharging of these obligations; and towards calling for the fulfilling of additional obligations undertaken through globally adopted UN Conference Action Plans, and Programs of Action.

The Global Compliance project has clustered these obligations through content analyses of international instruments, displayed these obligations through graphic representations, and compiled these obligations into a Charter of Obligations. With a deeper understanding and knowledge of these obligations, members of "civil society" can become more effective in contributing to the needed changes to address the urgency of the global situation.

The Global Compliance Research Project will also continue to collaborate with other groups interested in promoting the awareness of international obligations, and will continue to set up a network of individuals and organizations interested in using the Global Compliance documents and publications from the Global Compliance project to educate individuals and groups about international obligations. This network will then continue the process of examining developments in the implementation of international obligations and in promoting compliance with these obligations

The Global Compliance Research Project is preparing a questionnaire related to the Charter of Obligations for the purpose of determining if significant areas have been missed in the analysis of the documents. In response to the results of the questionnaire and input of the initial analysis, the Global Compliance Project will re-examine the international documents. A subsequent educational booklet on a method of teaching global issues through principle-based education drawing upon the Charter of Obligations is also being prepared. In addition these obligations will be conveyed graphically to be used in literacy campaigns.

An October 25 version of the Charter of Obligations will be prepared for the 50th Anniversary of the United Nations.



(1)
**PRESENTATION TO UN CONGRESS ON INTERNATIONAL
PUBLIC LAW**

At the meeting of the UN Congress on International Public Law, the Global Compliance Research Project had the opportunity of addressing the plenary which was held in the General Assembly, in March, 1995. We urged them to assist in calling upon governments to pledge to fulfill 50 years of previous obligations. In addition, at that meeting, judges and lawyers from around the world appeared to endorse significant UN reform related to compliance with international law. One of their proposals was to have a "Compliance Protocol" as part of the Convention of the Law of Treaties, and to establish a citizen's international court. Another proposal was to eliminate ambiguities, and notwithstanding clauses in international documents.



Photo: Cam Cooper

(2) RESOLUTION PASSED AT THE WE THE PEOPLES CONFERENCE:

The Global Compliance Project prepared and circulated a resolution for the "We the Peoples Conference: the Role of Civil Society in the History and Future of the United Nations". This resolution called upon states, at the June 26, 1995 UN Affirmation Ceremony, to pledge to discharge fifty years of obligations.

This resolution was adopted by the plenary at the Conference, and the plenary agreed that the resolution should be passed on to Dr. Boutros Boutros Ghali who was to subsequently address the plenary. We recently received a letter of support from Dr. Boutros Boutros Ghali:

Thank you for sharing with me the "Global Compliance Resolution" whose spirit reaffirms the commitment of people the world over to the principles enshrined in the Charter of the United Nations (*signed, Boutros Boutros-Ghali July 5, 1995*)

Since then the Global Compliance Project has circulated two further proposals for resolutions: one to be presented to the September 15 plenary, and the other to be submitted for consideration by the General Assembly at the 50th Anniversary October 26, 1995,



Photo: CIDA, David Barbour

(3) DRAFT RESOLUTION FOR OCTOBER 24, 1995 GENERAL ASSEMBLY

50/1 Proclamation of the International day of Global Compliance

The General Assembly

Whereas the General Assembly has decided unanimously to proclaim solemnly, on the Fiftieth Anniversary of the United Nations, the International Year of Global Compliance on the 24 October 1995,

Whereas for fifty years, since the formation of the United Nations, member states of the United Nations have undertaken in UN system governing bodies obligations reflected in Charters, Covenants, Conventions, Declarations and Resolutions,

Whereas, if these fifty years of obligations had been honored and acted upon, respect for human rights could have been guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled,

Whereas fulfillment of the purpose of the United Nations would require the discharging of the 50 years of obligations related to guaranteeing respect for human rights, preserving and protecting the environment, promoting peace, and ensuring socially equitable and environmentally sound development;

Whereas, the freeing up of money through the peace dividend would assist in the discharging of these obligations,

Whereas the Fiftieth Anniversary of the United Nations provides a unique opportunity to reaffirm the support for and commitment to the purposes and principles of the Charter of the United Nations, and to undertake to discharge previous obligations are undertaken through Charters, Covenants, Conventions, Declarations and Resolutions,

Now, therefore,

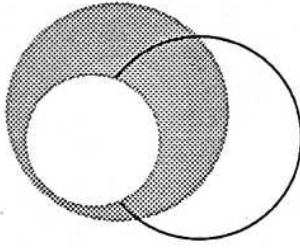
The General Assembly, and its member states

Solemnly proclaim October 1995 the International Day of Global Compliance

and solemnly pledge
to do the following:

- to establish conditions under which justice and respect for the obligations arising from treaties and international law can be maintained;
- to fulfill fifty years of obligations undertaken through Conventions, Treaties, Declarations and Resolutions made in the UN system;
- to sign and ratify what they have not yet signed and ratified, and to enact the necessary legislation to ensure the discharging of these obligations;
- to fulfill additional obligations undertaken through globally adopted UN Conference action plans, and programs of action.

50th plenary meeting 24, October, 1995



**GLOBAL
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At the closing plenary session of the "We the Peoples..." Conference, held in San Francisco, from June 21-June 24, 1995 the enclosed resolution was adopted. This Conference brought together about four hundred individuals, and representatives from civil society, and from various institutions within the United Nations system. At a time where many are calling for the need for global governance, a reaffirmation of the 50 years of accrued obligations is essential. If these obligations were to be fulfilled we would be able to move towards achieving the objectives enuciated in the original Charter.

GLOBAL COMPLIANCE RESOLUTION

Whereas for fifty years, since the formation of the United Nations, member states of the United Nations have undertaken in UN system governing bodies obligations reflected in Charters, Covenants, Conventions, Declarations and Resolutions;

Whereas, if these fifty years of obligations had been honored and acted upon, respect for human rights could have been guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled;

Whereas fulfillment of the purpose of the United Nations would require the discharging of the 50 years of obligations related to guaranteeing respect for human rights, preserving and protecting the environment, and ensuring socially equitable and environmentally sound development;

Whereas representatives from the member states of the United Nations gather in San Francisco to commemorate the 50th Anniversary and to reconfirm their commitment to the purpose expressed in the original Charter of the United Nations on the 26th of June, 1995;

Be it resolved that the "We the Peoples" Assembly of the individuals from civil society that promote and support the principles enshrined in the United Nations;

Call upon

member states of the United Nations to pledge on June 26

- to establish conditions under which justice and respect for the obligations arising from treaties and international law can be maintained;
- to fulfill fifty years of obligations undertaken through Conventions, Treaties, Declarations and Resolutions made in the UN system;
- to sign and ratify what they have not yet signed and ratified, and to enact the necessary legislation to ensure the discharging of these obligations;
- to fulfill additional obligations undertaken through globally adopted UN Conference action plans, and programs of action.

Moved by Joan Russow
Global Compliance
Research Project

Seconded by Alicia Barcena
The Earth Council

It was also adopted that this resolution should be passed on to Dr. Boutros Boutros-Ghali, the Secretary General of the United Nations after his plenary address to the Con

PART 2: GLOBAL COMPLIANCE PROJECT INVOLVEMENT IN THE FOURTH UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT, (HUMAN RIGHTS ENVIRONMENT) PEACE

On the eve of the 50th Anniversary of the United Nations, the states members of the United Nations, shall undertake to sign what has not yet been signed, to ratify what has not yet been ratified, and to enforce what has not yet been enforced. In addition, states shall undertake to comply with provisions in globally adopted UN agreements and in General Assembly resolutions. (GLOBAL COMPLIANCE PLEDGE, circulated at the New York Prep Com, March 1995)

A. BACKGROUND AND ACTIONS OF THE GLOBAL COMPLIANCE RESEARCH PROJECT IN THE UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT AND PEACE

(1) BACKGROUND: THE GLOBAL COMPLIANCE RESEARCH PROJECT 'S INVOLVEMENT IN UN CONFERENCE ON WOMEN

The Global Compliance Research project for Beijing was presented and supported at the NGO/CIDA consultation held at the International Women and Sustainable Development Conference in Vancouver, Canada, on June 1, 1994. The meeting in Vancouver recognized that peace, the environment, equality/equity, social justice and human rights were 'women's issues'. The review of the international documents in the Global Compliance Research Project will reflect this extended concept of 'women's issues'. The Global Compliance Research project for Beijing has proceeded with the support of Canadian International Development Agency (CIDA) under the auspices of the British Columbia Council on International Cooperation (BCCIC).

Since the inception of the United Nations, the equality of men and women has been enshrined in the founding Charter of the United Nations, and reaffirmed in significant subsequent human rights instruments. Over the past two decades there have been three significant United Nations conferences related to women. The first conference took place in Mexico City in 1975 during the "International Year of Women". The decade that followed, 1975-1985, was proclaimed the "Decade of Women" and incorporated a mid-decade conference in 1980 at Copenhagen, Denmark. At the end of the decade, a final conference took place in Nairobi, Kenya in 1985 which produced the document entitled, "Forward-Looking Strategies for the Advancement of Women". There have been several Prep Coms leading up to the UN Conference on Women: Equality, Development and Peace in Beijing.

At the New York Prep Com, the Global Compliance Research Project circulated Global Compliance Pledge calling upon states to sign what they had not signed, to ratify what they had not ratified, and to enact the necessary legislation to ensure implementation of what had been ratified. A March 15 version of the Global Compliance Research "Charter of Obligations" was circulated at the March, 1995 Prep-Com for the Fourth UN Conference on Women in New York.

The Project for Beijing now comprises an international advisory Committee of fifty women from over 30 countries. The Global Compliance Research Project is continuing to examine obligations undertaken by states in the area of social justice, equality and equity, environment, human Rights, and peace. The purpose of the project is to carry out a content analysis and synthesis of strong obligations that have already been undertaken, so that states in Beijing will not agree to less, in the Platform of Action, than that which they have already agreed to, and NGO's will not ask for less than states have already agreed to. An additional purpose is to link the Beijing Conference with the fiftieth Anniversary of the United Nations and to call upon states to fulfill a pledge to discharge 50 years of obligations.

The Global Compliance Research Project proposed, in a presentation at the New York Prep Com to the UN Commission on the Status of women, that the Platform of Action be grounded in past precedents, and that a Declaration be drafted calling upon states to fulfill 50 years of obligations. In the "address" the Global Compliance Research Project pointed out that the then current version of Platform for Action should have been built on past precedents, and that what was needed was an accompanying Declaration (Global Action Emergency Resolution) and suggested about twenty inclusions in such a Declaration.

Accompanying, the May 15, "Advance Unedited Draft Platform of Action for the UN Conference on Women: Equality, Development and Peace, is a provision for a Declaration—the Beijing Declaration. In the proposed Declaration there will be reference to previous agreements, to the 50th Anniversary, to broad cross cutting themes, and to undertaking new commitments. The Global Compliance Research Project has prepared a draft proposal for a declaration based on the data collected for the Charter of Obligations; the draft declaration has been sent to the International Advisory Committee, distributed to the Canadian delegate who is responsible for Canada's contribution to the Declaration, and distributed at the "We the Peoples Conference: the role of Civil Society in the History and Future of the United Nations".

Many of the Bracketed sections in the "Advance Unedited May 15 Platform of Action", have been included in the relevant parts of the June 21 and August 24 versions of the Charter of Obligations. Many of the bracketed sections are the strongest in the document, and will need support. The Charter of Obligations could assist the delegates in viewing the bracketed sections in the context of previously agreed-to obligations. In particular, the Charter of Obligations will be indexed so as to be cross-referenced with the Platform of Action, and the Beijing

Declaration. In addition, the August 24 version contains an analysis of systemic constraints that are preventing the necessary socio-political Global Change, an analysis of the Charter of Obligations and "Civil Society", and an outline of a method of teaching issues through the Charter of Obligations: Principle-based Education.

The August 24 version of the Charter of Obligations has been prepared for the Global Compliance Research Project workshop at the NGO forum in Hairou. For the Global Compliance Research Project Workshop in Beijing, the project will be working on drafting sections for the Declaration, on finding support for the bracketed sections, on seeking input into the Global Compliance Research Project's Charter of Obligation and on preparing a series of statements that will suggest how different key obligations can be discharged. The August 24 version of the Charter of Obligations, plus an appendix of suggestions from the workshop will be distributed to official government delegates at the UN Conference. Input from the workshop at the Conference will be eventually incorporated into the final October 24th version of the Charter of Obligations to be launched on October 24, 1995, the 50th Anniversary of the United Nations.



Photo: Cam Cooper

(2) GLOBAL COMPLIANCE RESEARCH PROJECT'S INTERNATIONAL WOMEN'S ADVISORY COMMITTEE

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(3)

**PRESENTATION TO THE UN COMMISSION ON THE STATUS OF
WOMEN, TRUSTEESHIP COUNCIL, UNITED NATIONS**

MARCH 20, 1995

GLOBAL COMPLIANCE RESEARCH PROJECT
by Joan Russow
Coordinator, Global Compliance Research Project

The Global Compliance Research Project, which comprises an international advisory Committee from 29 countries, is examining obligations undertaken by states, and commitments made through NGO documents, in the area of Human Rights, Peace, Environment, Equity and Social Justice. The purpose of the project is to carry out a content analysis and synthesis of strong obligations that have already been undertaken, so that States will not agree to less than they have already agreed to, and NGOs will not ask for less than states have already agreed to; it will also further strongly crafted internationally held NGO principles and precedents, and propose these for inclusion into the 1995 Declaration.

**DECLARATION
GLOBAL EMERGENCY ACTION RESOLUTION**

Throughout the past 50 years the United Nations has undertaken obligations to address the violation of human rights, the escalation of war and conflict, the degradation of the environment, and the denial of equity and social justice. Many member states of the United Nations have failed to sign these international instruments, to ratify these instrument, or even when signed and ratified to enact the necessary legislation to discharge their obligations and enforce these instruments.

In 1972, leading scientists in the Science Council of Canada wrote a publication decrying that "it was not too late yet". In 1992, at Rio, the United Nations affirmed that "Humanity stands at a defining moment in history. We are confronted with perpetuation of disparities between nations, and a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Agenda 21, UNCED, 1992).

In addition, at the World Conference on Human Rights, global concern was expressed that:

The gross and systematic violations and situations constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world, such violations and obstacles included, as well as torture and cruelty, inhuman and degrading treatment and punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights,, religious intolerance, terrorism, discrimination against women and lack of the rule of law (C. 30 World Conference on human rights.

And in addition, the World Conference on Human Rights expressed its dismay at massive violations of human rights especially in the form of genocide, ethnic cleansing" and systematic rape of women in war situations, creating mass

exodus of refugees and displaced persons (s. 28 World Conference on Human Rights).

In 1993, in the World Conference on Human Rights, and in 1994, in the International Conference on Population and Development, and in 1995, the Summit on Social Development, the global community reaffirmed the urgent need to address Human Rights, Population and Development issues.

For over 50 years, the global community has recognized the urgency of the Global situation.

Yet when given the opportunity, on the 50th anniversary of the United Nations, of demanding immediate action to address the past 50 years of inaction, the global community with the proposed Platform of Action for the UN Conference on Women: Equality, Development and Peace ignores the significant traditional practice of building upon the principles and precedents already established through 50 years of international instruments.

The proposed Platform of Action is essentially flawed because it ignores the well-established traditional practice of building on past principles and precedents.

To remedy this, the Platform of Action must call for a Declaration of Global Emergency Action which requires this compliance and further commitments in order to meet the present urgent global situation.

DECLARATION

(1) States members of the United Nations shall undertake before or at the UN Conference on Women in 1995 to sign what has not yet been signed, to ratify what has not yet been ratified, to enact the necessary legislation to ensure the discharge of obligations and to undertake to enforce what has not yet been enforced.

(2) In addition, States shall undertake (as suggested recently by some members of the United Nations Congress on Public International Law) to support the following:

- (i) to redraft documents to eliminate ambiguous clauses
- (ii) to draft a Protocol to the Vienna Convention on the Law of Treaties on Compliance
- (iii) to ensure provision for members of the Community to file complaints to a form of international court
- (iv) to undertake legal enforcement mechanisms

(3) The following is a selection, from the Global Compliance Research Project Charter of Obligations from international instruments, and NGO recommendations, that could reflect actions that would enable the discharging of current international obligations:

- Affirm the right of peoples to peace (Right of all Peoples to Peace, 1974)
- Eliminate weapons of mass destruction, as undertaken under (Article 26, Stockholm, United Nations Conference on Humans and the Environment (UNCHE, 1972)
- Undertake the immediate outlawing of arms production, and sales (VOW Voice of Women response to Platform of Action, March, 1995)
- Support the development of renewable (safe) and sound technology (Atmosphere section, Agenda 21, UNCED, 1992, draft March) (Note the bracketing of 'safe' was done by the United States)
- Cease the transfer to other states, including to the weak or disenfranchised (whether states or peoples) of substances and activities that could cause environmental degradation or be harmful to human health (drawn from Rio Declaration, UNCED, 1992). This would mean the cessation of the transport of toxic, hazardous or atomic wastes
- Revoke Charters of Incorporation of industries and transnationals that have caused environmental destruction, violated human rights, and contributed to conflict or war (Recommendation to NGO Response to Platform of Action - agreed to by consensus but not included in the NGO submission)
- Establish a global regulating regime of highest tenable principles drawn from different states; thus there will be assurance that the regime will drive industry, rather than industry driving principle
- Provide for "socially equitable and environmentally sound development" (Programme of Action of the United Nations International Conference on Population and Development, 1994).
- Phase out nuclear energy and fossil fuel (proposed by the 1992 Nobel Laureate Declaration for UNCED, and agreed to by the plenary for inclusion on March 13 (but not included) in the NGO Response to the Platform of Action.
- Cease the production and consumption of ozone-depleting substances (Vienna Convention for the Protection of the Ozone, 1985)
- Undertake to reduce and eliminate the global debt that impacts on the promotion of socially equitable and environmentally sound development
- Provide measures enunciated in numerous documents for ensuring "equal and inalienable rights of all members of human family" as agreed in the Universal Declaration of Human Rights, 1948)
- Provide for the right of all to shelter and of all to be free from hunger as required under the International Convention Culture, Social and Economic Rights, 1978

- Ensure, on a basis of equality of men and women, universal access to health-care service, including those related to reproductive health care, which include family planning and sexual health. Reproductive health-care programmes should provide the widest range of services without any form of coercion (Principles 8 International Conference on Population and Development, 1994)
- Adopt special measures... for safeguarding the persons, institutions, property, labour, cultures and environment of peoples concerned (Art 4, Convention (no-169) Concerning Indigenous and Tribal peoples in independent Countries.
- Undertake to prevent activities, on indigenous lands, that are environmentally destructive or culturally inappropriate (Chapter 26, Agenda 21 UNCED)
- Provide legal international and national legal protection and assistance to refugee and displaced women... as required under UNHCR Guidelines on Refugee Women, 1991)

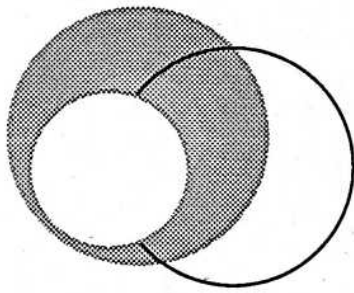
The Global Community should concur with the UN Program of Action (International Conference on Population and Development) that to address the urgency " none of the actions required -nor all of them combined - is expensive in the context of ... military expenditures. A few would require little or no additional financial resources in that they involve changes in lifestyles, social norms or government policies that can be largely brought about and sustained through greater citizen action and political leadership (Programme of Action of the United Nations International Conference on Population and Development, 1994)

FUNDING

A program of proactive and retroactive sources of funding shall be established. This would involve the immediate reduction of the military budget from the current 800 billion to only what would be required to clean up previous environmental degradation and to pay compensation to communities and individuals that have been impacted by military activities. For additional funding the global community shall also seek compensation from industries, in particular transnationals for years of environmental degradation, and damage from arms manufacturers and for years of human rights violations.

What is needed in the co-occurrence of the Beijing Conference on Women and the 50th anniversary of the United Nations is true commitment to "greater citizen action and political leadership-- a combined strong global citizen and political will. This combined political will must stem from a moral imperative to be committed to a completely different socio-political vision-- One that is based on what must be done not on what is comfortable and convenient.

The Time is Now, 1995. the Global community has undertaken these obligations over the past 50 years. In 1995, the global community must in celebration of the co-occurrence of the UN Conference on Women and the anniversary of the United Nations, undertake to fulfill previous obligations and to undertake new commitments and support the need for a Global Emergency Action Resolution.



GLOBAL
COMPLIANCE
RESEARCH
PROJECT

Draft Proposal for the Beijing Declaration

On the eve of 50th Anniversary of the United Nations, and at the time when people from every state in the world are gathered in Beijing, we, the people, of the world undertake: to promote and fully guarantee respect for human rights; to ensure the preservation and protection of the environment; to create a global structure that respects the rule of law, to achieve a state of peace; justice and security, and to participate in socially equitable and environmentally sound development.

RECOGNIZING that for fifty years since the formation of the United Nations member states of the United Nations have undertaken obligations reflected in Charters, Covenants, Conventions, Declarations, Resolutions and Treaties;

MINDFUL of the obligation to establish conditions under which justice and respect for the obligations arising from treaties and international law can be maintained (Charter of the United Nations);

AFFIRMING that States are responsible for the fulfillment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992);

ACKNOWLEDGING that, if these fifty years of obligations had been honored and acted upon, respect for human rights could have been guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled;

CONCURRING with the Jakarta Declaration that the world today is still far from being a peaceful, just and secure place. Simmering disputes, violent conflicts, aggression and foreign occupation, interference in the internal affairs of states, policies of hegemony and domination, ethnic strife, religious intolerance, new forms of racism and narrowly conceived nationalism are major and dangerous obstacles to harmonious co-existence among states and peoples and have even led to the disintegration of states and societies;

CONCURRING with UNCED that Humanity stands at a defining moment in history, we are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Agenda 21, UNCED, 1992);

CONCURRING with the international Conference on Population and Development that "around the world many of the basic resources on which future generations will depend for their survival and well-being are being depleted and environmental degradation is intensifying, driven by unsustainable patterns of production and consumption, unprecedented growth in population, widespread and persistent poverty, and social and economic inequality". (Preamble, 1.2 1994 , International Conference on Population and Development);

CONCURRING with the International Conference on Population and Development that Women who have unwanted pregnancies *should shall* have ready access to reliable information and compassionate counseling. any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions. (8.25, International Conference on Population and Development, 1994);

MINDFUL that while distinct cultural traditions contribute to the wealth of global diversity, no cultural practices that are in violation of fundamental human rights shall be tolerated by the global civil society;

APPRECIATING the right of specific religious practices; practices that violate fundamental human rights shall not be condoned. Such practices such as genital mutilation shall be immediately globally condemned;

WELCOMING the commitment in the proposed Platform of Action for Beijing to take special measures to ensure women's equal access to and full participation in the decision making process, and to promote the full and equal participation of women in power structures and decision making at all levels and at all areas, including international;

AFFIRMING the equal access to and full participation of women in the decision making of international affairs within the United Nations, women call upon the member states of the United Nations to fulfill 50 years of obligations by signing what they have not signed, by ratifying what they have not ratified, by enacting legislation to ensure compliance and by implementing the necessary measures for discharging these obligations. In addition women in Beijing call upon states to undertake new commitment that might be necessary for the discharging of these obligations and for the creation of a world of peace, where the fulfillment of basic needs and human rights to food, shelter, education, health and safety are guaranteed as inalienable and fundamental rights. Women also call for a redefinition of development based on equitable and ecological principles;

REAFFIRMING the recognition of the equal rights of men and women (Charter, United Nations, 1945);

REAFFIRMING the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (Preamble, Universal Declaration of Human Rights, 1948);

REAFFIRMING that the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom (Preamble, Universal Declaration of Human Rights, 1948);

CONVINCED that sovereign rights shall not be used to justify the continuation of a practice that is in violation of human rights, is ecologically destructive, contributes to violence, conflict and war, or increases the threat to peace;

REAFFIRMING the Convention on the Rights of the child that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world:

- that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and that "other status";

- that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance;

MINDFUL that while distinct cultural traditions contribute to the wealth of global diversity, no cultural or religious practices that are in violation of fundamental human rights shall be tolerated by the global civil society;

CONCURRING that indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. the provisions of the Convention shall be applied without discrimination to male and female members of these peoples. (Art. 3 Convention (no. 169) concerning indigenous and Tribal Peoples in Independent countries);

MINDFUL that since the first United Nations Conference on the Environment in Stockholm in 1972 we have come to realize that the threats to the biosphere which sustains all life on this planet have increased in rate, magnitude and scale beyond expectation; inaction is negligent; the international community has enough information about the pending state of ecological irreversibility that it must act immediately;

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session as a rule of ethics in respect of the human environment and the conservation of natural resources, (Preamble, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992);

CONCURRING that every form of life is unique, warranting respect regardless of its worth to man (Humanity), and to accord other organisms such recognition's, man (humans) must be guided by a moral code of action (∞ World Charter of nature, 1982)

RECOGNIZING That Humankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients (World Charter of Nature, 1992);

COMMITTED to the invoking of the precautionary principle, as enunciated in the Biodiversity Convention:
where there is a threat of serious or irreversible damage, lack of full scientific certainty *should shall* not be used as a reason for postponing measures to avoid or minimize such a threat (from the Biodiversity Convention, 1992); -

COMPLYING with the non-transference principle from the Rio Declaration States should **shall** effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Principle 14 Rio Declaration, 1992);

CONCURRING with the assessment in recent international instruments that significant responsibility for the current urgency of the global situation lies in a current model of development which contributes to the increase of conflict, to the escalation of war, to the violation of human rights, to the destruction of the environment and to the denial of equality and equity;

CONCURRING that the current model of development reflects the unbridled power and practices of transnationals which have contributed to the increase of conflict, to the escalation of war, to the violation of human rights, to the degradation of the environment, and to exploitative development;

CONVINCED that the charters of all the transnationals that have contributed to conflict, to the escalation of war, to the violation of human rights and to the degradation of the environment shall be revoked. In addition full compensation shall be sought from the transnationals and funds shall be transferred into assisting the member states of the United Nations to promote and fully guarantee respect for human rights, to ensure the preservation and protection of the environment, to create a global structure that respects the rule of law, to achieve a state of peace, justice and security, and to participate in socially equitable/equal and environmentally sound development;

RECOGNIZING the need to Enact legislation to allow conscientious objectors to redirect the military portion of the state budget to peaceful purposes (Conscience Canada, Peace tax Campaign, War Resisters International);

REAFFIRMING the urgent need to reinforce the endeavours of all States and international action in the area of the reduction of military budgets, with a view to reaching international agreements to freeze, reduce or otherwise restrain military expenditures (A. 1 Resolution 36/82 1981, Reduction of Military Budgets. 1981);

MINDFUL that as agreed in 1972 at Stockholm weapons of mass destruction must be eliminated, and that as recognized through numerous UN General Assembly Resolutions, the military budget must be frozen at 1981 levels (as decided in 1981 through General Assembly resolutions), and that the largest proportion of the military budget shall be used to achieve and maintain peace, to restore degraded ecosystems and to provide restitution to those having been impacted by war;

RECALLING the Declaration of the 1980s as the Second Disarmament Decade, which provides that during this period renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation of resources thus saved to economic and social development, especially for the benefit of developing countries, (Preamble, UN Resolution 36/82 1981, Reduction of Military Budgets);

COMMITTED to establishing a time-table for phasing out fossil fuel and nuclear energy and for the rapid development of solar and other forms of non-polluting energy, and for more efficient energy use; (Nobel Laureate , UNCED, 1992);

RECOGNIZING that outstanding obstacles and systemic constraints have prevented the establishment of the international political will necessary to discharge previous obligations and to undertake new commitments, and that many of these obstacles and systemic constraints arise from the current economic model of development;

CONVINCED that in 1995, in Beijing, the member states of the United Nations must ensure that the previous 50 years of obligations are fully discharged, and be willing to make additional commitments which might be necessary to finally bring about fulfillment of the ideals of the United Nations — a world free from the scourge of war, a world of equality for all humanity and a world worthy of passing on to future generations;

We, the state members of the United Nations pledge that we will ensure that in 1995 at the coincidence of the 50th Anniversary of the United Nations and the United Nations Conference on Women: Equality, Development and Peace, will move into the next stage of the United Nations: the stage of integrity and Implementation in which we fulfill the original objectives of the United Nations and establish a global community of compliance, equality, equity, peace and justice.

(4) DRAFT DECLARATION FOR BEIJING

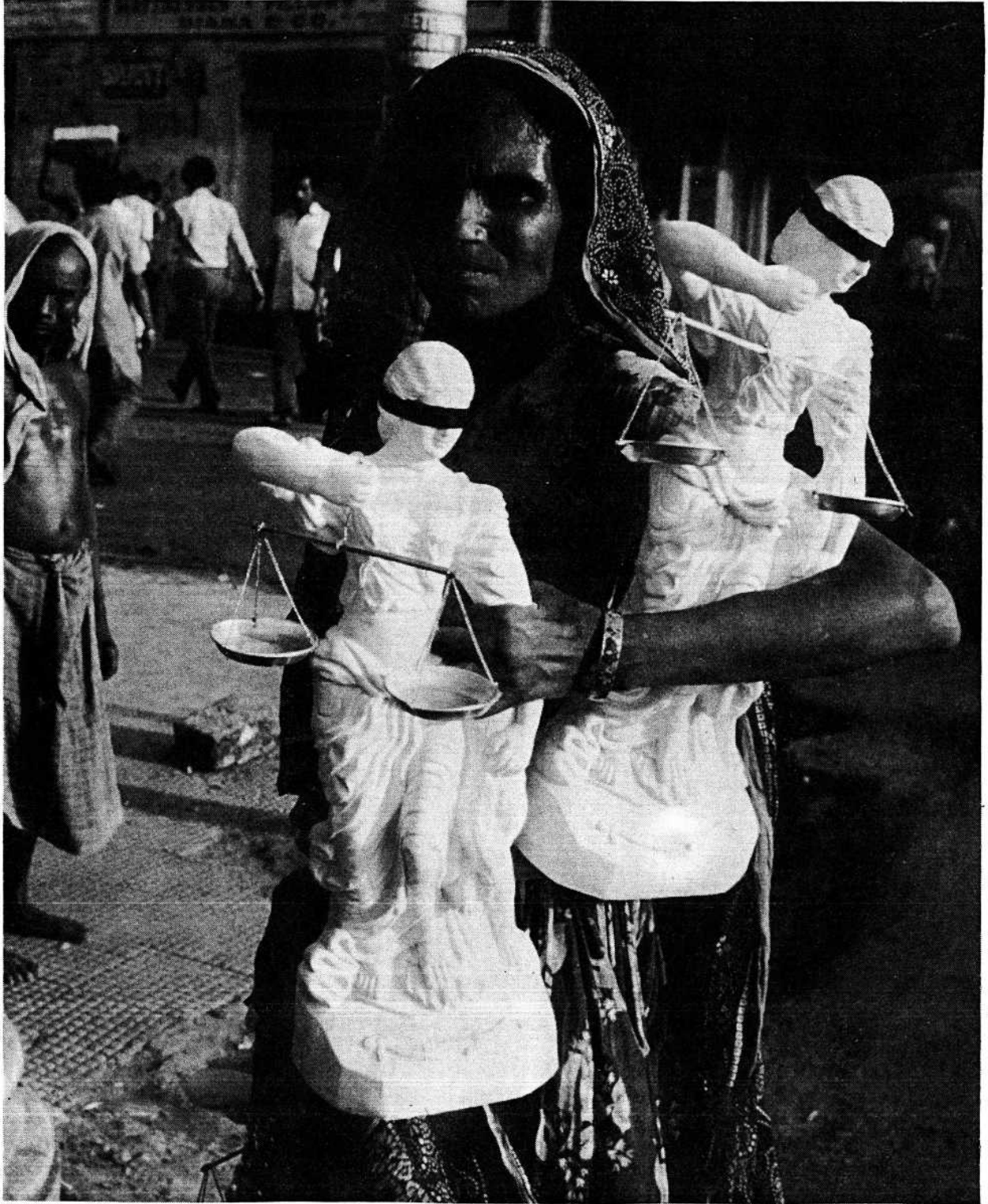


Photo: Canadian International Development Agency (CIDA), David Barbour

(5)
DRAFT RESOLUTION FOR BEIJING

**Pledge of support for the Proclamation of
the International day of Global Compliance**

Whereas the General Assembly has decided unanimously to proclaim solemnly, on the Fiftieth Anniversary of the United Nations, the International Year of Global Compliance on the 24 October 1995, the fiftieth anniversary of the United Nations,

Whereas for fifty years, since the formation of the United Nations, member states of the United Nations have undertaken in UN system governing bodies obligations reflected in Charters, Covenants, Conventions, Declarations and Resolutions,

Whereas, if these fifty years of obligations had been honored and acted upon, respect for human rights could have been guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled,

Whereas fulfillment of the purpose of the United Nations would require the discharging of the 50 years of obligations related to guaranteeing respect for human rights, preserving and protecting the environment, promoting peace, and ensuring socially equitable and environmentally sound development;

Whereas, the freeing up of money through the peace dividend would assist in the discharging of these obligations,

Whereas the fiftieth anniversary of the United Nations provides a unique opportunity to reaffirm the support for and commitment to the purposes and principles of the Charter of the United Nations, and to undertake to discharge previous obligations are undertaken through Charters, Covenants, Conventions, Declarations and Resolutions,

Now, therefore,

The member states of the United Nations gathered in Beijing at the UN Conference on Women: Equality, Development and Peace,

Solemnly pledge to support the proclamation of October 1995 as the International Day of Global Compliance

and solemnly pledge to do the following by October 25, 1995:

- to establish conditions under which justice and respect for the obligations arising from treaties and international law can be maintained;
- to fulfill fifty years of obligations undertaken through Conventions, Treaties, Declarations and Resolutions made in the UN system;
- to sign and ratify what they have not yet signed and ratified, and to enact the necessary legislation to ensure the discharging of these obligations;
- to fulfill additional obligations undertaken through globally adopted UN Conference action plans, and programs of action;

Beijing September 15, 1995

CHAPTER 2: CHARTER OF OBLIGATIONS

A background document of obligations to serve as precedents for the Beijing Declaration and for the bracketed sections in the Platform of Action, and to establish a fundamental basis upon which to found a new concept of "civil society"



Photo: (CIDA), David Barbour

PREFACE

TO THE CHARTER OF OBLIGATIONS

A. OBLIGATIONS AND CIVIL SOCIETY AND DOCTRINE OF LEGITIMATE EXPECTATIONS: REDEFINITION OF CIVIL SOCIETY

(1) THE DOCTRINE OF LEGITIMATE EXPECTATION

The obligations undertaken by governments in ratifying these instruments are the standards against which they should be held accountable, both by their own citizenry and by actors in the international arena (International Human Rights Safeguards, Document for the Summit of the Americas, 1994).

The above statement alludes to two key questions that the Charter of Obligations has been devised to address. One is "what constitutes obligations?" and "what constitutes 'civil society'?" The use of the term "Obligations" in this Charter is based on a key doctrine called the Doctrine of Legitimate Expectation. This doctrine could be enunciated as follows, and contains the following elements:

- **Not breaking and undertaking as one pleases**
- **Compatibility with public duty**
- **Public interest may be better served by honouring their undertaking than by breaking it**

But that principle does not mean that a corporation can give an undertaking and break it as they please. So long as the performance of the undertaking is compatible with their public duty, they must honour it. And I should have thought that this undertaking was so compatible....The public interest may be better served;by honouring their undertaking than by breaking it.(Lord Denning, Central London Property Trust Ltd. v High Trees House Ltd. (1947) KB 130, 594

- **Fulfilling the expectation must assist in performing rather than inhibit the performance of its statutory duties**

If I thought that the effect of granting to the applicants the relief sought was to prevent the council validly using those powers which Parliament has conferred on it, I would refuse relief. But that is not the present case. It seems to me the relief claimed will in the end, as counsel for the corporation ultimately conceded assist the council to perform rather than inhibit the performance of its statutory duties" (Lord Roskill Central London Property Trust Ltd. v High Trees House Ltd. (1947) KB 130, 596)

- **Expectation must be based upon statements or undertaking on behalf of the public authority which has the duty of making the decision**

The expectation may be based upon statement or undertaking by or on behalf of the public authority which has the duty of making the decision, if the authority has through its officers, acted in a way that would make it unfair or inconsistent with good administration for him to be denied such an inquiry (Lord Fraser, (1983) 2 All. ER 350)

- **Expectation is based on an assurance given by a Minister of the Crown as to the way in which discretionary power.. would be exercised.**
- **Assurance was given so as to induce this very expectation**
it is upon an express assurance that the expectation is based: an assurance given by a Minister of the Crown as to the way in which the discretionary power conferred upon him by statute would be exercised. any fair reading... leads to the inference that assurance was given so as to induce this very expectation in the minds of...such as the Plaintiff, so that they might come forward and reveal to the authorities...(Stephen j. (1977)) 14 A.I.R., 1, p 34), cited in Young, R. (1986). 'Legitimate Expectations'. The Advocate. 44 (6): 803-815

- **Unfettered discretion is wholly inappropriate to a public authority which possess powers solely in order that it may use them for the public good**

The powers of public authorities are...essentially different from those of private persons.... But a public authority may do neither (examples of 'unfettered discretion') unless it acts reasonably and in good faith and upon lawful and relevant grounds of public interest. Unfettered discretion is wholly inappropriate to a public authority which possess powers solely in order that it may use them for the public good (H.W. R. Wade's Administrative Law, referred to by Mr. Justice Cook in (1983) 1 NZL R 646 cited in Young, R. (1986). 'Legitimate Expectations'. The Advocate. 44 (6): 803-815)

- **Expectation arising from Government holding itself out to do something**
- **Legitimate expectation that Government will discharge this obligation**

If a government holds itself out to do something even if not legally required to do so, the government will be expected to act carefully and without negligence, and the citizens have a legitimate expectation that the government will discharge this obligation

- **Expectation that when public authorities establish procedures and publish policies they are bound to follow them**

Where public authorities establish procedures and publish policies, they are bound to follow them. The concept of legitimate expectations has extended the requirements of natural justice to situations where citizens may legitimately be expected to be treated fairly (Ombudsman office, personal communication)

There does not have to be a specific legal right or interest affected for the concept to apply. "Legitimate expectation" means 'reasonable expectation' and it can be invoked where fairness and good administration justify a right to be heard or some other substantial procedural right (ombudsman office, personal communication)

- **When an expectation is created there must be the ability to fulfill the promise it implies**

To create an expectation is an empty gesture without a promise to fulfill it. Before creating an expectation, an organization must assure itself of its ability to fulfill the promise it implies" (Introduction, Ombudsman Annual Report, British Columbia, Canada, 1991)

Under this doctrine, it could be argued that the statements enunciated in international instruments — legally binding documents (conventions, Treaties, Covenants); globally adopted Convention Platforms of Action, and Action plans, and majority-passed General Assembly Resolutions and Declarations — could all reflect "promises" that create an "expectation" that citizens can demand to be fulfilled (see further section and diagram on international customary law in Chapter 4).



Photo: Cam Cooper

(2)

CIVIL SOCIETY LINKED WITH THE DOCTRINE OF LEGITIMATE EXPECTATIONS REDEFINED AND BASED ON THE CHARTER OF OBLIGATIONS (SEE FURTHER ANALYSIS IN CHAPTER 4, "HISTORICAL AND THEORETICAL PERSPECTIVES").

In his article "three paths to Development: Market, State and Civil Society", Alan Wolfe (1992) pointed out that "an obvious problem with the term NGO is that it defines itself by all activities that do not properly belong in the realm of government: In that sense it suggests duality, rather than trinity, for all institutions found in the realm of the market, to the degree that were not in the realm of the state, would be considered NGOs". One outcome of this unsatisfactory position is that at recent conferences, is a flurry of new "industry-based" NGOs created to participate in the NGO parallel conference forums. These NGOs also seek and receive accreditation as NGO observers at the official Conferences.

Rather than perceive the need to distinguish among NGOs between those concerned about the cost to society of the violations of human rights, the escalation of war and the degradation of the environment, and those, concerned about the financial costs of protecting human rights, reducing the military budget, and preserving and protecting the environment; the international community perceives the need to subsume both the private sector and NGOs under the rubric of the term "civil society" (or between public concern and private self interest). This use of the term can be seen. In the Draft Platform of Action for the UN Conference on Women, where the term "civil society" appears to embrace the private sector:

To this end, Governments, the international community and civil society, including non-governmental organizations and the private sector, are called upon to take strategic action in the following critical areas of concern (Art. 46. Draft Platform of Action, UN Conference on Women: Equality, Development and Peace)

A different view is expressed by Thierry Lemaesquier, United Nations Development Program (UNDP), who, in a recent presentation at the "We the Peoples: the History and Future of "Civil Society" in the United Nations, supported the division among "Civil Society", "State" and Market. In addition, he clarified the point at which a line could be drawn between "civil society" and "market" within the activity of business councils:

The inclusion of the private sector as a purported agent responsible for change rather than an agent that must be changed has prevented the necessary socio-political global change from occurring. If the necessary socio-political global change is to occur, the change must come from a revitalized notion of "civil society".

In this Charter of Obligations "Civil society" has been redefined as those members of society that agree with and adhere to fundamental principles enunciated in international document: legal binding documents (Conventions, Treaties, Covenants); globally adopted Convention Platforms of Action, and Action plans, and passed General Assembly Resolutions. This redefinition of "civil society" builds on the concept of "civil society" sharing some of the components

Civil society, by contrast (to "state" and "market" — multinational corporations etc.) demands that we focus on things small. Its concern is with the actual rather than the economic and political. Civil society points toward families, neighborhoods, voluntary organizations, unions and spontaneous grassroots movements....The crucial characteristic of civil society is that it is... available to ordinary people, part of everyday life. To talk of civil society is to reverse the priorities of political economy. It is to assert that human beings and their desires can alter otherwise determinant structures. It is to open unexpected possibilities rather than to focus on the conditions that make defeat inevitable. It is to believe that not only change will happen, but that it probably has already happened without our knowing it (Alan Wolfe (1992). "Three Paths to Development: Market, State and Civil Society" Development, International Cooperation and the NGOs: first International Meeting of NGOs and the UN System of Agencies. p19).

At a 1994 Summit of the Americas several NGO's defined "Civil Society" by referring to its priorities: ,

... NGO priorities on civil society -- liberty (democracy/human rights), culture, gender equality, and education...Civil society providing voice for the protection of human rights. Although the state has the primary responsibility to protect human rights, these civil society organizations also provide an effective, and necessary, voice for the protection of human rights (Solidarios, Dominican Republic).

or Civil society is linked with expressing concern for and promoting the fulfillment of basic "social rights":

Attention to basic social rights such as housing, health, education, and protection of the environment in the context of economic liberalization and extreme poverty; civil society participation should occur in each country with the US. making known its concern that civil society suggestions be factored into proposals; at the international level (Instituto de Desarrollo Urbano, Peru)

"Civil society" as proposed in the Charter of Obligations has to be distinguished from (a) the historical perspective as used in Western thought, including Hobbes, Locke, Paine, Tocqueville and Marx and Gramsci Hegel,.. and Marx (See Chapter (b) the Reemerged vision as used by former socialists societies (and by extension in the "roundtable movement) (c) the Feigned altruism tactic....used by and industry (See Chapter 3).

The premise of the Global Compliance Research project, one that is underlying the "Charter of Obligations", is that there needs to be an informed "civil society" that is founded on principles guaranteeing respect for human rights, ensuring the preservation and protection of the environment, removing and preventing the threats to peace, achieving disarmament, and enabling socially equitable and environmentally sound development. This informed civil society must be aware of which obligations have already been undertaken by states so that this informed civil society work towards the establishing of conditions under which justice and respect for the obligations arising from treaties and international law can be maintained; towards requiring the fulfillment of fifty years of obligations undertaken through Conventions, Treaties, Declarations and Resolutions made in the UN system; towards the demanding for the signing and ratifying what states have not yet signed and ratified, and for the enacting of the necessary legislation to ensure the discharging of these obligations; and the calling upon; and towards calling for the fulfilling of additional obligations undertaken through globally adopted UN Conference action plans, and programs of action.

Throughout the international documents significant obligations have been undertaken to ensure equality, peace, to preserve and protect the environment, to achieve social equity and to guarantee the protection of human rights. If there is to be the necessary global change, the approach to change must be through the recognition of the interdependence of these issues.

This draft Charter has clustered and clarified important principles of change through a content analysis of international documents, and associated documents. Through a deeper understanding and knowledge of the commitments made in these documents, women can become more effective as equal participants in the global decision-making process.

One purpose of this draft Charter of Obligations is to remind states of the obligations that have already been undertaken, and to suggest where these obligations fall short, and what further commitments need to be made. In the Appendix there is a list of the documents that have so far been surveyed. In surveying the documents we extracted what appeared to reflect obligation whether legal or moral. At this point the survey of the documents does not reflect an extensive analysis of each document, and it is quite possible that significant statements have been omitted.

(B). UNDERTAKING TO DISCHARGE OBLIGATIONS

From the earlier United Nations documents in the 1940s, throughout the years, to the recent United Nations Conference documents there has been a plea for states to sign and ratify international Conventions, Treaties, and Covenants, and to enact the necessary legislation to ensure the discharging of these obligations, and to comply with General Assembly Resolutions and Declarations, and Conference action plans. Throughout the 50 years of the United Nations in the international instruments, there are statements "urging states to sign and ratify" and there is an expressed intention to "transfer agreed to principles to state practices":

1940s

- **Undertaking to enact the necessary legislation to give effect to the provisions**

the Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in Article III (Art III Convention on the Prevention and Punishment of the Crime of Genocide, adopted 1948, in force 1952)

1950s

- **Securing the earliest adoption of practical measures to implementing principles**

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end, (International Convention on the Elimination of all Forms of Racial Discrimination,

1960s

- (i) **Undertaking an obligation not to defeat the object and purpose of a treaty prior to its entry into force**

Obligation not to defeat the object and purpose of a treaty prior to its entry into force

A state is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

- it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty (a); or
- it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed (b)

(Art.18, Convention on the Law of Treaties, 1968)

1970s

(i) **Undertaking to adopt such legislative...measures to give effect to the rights...**

Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant. (International Covenant of Civil and Political Rights, 1966, in force, 1976)

1980s

(i) **Affirming that principles shall be reflected in the law and practice of each state**

The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as at the international level (Art. 14. UN Resolution, 37/7, World Charter of Nature, 1982)

1990s

(i) **Urging the ratification and enforcing, and implementing of conventions**

Governments are urged to ratify all relevant conventions pertaining to women if they have not already done so. Those that have ratified conventions should enforce and establish legal, constitutional and administrative procedures to transform agreed rights into domestic legislation and should adopt measures to implement them in order to strengthen the legal capacity of women for full and equal participation in issues and decisions on *sustainable development socially equitable and environmentally sound development* (24.4, Agenda 21, UNCED, 1992).

(ii) **Calling upon States to strictly observe international humanitarian law**

..The Conference therefor calls upon States and all parties to armed conflicts strictly to observe international humanitarian law, as set forth in the Geneva Conventions of 1949 and other rules and principles of international law, as well as minimum standards for protection of human rights as laid down in international conventions (S.29., World Conference on Human Rights, 1993)

(iii) **Recommending the ratification of human rights documents**

the World Conference on Human Rights strongly recommends that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols adopted within the framework of the United Nations system

with the aim of universal acceptance. the Secretary-General, in consultation with treaty bodies, should consider opening a dialogue with States not having acceded to these human rights treaties, in order to identify obstacles and to seek ways of overcoming them (II S 4 World Conference on Human Rights 1993)

(iv) Inviting (urging) all states to put into practice

... in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion. The Conference also *invites urges* all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or belief (II B. 1 World Conference on Human Rights, 1993)

(v) Promulgating, implementing and enforcing national laws and international conventions

All countries *should make greater efforts to shall* promulgate, implement and enforce national laws and international conventions to which they are party....(Actions 4.5. International Conference on Population and Development, 1994)

(vi) Urging the signing and ratifying and implementing of all existing agreements

Countries *shall are urged to* sign, ratify and implement all existing agreements that promote women's rights. (Actions 4.5., International Conference on Population and Development, 1994)

(vii) And still at the co-incidence of the 50th Anniversary of the United Nations, and the UN Conference on Women: Equality, Development and Peace, the call for strong implementation measures is not fully heeded:

(Consider) reviewing national laws (including customary laws and legal practices in the areas of family, civil, penal, labour and commercial laws) in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments, by means of national legislation, and (consider) revoking any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice (232 d, Advance draft, Platform of Action, UN. Conference on Women, May 15)

PEACE HUMAN RIGHTS

INTERNATIONAL LEGALLY BINDING OBLIGATIONS

INTERNATIONAL CUSTOMARY LAW

INTERNATIONAL CONVENTIONS AND TREATIES

- Not to defeat the purpose of the Treaty in the interim between signing and ratifying the treaty. (Convention on the Law of Treaties)
- Recognizing of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (Preamble, Universal Declaration of Human Rights, 1948).
- Recognizing the right of everyone to an adequate standard of living (International Covenant on Economic, Social and Cultural Rights, 1978).
- (Ensuring) The full range of human rights and fundamental freedom to indigenous peoples (Art. 3 Convention Concerning Indigenous and Tribal Peoples in Independent Countries)
- Recognizing the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage... (United Nations Convention for the Protection of Cultural and Natural Heritage, 1972)
- Undertaking ...to conserve and sustainably use biological diversity for the benefit of present and future generations (Biodiversity Convention, UNCED, 1992)
- Invoking the Precautionary Principle ...where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble Convention on Biological Diversity, 1992)
 - Requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on Biological diversity... (Convention on Biological Diversity)

INTERNATIONAL MORAL OBLIGATIONS

EQUITABLE LAW

RECOGNITION OF THE URGENCY OF GLOBAL SITUATION

Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and literacy and the continuing deterioration of the ecosystem on which we depend for our well being (Agenda 21, United Nations Conference on environment and Development -UNCED, 1992)

- Continued depletion of resources upon which future generations depend are being depleted. Around the world many of the basic resources on which future generations will depend for their survival and well-being are being depleted and environmental degradation is intensifying, driven by unsustainable patterns of production and consumption, unprecedented growth in population, widespread and persistent poverty, and social and economic inequality. (Preamble, 1.2 1994 , International Conference on Population and Development)

DOCTRINE OF LEGITIMATE EXPECTATIONS

If a government holds itself out to do something even if not legally required to do so, it will be expected to act carefully and appropriately without negligence, and the citizens have the legitimate expectation that the government will discharge its obligations.

To create an expectation is an empty gesture without a promise to fulfil it. Before creating an expectation, an organization must assure itself of its ability to fulfil the promise it implies (Introduction, Ombudsman Annual Report, 1991)

GLOBALLY ADOPTED PRINCIPLES

GENERAL ASSEMBLY RESOLUTIONS

- Achieving agreement to freeze, reduce or otherwise restrain Military budget (Preamble, UN Resolution 36/82 1981, Reduction of Military Budgets)
- Assuring the proper conservation of natural resources ... for food production, all countries must collaborate in order to facilitate the preservation of the environment, including the marine environment. (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)
- Reallocating of resources saved by reduction of military budget to ...benefit of developing countries. (Preamble, UN Resolution 36/82 1981, Reduction of Military Budgets)
- Ensuring that every form of life is unique, warranting respect regardless of its worth to man (human (World Charter of Nature, 1982)

CONFERENCES ACTIONS PLANS AND PLATFORMS OF ACTION

- Ensuring that relevant decisions ... take into account the costs of any ecological consequences (Agenda 21, UN Conference on Environment and Development-UNCED, 1992)
- Commitment to not transfer harmful substances and activities harmful to human health or the environment to other states. (Rio Declaration, UN Conference of Environment and Development-UNCED, 1992)
- Eliminating weapons of mass destruction (UN Convention on Humans and the Environment 1972)

ENVIRONMENT

- Prevention and removal of threats to the peace, ...conformity with the principles of justice and international law ... (Article 1, United Nations Charter),
- Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
 - to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained...
 - to unite our strength to maintain international peace and security... (United Nations Charter)

EQUITY/EQUALITY



(C) LEVELS OF OBLIGATIONS

The Charter of Obligations includes two levels of obligations: those that states have undertaken through international instruments and those that would be necessary for the states to undertake if they are to discharge these obligations. The latter level of obligations is often reflected in suggestions made by "civil society". For example, if there is a state obligation to not transfer substances or activities that are harmful to the environment or to human health, then there is an concomittant obligation to ensure that states do not redefine harm to exclude hazardous, toxic, or atomic wastes that can be disposed of "safely" in the recipient state.



Photo: Canadian International Development Agency (CIDA), David Barbour

CHARTER OF OBLIGATIONS

PREAMBLE

CODING:

PLAIN TYPE IS USED FOR OFFICIAL UNITED NATIONS DOCUMENTS

OUTLINE TYPE IS USED FOR INDICATING CURRENT BRACKETED SECTIONS IN THE ADVANCE UNEDITED DRAFT PLATFORM OF ACTION

UNDERLINED IS USED FOR STATEMENTS IN NON-OFFICIAL UNITED DOCUMENTS

BOLD TYPE IS USED FOR TITLES AND FOR PROPOSALS AND EDITORIAL COMMENTS BY GLOBAL COMPLIANCE RESEARCH PROJECT

ITALICS IS USED FOR PROPOSED DELETIONS

CONCURRING with the United Nations Charter that "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace" (Article 1, United Nations Charter),

RECALLING that under the terms of the Charter of the United Nations the peoples have declared themselves determined:

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind (humanity);
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained...
- to unite our strength to maintain international peace and security...

AFFIRMING that States are responsible for the fulfillment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law (Preamble, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

NOTING that the treaties, conventions, resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting peace, protection and preservation of the environment, equality of all peoples, (economic and social justice), and fundamental freedoms have been agreed to either through legally binding conventions or treaties or adopted through resolutions, declarations and recommendations (Global Compliance Research Project)

CONCERNED, however, that despite these various international instruments, extensive discrimination against all identifiable groups and cases of human rights violations (continues to) exist, state sanctioned degradation of the environment persists, state sanctioned loss of biodiversity and endangered species continues to increase, state sanctioned production of armaments, and in particular, nuclear weapons continues, state sanctioned generation of toxic, hazardous and atomic wastes continues, state sanctioned transport of activities and substances that are harmful to human health and the environment to other states continues (Global Compliance Research Project)

NOTING that the organization of the United Nations is based on the principle of the sovereign equality of all its Members (Article 2, United Nations Charter), and that sovereign equality is not equivalent to the sovereign right to violate human rights, deny social justice and human Equality/equity, to escalate conflict, exploit natural resources or cause environmental degradation (Global Compliance Research Project)

CONVINCED that the provision for "sovereign rights" shall not be used to justify the continuation of a practice that is socially inequitable, is in violation of human rights, is ecologically destructive, contributes to violence, conflict and war, or increases the threat to peace (Global Compliance Research Project)

ENCOURAGING the elimination and abstaining from adopting coercive measures in violation of international law as stated in the Advance Unedited Draft Platform of Action: (Encourage the elimination of and abstain from adopting unilateral coercive measures, in violation of international law and the Charter of the United Nations, that go against the population of affected countries and, in particular, women and that could provoke situations leading to conflicts) (Art.146 (j) Advance draft, Platform of Action, UN. Conference on Women, May 15)

CONCURRING WITH the provision in the Convention on the Elimination of all forms of Discrimination Against Women (for States shall undertake) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations customs and practices which constitute discrimination against women; (Art 2. Convention for the Elimination of all Forms of Discrimination Against Women, 1975)

CONCURRING with UNCED that...States have... the responsibility to conserve their biodiversity and use their biological resources sustainably, and to ensure that activities within their jurisdiction or control do not cause damage to the biological diversity of other States or of areas beyond the limits of national jurisdiction (Biodiversity, Agenda 21, UNCED).

RECOGNIZING that the ineffectiveness of international agreements has in part been because of the sanctioned procedures of the International Court of Justice in not being given the power to adjudicate on complaints submitted by individual citizens or groups of citizens, and that a state can, when brought to court by other states, opt out by "declaring itself not to be bound" (Global Compliance Research Project)

RECOGNIZING that internationally and nationally impunity is a serious problem. The willingness and ability of international judicial bodies and national governments to carry out effective prosecution is an essential ingredient in fulfilling the obligation to ensure respect for human rights, environment and social justice (Global Compliance Research Project)

CONVINCED of the importance of establishing a judicial nominating commission within states to select judicial candidates based on merit, not political influence (Global Compliance Research Project)

MINDFUL that while distinct cultural traditions contribute to the wealth of global diversity, no cultural practices that are in violation of fundamental human rights shall be tolerated by the global civil society (Global Compliance Research Project)

MINDFUL of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session as a rule of ethics in respect of the human environment and the conservation of natural resources, (Preamble, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

CONVINCED that the "grave food crisis" is not a result of scarcity but the result of a global economic system that forces the so-called developing world to produce export agricultural crops to generate foreign exchange to pay their debt instead of growing food crops to feed their people. The "grave food crisis" is a result of the allocation of land to large landowners that produce for the export market and not for internal consumption. Lack of access to land, lack of access to credit

and inappropriate and unsustainable farming methods promoted by governments and transnational corporations have also contributed to the "grave food crisis". In addition, the gender bias inherent in western advisors and male extension workers in many parts of the so-called developing world has resulted in women, the traditional agriculturalists, in being disenfranchised from the land. Increased dependence on the cash economy has resulted in the conversion of food crops for domestic consumption to cash crops for export, and also often rendering traditionally ecologically sustainable life styles and communities, unsustainable (Global Compliance Research Project)

CONVINCED that the solution to global problems lies in the serious reduction of consumption in the North (and an increase in the equitable distribution of wealth in both the North and "South", rather than in the transference of Northern consumptive patterns to the "South", or in the purchase of land in the "South" to offset Northern consumptive patterns (Global Compliance Research Project)

CONCERNED about inequities.. northern controlled financial institutions such as the role of World Bank and IMF... inequitable terms of trade... unfair trading regimes...) (violation of the political and economic sovereignty of 'southern' states with continued colonial and neo-colonial relationships between North and South, continued interference of 'northern' states in the internal affairs of 'southern' states. (Global Compliance Research Project)

CONCURRING with the Group of Fifteen that the threat to the global environment comes mainly from past and present industrialization practices and profligate consumption in the industrialized countries. This has negative repercussions on countries in general, with particularly harmful consequences for developing countries, which are more vulnerable to environmental problems. (Group of Fifteen, submission to UNCED)

DEEPLY CONCERNED about the arms race, its extremely harmful effects on world peace and security and its deplorable waste of human and economic resources (Preamble B, UN Resolution 36/82 1981, Reduction of Military Budgets, 1981)

ALARMED by present tendencies to increase further the rate of growth of military expenditures (Preamble B, UN Resolution 36/82 1981, Reduction of Military Budgets, 1981)

AFFIRMING THE IMPERATIVE TO (Reduce military expenditures and control the availability of armaments) (Reduce and eliminate the availability of instruments of violence against women) (Strategic objective E 2 (144-145) Advance draft, Platform of Action, UN. Conference on Women, May 15)

PROCLAIMING that all States shall promote international co-operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2., Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution, 1975),

NOTING with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamentals. NOTING also with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or the groups and for human dignity. (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind Humanity, 1975)

CONVINCED that it is necessary to communicate the existence of international obligations that already exist under these international instruments, and that the time has come to translate rhetoric into action, and convinced that the hypocrisy and inconsistency among the so-called developed states in their non-compliance with their obligations has contributed to the reluctance of other states to comply with their international obligations, (Global Compliance Research Project)

PERSUADED that citizens must play an active role in ensuring that rhetoric is translated into action and therefore, propose the following:

- that States that have failed to sign significant international agreements shall sign. States that have signed but failed to ratify agreements shall ratify and States that have signed and ratified but have failed to enact the necessary legislation to ensure the discharging of their obligations under the agreements shall enact legislation. In addition, states that have signed, ratified, and enacted legislation but have failed to enforce the legislation shall enforce the necessary national legislation.
- that States that participate in the deliberations in the General Assembly shall be obliged to act upon the democratically passed resolutions; these resolutions are reflective of democratic world opinion.

SYSTEMIC CONSTRAINT: OFTEN CITIZENS ASK FOR WHAT IS POSSIBLE NOT WHAT IS NECESSARY

PART 1: OVERVIEW

A. OVERVIEW OF CHARTER OF OBLIGATIONS

(1)

RATIONALE BEHIND SELECTION OF DOCUMENTS

The Global Compliance Research Project is attempting to examine the interdependence of issues. One of the problems with examining the interdependence of issues is the translation of this interdependence into a linear sequential medium. Although many of the statements of obligations are related to specific issues, most of the statements are related to the connection and relationship between and among issues. Given that many of the statements do refer to the relationship between and among issues, many of the sections in the Charter of Obligations will be compounded. For example there will be a section on "Health" for issues that relate specifically to health but there will also be a section on "health and environment".

A sequence of reporting on the statements has been followed: general recognitions or principles; development and social issues, basic needs, health, health and environment, health and human rights, human rights and environment, environment, human rights and peace; peace; social, environment, human rights and peace.

1.1. Selection of issues

Given that the Global Compliance Research Project is examining the interdependence of issues no issue will be specifically excluded

1.2. Selection of documents for booklet

The Charter of Obligations includes statements from the following categories of international instruments and resolutions.

- (i)** Legally binding documents such as the UN Charter, Conventions, Covenants, and Treaties which have been (a) signed/ratified by a sufficient number of states and thus in force, or (b) signed, ratified by some states, but not by the sufficient number of states to enable the document to be in force
- (ii)** United Nations Conference statements, platforms of actions, and agenda for action that have been globally adopted by the member states of the United Nations
- (iii)** United Nations General Assembly resolutions which have been passed by the majority of states of the United Nations
- (iv)** If legally binding and globally adopted documents have not yet been found on a particular issue, then international NGO documents will be included. These NGO documents will be underlined with appropriate source citation.

- (v) In addition there will be throughout the Charter statements, expressions, and words in Bold type. In these cases the Global Compliance Research Project has introduced terms to suggest ways of strengthening the international documents (both state and NGO).
- (vi) In the Charter of Obligations, wording that was in one international document will be proposed to replace wording in another document. For example, the term "sustainable development" has been used throughout documents from UNCED, and since UNCED. In the United Nations document on Population and Development, the expression "socially equitable and environmentally-sound development" was also used. In this Charter of Obligations, the latter term has replaced the former.

1.3. Inclusion of different statements reflecting the same issue

- (i) Several statements of the same principle will be enunciated in order to suggest a foundation for international customary law
- (ii) In some cases the legally binding document is weaker than a similar globally adopted agreement then both versions will be included. For example, in the wording of the "precautionary principle," "shall" is used in the globally adopted document, the Rio Declaration, whereas in the legally binding Conventions the term "should" is used.
- (iii) A "coding title" appears above all the statements.
A coding title — an abbreviated form of the statement. In all cases an attempt has been made to capture the essence of the original statement. In some cases stronger words than those in the original document will be used; if so these words will be in square brackets

1.4. Compound obligations

- (i) In many cases in one section of the international instruments there might be two or more key obligations. If so the statement may be repeated twice with a different coding title, or the two different coding titles will be at the top of the statement. For example in the following statement from Agenda 21, the two obligations are delineated:

- Providing access to safe...shelter
- Providing access to... healthy shelter

(Provide) access to safe and healthy shelter **(which)** is essential to a person's physical, psychological, social and economic well-being and should **shall** be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights (7.6, Settlement, Agenda 21, UNCED, 1992)

1.5. Multiple relevance

(i) If, a statement has components that could apply in different sections of the Charter the statements will appear twice.

1.6. "Group sensitive" wording

(i) In the Global Compliance Charter document care has been taken to respect "group sensitive terms" — the term and expression that have been proposed by variously designated groups. For example throughout the UN documents, the term "disabled people" or "disabled person" is used. It is understood however that the preferred expression by people belonging to this designated group is "persons with disabilities". Thus, throughout the Global Compliance Research Charter all references to disabilities is linked with the expression "persons with disabilities".

(ii) In the version of the Global Compliance Research Project Charter (March 15) that was prepared for the New York Prep Com, the expression "gender equity" was used to include "gender equality". At the New York Prep Com, several states interpreted "gender equity" in a way that would exclude the necessary provisions for ensuring gender equality. This version of the Global Compliance "Charter of Obligations" has replaced the expression "gender equity" with "gender equality/equity".

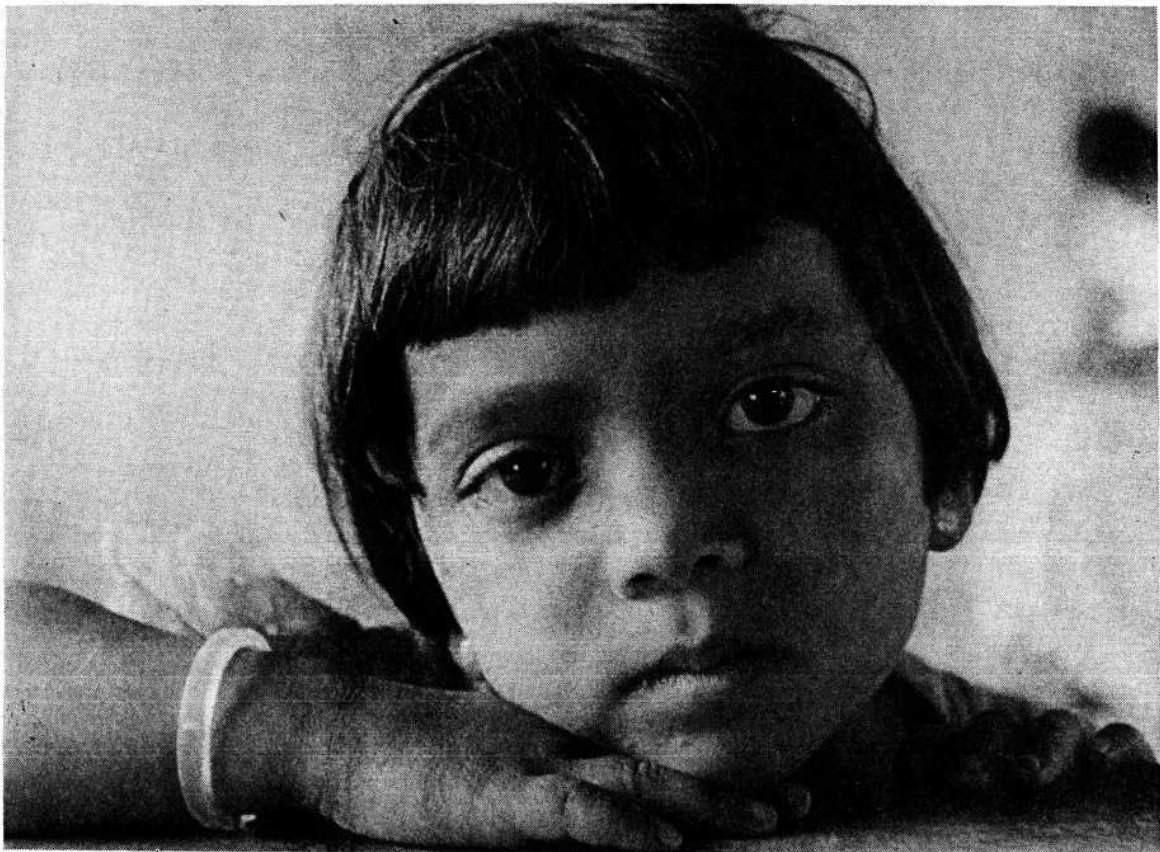


Photo: CIDA, Dilip Mehta

(2)

CODE FOR INTERPRETING AND COMMENTING ON CHARTER

This draft charter is being circulated for comment, and can be amended, added to, etc., by using the following code for making changes.

plain text:

- Internationally binding agreements, Conventions, Treaties
(code: Name of instrument + "legally binding")
- Internationally adopted instruments
(Code: Name of instrument + "Globally adopted UN Resolution"
(Code: Name of instrument + "Globally adopted Statement, Agenda, Conference"

(plain)

- (Additions from other international instruments)

italics plain:

- *Statements in UN documents that are proposed to be deleted*
- *Titles of sections when centred on page*

Bold

- **Coding title**
- **Suggested modifications and additions of terms, phrases, or statements by Global Compliance Research Project to UN documents within the documents**

Plain underlined:

- International NGO agreements
(code: Name of document + NGO)
- {Additions from other NGO documents}
- Draft International agreements that have not yet been adopted

Bold underlined:

- **Terms, phrases, or statements:**
suggested modification of NGO document

Bold

- Suggested additions terms, phrases, or statements proposed independently from other documents. Note these statements are included when there does not appear to be recognition in either the International UN or NGO documents, in the event that statements are found in the documents to address the issues, these sections will be deleted.

++

- Need to find reference in the international documents and if none can be found, a statement will be drafted

^^ |

- Strong statement but possibly self-serving

(Bold)

- (editorial comments)

Outline: bracketed sections in the May 15 Unedited version of the Declaration and Platform of Action

(outline) bracketed sections from the May 15 unedited version of the Declaration and Platform of Action that have been incorporated into other documents

??? Symbol for significant absence in May 15 version

Outline Systemic constraints or outstanding obstacles preventing the necessary change

~

- notwithstanding clause term

∞

- term needs to be explicitly defined or it could become a loophole

{{ }}

- what actions would fulfill this principle or be in violation of this principle

{{{ }}}

what policy could be in place to ensure fulfillment of the principle

*

- statement that would not be needed if other preventive measures were in place

¶ (option 7) — symbol to indicate that changes need to be made in the file on the computer disk, or that documents have to be found.

B. DEFINITIONS, REDEFINITIONS REPLACEMENT OF TERMS

(1)

RE-DEFINITION OF "EQUALITY" "SOCIAL EQUALITY/EQUITY"

The 1980 Copenhagen World Conference on Women interpreted equality as meaning not only legal equality, the elimination of de jure discrimination, but also equality of rights, responsibilities and opportunities for the participation of women in development, both as beneficiaries and as active agents. (Para. 10, Nairobi Forward Looking Strategies, 1985) Equality is both a goal and a means whereby individuals are accorded equal treatment under the law and equal opportunities to enjoy their rights and to develop their potential talents and skills so that they can participate in national political, economic, social and cultural development... For women in particular, equality means the realization of rights that have been denied as a result of cultural, institutional, behavioural and attitudinal discrimination. Equality is important for development and peace because national and global inequities perpetuate themselves and increase tensions of all types. (Para 11, Nairobi Forward Looking Strategy, 1985). **It is essential to recognize gender equality/equity as a dual component: neither one sufficient without the other. equity that does not include equality nor equality that does not include equity is sufficient. because equality with men will not address the obstacles to women's involvement in the political, economic and social sphere unless, what has been determined, 'women's work', become work that both men and women share equally. Women and men need to equally participate in domestic work and child rearing if women are to have "equal access to economic, political, social and educational opportunities". Moreover, this cannot be changed with the present institutions firmly intact. The concept of equality/equity cannot be conceived of without eroding the present institutionalized structure that has historically denied women and men the social, political and economic means with which to realize their potential.**



(2)
**REPLACEMENT OF TERM "SUSTAINABLE DEVELOPMENT"
WITH SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND
DEVELOPMENT**

• **Socially equitable and environmentally sound development"**

... None the less, the effective use of resources, knowledge and technologies is conditioned by political and economic obstacles at the national and international levels. Therefore, although ample resources have been available for some time, their use for socially equitable and environmentally sound development has been seriously limited (Preamble 1.1. International Conference on Population and Development, 1994)

The term "socially equitable and environmentally sound development" expression was used in the 1994 UN Conference on Population and Development and will be used in this Charter to replace the expression "sustainable development". It should be emphasized that this expression includes the commitment to intergenerational equality/equity.

(In this context, we should also emphasize the social dimension of development. Accelerated economic growth, although necessary for social development, does not by itself improve the quality of life of the population: indeed, it can aggravate social inequality and marginalization. Hence, it is indispensable to search for new alternatives based on a holistic approach on all aspects of development: growth, **equality, equity, socially equitable and environmentally sound development** *sustainable development*, solidarity, participation, peace and respect for human rights) (Art. 16, Advance draft, Platform of Action, UN. Conference on Women, May 15)



(3)

“DEVELOPMENT” {“ENVIRONMENTALLY SOUND DEVELOPMENT”}

• **Recognizing the moral dimension of development**

Development also requires a moral dimension to ensure that it is just and responsive to the needs and rights of the individual **(and of the collectivity... need to recognize communities...indigenous peoples... and that the individual is not necessarily the pinnacle of importance in a society but what is best for the collectivity, and that science and technology are applied within a social and economic framework that ensures environmental safety for all life forms on our planet (appropriate technology that is decided by the people themselves... that science and technology is not just applied but there is consultation with and a genuine regard for the potential negative impacts on i.e.. employment... status on women, social relations, ecosystems, and peace) (Para 12, Nairobi Forward Looking Strategies, 1985)**



Photo: Cam Cooper

(4)
**REDEFINITION OF "DEVELOPMENT" IN EQUITABLE AND
ECOLOGICAL TERMS**

There is a need to redefine development in equitable and ecological terms. The following is an attempt to outline what would constitute a "developed" state in equitable and ecological terms:

4.1. SOCIAL AND CULTURAL

- (i) the degree to which there is an equitable distribution of resources
- (ii) the degree to which there is the provision for sufficient income to meet basic needs
- (iii) the degree to which the right to food, shelter, and universal health care is guaranteed and assured

4.2. SOCIAL EQUALITY/EQUITY

- (i) the degree to which cooperation supersedes competition
- (ii) the extent to which there is the political will to promote development in such a way ... to alter the current unequal conditions and structures that continue to define women as secondary persons and give **gender** issues a low priority. Development *should shall* now move to another plane in which **both women and men's** pivotal roles in society **are** recognized and given **their** true value. **This plane** will allow **both women and men** to assume their legitimate and core positions in the strategies for effecting the changes necessary to promote and sustain **socially equitable and environmentally-sound development**. (Para 21, ICPD) Nairobi Forward-Looking Strategies, 1985)

4.3. ENVIRONMENT

- (i) the degree to which a state has been able to integrate ecologically sound practices in policy
- (ii) the degree to which biodiversity is protected and the degree to which a biocentric rather than an anthropocentric view of society is adopted
- (iii) the degree of condemnation and avoidance of over- consumption
- (iv) the ability to live within the carrying capacity of the ecosystem and to refrain from contributing to global ecological harm
- (v) the degree to which a state has recognized "ecosystem integrity", the "anticipatory principle", the "precautionary principle", the "reverse-onus principle", the "polluter pay" principle, the "compensatory principle", the "assessment of environmental costs" principle; the "non-transference of substances or activities that are harmful to human health or the environment" principle

4.4. HUMAN RIGHTS

- (i) the degree to which there is the absence of discrimination based on gender, sexual orientation, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socio-economic conditions (age) and other status
- (ii) the degree to which there is affirmative action and equal access to (employment)
- (iii) the extent to which a state guarantees the rights of indigenous peoples
- (iv) the ability to minimize the human impact on the environment while fulfilling obligations to human rights

- (v) the degree of enshrining and implementing of the right to socially equitable and environmentally-sound development which includes the right to food, potable water, universal health care, education and shelter, as well as the right to civil and political rights (security, freedom of speech etc.) as well as the right to full and meaningful participation in the decision-making processes that affect peoples lives.
- (vi) the extent to which there is the absence of religious fanaticism and intolerance

4.5. PEACE

- (i) the degree to which support is given to non-aggressive, peaceful ways to resolve conflict
- (ii) the degree to which no or little funds are spent on the military and on arms production
- (iii) the degree to which the state has frozen the military budget at the 1981 level and transferred funds to socially equitable and environmentally sound development as agreed in the UN General Assembly Resolution 1981,
- (iv) the degree to which citizens can be conscientious objectors in time of war
- (v) the degree to which citizens can transfer the proportion of the military budget to socially equitable and environmentally sound development
- (vi) the degree to which the state is not involved indirectly or directly in the development of conventional weapons or of weapons of mass destruction

4.6. ENFORCEMENT OF LAW

- (i) the degree to which a state has signed and ratified international conventions, treaties and covenants
- (ii) the degree to which a state has enacted the necessary legislation to discharge these obligations
- (iii) the degree to which these laws are enforced
- (iv) the degree to which a state has fulfilled obligations under globally adopted conference action plans or platforms of action, and under General Assembly Resolutions
- (v) the degree to which laws are enacted and enforced on a national, regional and local level to protect human rights and the environment, and promote social equality/equity, justice and peace
- (vi) the degree to which those who violate the law are held accountable

4.7. DECISION MAKING

- (i) the degree of participatory decision making opportunities for the citizenry
- (ii) the degree to which citizens are involved in the decision making process from the formulation of the terms of reference
- (iii) the recognition of the importance of grass-root decision making and implementation
- (iv) the degree to which decision making bodies draw upon varying areas of expertise and experience rather than upon those with a vested economic interest

(From Russow, J, and D. White and F. Knelman. (1994) "Redefinition of Development in Equitable and Ecological Terms" Panel on Ecojustice. Environmental Law Conference, Faculty of Law, University of Victoria, Canada, Extended, as part of Brazil/Canada Project on the Interdependence of Issues.

(5)

RE-DEFINITION OF ECOSYSTEM INTEGRITY

(See further development of environmental principles on pp. 11)

5.1. Ensuring ecosystem integrity:

Ecosystem integrity is a prime consideration in developing any criteria. The interdependence of (the biota) and the delicate balance between various components—air, water, aquatic life, wild life, land, etc. in an ecosystem must be considered. The uniqueness of each ecosystem must be respected.

5.2. Ecosystem integrity embodies the following principle:

Ensuring that every form of life is unique, warranting respect regardless of its worth to humans (Preamble, World Charter of Nature, 1982).

5.3. Ecosystem integrity builds on definitions established in the Convention on Biological Diversity:

- (I) "Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit (Convention on Biological Diversity, UNCED, 1992)
- (II) "Biodiversity" is defined as "the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (Convention on Biological Diversity, UNCED, 1992)
- (III) "In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties (Definition, Convention on Biological Diversity, UNCED, 1992)

5.4. Ecosystem integrity arises from invoking the precautionary principle

Where there is a threat of serious or irreversible damage, lack of full scientific certainty *should shall* not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992)

5.5. Ecosystem integrity arises from promoting the protection of the ecosystems

Therefore, States must promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings (Article 8 d, Convention on Biological Diversity, UNCED, 1992)

(6.)
DEFINITION OF PEACE

Peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violations of human rights and fundamental freedoms. (§ Nairobi Forward Looking Strategies for the Advancement of Women, 1985)

Convinced *that life without war* **"peace with justice"** and not just the **absence of war** serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms. (United Nations Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12, 1984)

(7)
REDEFINITION OF "CIVIL SOCIETY"

(See further discussion in Chapter 4)

The term "civil society" refers to the segment of society that upholds principles guaranteeing respect for human rights, ensuring the preservation and protection of the environment, removing and preventing the threats to peace, achieving disarmament, and enabling socially equitable and environmentally sound development. This informed civil society must be aware of which obligations have already been undertaken by states so that this informed civil society work towards the establishing of conditions under which justice and respect for the obligations arising from treaties and international law can be maintained; towards requiring the fulfillment of fifty years of obligations undertaken through Conventions, Treaties, Declarations and Resolutions made in the UN system; towards the demanding for the signing and ratifying what states have not yet signed and ratified, and for the enacting of the necessary legislation to ensure the discharging of these obligations; and the calling upon; and towards calling for the fulfilling of additional obligations undertaken through globally adopted UN Conference action plans, and programs of action.

SYSTEMIC CONSTRAINT: ON THE ONE HAND THE TERM "CIVIL SOCIETY" HAS OFTEN BEEN PROPOSED TO INCLUDE THE MARKET IN A BIPOLAR DISTINCTION BETWEEN THE "STATE" AND "CIVIL SOCIETY"; ON THE OTHER HAND IT HAS BEEN PROPOSED THAT THE TERM BE USED TO REPLACE THE TERM "NGO". NGOS RECENTLY HAVE BEEN EXTENDED AS WELL TO INCLUDE INDUSTRY-FRONT SOCIETIES.

PART II

ACKNOWLEDGMENT OF URGENCY OF THE GLOBAL SITUATION

A. GENERAL ACKNOWLEDGMENT OF URGENCY

1.

CONCURRING WITH THE GLOBAL RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION

1.1. Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Preamble, Agenda 21, UNCED, 1992)

1.2. Recognizing that the critical international economic situation since the end of the 1970s has particularly adversely affected developing countries and, most acutely, the women of those countries. The overall picture for the developing countries, particularly the least developed countries, the drought-stricken and famine-stricken areas of Africa, the debt-ridden countries and the low-income countries, has reached a critical point as a result of structural imbalances and the continuing critical international economic situation... the gap between the developed and developing countries, particularly the least developed among them, instead of narrowing, is widening further... (para 8, Nairobi Forward Looking Strategies for the Advancement of Women, 1985)

1.3. Deeply concerned about the continuation of conflict situations and the emergence of new sources of disputes and tension in international life, and especially about the growing tendency to resort to force or the threat of force and to intervention in internal affairs, and about the escalation of the arms race, which gravely endanger the independence and security of States, as well as international peace and security (Preamble, Peaceful settlement of disputes between states, UN resolution 36/110, 1981)

1.4. Awareness about resource depletion, the degradation on natural systems and the dangers of polluting substances increased markedly in the last decade. All regions of the world are adversely affected by accelerated resource depletion and environmental degradation due to drought, desertification, deforestation, natural disasters, pollution from toxic hazardous and atomic wastes, and the aftermath of the use of unsuitable agro-chemical products. Wars, civil strife and armed conflicts, population density, and wasteful consumption have all contributed to the worsening environmental conditions. The genetic manipulation of life forms pose serious ecological and health risks. many ecosystems that

are reservoirs of considerable ecological and biological diversity are under threat. These worsening conditions are destroying fragile ecosystems, displacing communities, especially women, from productive activities and are an inter-region abrogation of the right to a safe and healthy environment (171, Working Draft of the Platform of Action, United Nations Official Document, February, 17, 1995 **(No longer in May 15, 1995)**)

1.5. Continuing environmental degradation that affects all human lives often has a more direct impact on women. Women's health and their livelihood are threatened by pollution and toxic wastes, large-scale deforestation, desertification, drought, and depletion of the soil and of coastal and marine resources, with a rising incidence of environmentally related health problems and even death reported among women and girls. Those most affected are rural and indigenous women, whose livelihood and daily subsistence depends directly on sustainable ecosystems (Art. 36 Advance draft, Platform of Action, UN. Conference on Women, May 15)



Photo: CIDA, Dilip Mehta

1.3. Continued depletion of resources upon which future generations depend are being depleted

Around the world many of the basic resources on which future generations will depend for their survival and well-being are being depleted and environmental degradation is intensifying, driven by unsustainable patterns of production and consumption, unprecedented growth in population, widespread and persistent poverty, and social and economic inequality (Preamble, 1.2. International Conference on Population and Development, 1994)

1.4. Continued impact of the traditional consumptive patterns of development

We have come to realize that the traditional consumptive patterns of development have contributed to poverty, to the inequitable distribution of resources, to overconsumption, to the violation of human rights and has thus threatened human survival and has contributed to the potentially irreversible degradation of the global ecosystem (Alternative Earth Charter, ERA Ecological Rights Association, 1991)

1.5. Continued political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation

1.6. Continued failure to eliminate prejudicial attitudes towards women and girls

Most of the goals set out in the Nairobi Forward-looking Strategies for the Advancement of Women have not been achieved. Barriers to women's empowerment remain, *despite the efforts of Governments, as well as non-governmental organizations and women and men everywhere.*

essentially because of the lack of international political will. (Vast political, economic and ecological crises, systemic or de facto discrimination, armed conflict (colonial and other forms of alien domination or foreign occupation)

(failure to protect all human rights and fundamental freedoms of all women, including the right to development) and ingrained prejudicial attitudes towards women and girls are but a few of the impediments encountered since the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, in 1985) (Art. 44, Advance draft, Platform of Action, UN.

Conference on Women, May 15)

1.7. Continued Imposition of a Western Model of Development

Economic development of the last four decades also did not take into account either people's own wisdom about their natural resources nor did it hand them back power to manage their environment. The result has been continued exploitation of the resource base without any discipline or care for future impacts. International banks and agencies have consistently pushed and imposed a Western model of development that is unsuited to the ecological and economic needs of the region and have, as a result, exacerbated pressures on the local resource base (The Imperative of Equity: the Missing Dimension of UNCED, Statement of the South Asia NGO Summit New Delhi, February 1992)

1.8. Continued impact on environmental degradation arising from unsustainable production and consumption patterns, drought

... environmental and natural resource degradation, deriving from, inter alia, unsustainable production and consumption patterns, drought, poor quality water, global warming, desertification, sea-level rise, hazardous waste, natural disasters, toxic chemicals and pesticide residues, radioactive waste, armed conflicts (and refugee flows) (Art 246, Advance draft, Platform of Action, UN. Conference on Women, May 15)

1.9. Continued cause of deterioration of the global environment through unsustainable pattern of consumption and production

Awareness of resource depletion, the degradation of natural systems and the dangers of polluting substances increased markedly in the past decade. These worsening conditions are destroying fragile ecosystems, displacing communities, especially women, from productive activities and are an increasing threat to a safe and healthy environment.

(The major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries. Rising sea levels as a result of global warming cause a grave and immediate threat to people living in island countries and coastal areas. The use of ozone-depleting substances such as products with chlorofluorocarbon, halos, foams and plastics are severely affecting the atmosphere by allowing harmful ultra-violet rays reaching the Earth's surface, causing severe effects on the health of people) (Art 246, Advance draft, Platform of Action, UN. Conference on Women, May 15)

1.10. Continued stress because of world population and unsustainable consumption patterns places increasingly severe stress on the life-supporting capacities of our planet.

The growth of world population and production combined with unsustainable consumption patterns places increasingly severe stress on the life-supporting capacities of our planet. These interactive processes affect the use of land, water, air, energy and other resources. Rapidly

growing cities, unless well-managed, face major environmental problems. The increase in both the number and size of cities calls for greater attention to issues of local government and municipal management. The human dimensions are key elements to consider in this intricate set of relationships and they should be adequately taken into consideration in comprehensive policies for sustainable development. Such policies should address the linkages of demographic trends and factors, resource use, appropriate technology dissemination, and development. Population policy should also recognize the role played by human beings in environmental and development concerns. There is a need to increase awareness of this issue among decision makers at all levels and to provide both better information on which to base national and international policies and a framework against which to interpret this information (5.3. Demographic Dynamics and Sustainability, Agenda 21, UNCED, 1992)

1.11. Continued stress on global ecosystem from the consumption pattern in industrialized countries

In industrialized countries, the consumption patterns of cities are severely stressing the global ecosystem, while settlements in the developing world need more raw material, energy, and economic development simply to overcome basic economic and social problems. (7.1., Agenda 21, UNCED, 1992)

1.2. Increasing negative impact of structural adjustment programs **The international debt crisis, which has forced nations to undergo structural adjustment programs, has undermined nation states to implement or maintain food security policies. Increased trade liberalization, with the World Trade Agreement will further restrict the nation state from implementing food security policies.**

The negative consequences of structural adjustment programmes have had negative consequences such as increased poverty, unemployment, social disintegration, health care decline, environmental degradation, reduced access to education, and escalation of conflict.



(2)

ACKNOWLEDGMENT OF URGENCY: INEQUITABLE DISTRIBUTION OF RESOURCES AND DENIAL OF BASIC NEEDS

2.1. Continued inequitable distribution of natural resources

Poverty is also closely related to inappropriate spatial distribution of population, to unsustainable use and inequitable distribution of such natural resources as land and water, and to serious environmental degradation (3.13., International Conference on Population and Development, 1994)

2.2. Continued inequality/inequity between "developed" and "underdeveloped" states

Despite decades of development efforts, both the gap between rich and poor nations and the inequalities within nations have widened. Serious economic, social, gender and other inequities persist and hamper efforts to improve the quality of life for hundreds of millions of people. The number of people living in poverty stands at approximately 1 billion and continues to mount. (3.11. International Conference on Population and Development, 1994)

2.3. Continued increase in the number of people who do not have access to safe and healthy shelter

... it is estimated that at the present time, at least 1 billion people do not have access to safe and healthy shelter and that if appropriate action is not taken, this number will increase dramatically by the end of the century and beyond (7.6., Agenda 21, UNCED, 1992)



Photo: Kari Jones Baffin Island Canada

2.4. Continued lack of access of poor to suitable land

The rising costs of urban land prevent the poor from gaining access to suitable land. In rural areas, unsustainable practices, such as the exploitation of marginal lands and the encroachment on forests and ecologically fragile areas by commercial interests and landless rural populations, result in environmental degradation, as well as in diminishing returns for impoverished rural settlers (7.27. Agenda 21, UNCED, 1992)

2.5. Continued gravity of the economic and social situation of the least developed countries

Deeply concerned at the gravity of the deteriorating economic and social situation of the least developed countries...(United Nations Conference on the Least Developed Countries, The General Assembly, Resolution 36/194, 1981)

2.6. Continued associated problems of poverty

Poverty is often accompanied by unemployment, malnutrition, illiteracy, low status of women, exposure to environmental risks and limited access to social and health services, including reproductive health services which in turn include family planning. All these factors contribute to high levels of fertility, morbidity, and mortality, as well as to low economic productivity (3.13., International Conference on Population and Development, 1994).

2.7. Continued widespread unemployment and underemployment

Considering the widespread unemployment and underemployment affecting various countries throughout the world at all stages of development and in particular the problems of young people, many of whom are seeking their first employment, and..(Preamble Convention Concerning Employment Promotion and Protection against Unemployment, no.168, 1988)

2.8. Continued impact of poverty on enjoyment of human rights

The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights... (Art. 14, World Conference on Human Rights, 1993)

2.9. Continued lack of basic needs

One in three people in the developing world still lacks these two (safe drinking-water and sanitation) basic requirements for health and dignity. (18.47., Agenda 21, UNCED, 1992)



2.10. Continued lack of access to basic sanitation and adequate waste disposal services

By the end of the century, over 2 billion people will be without access to basic sanitation, and an estimated half of the urban population in developing countries will be without adequate solid waste disposal services. As many as 5.2 million people, including 4 million children under five years of age, die each year from waste-related diseases. The health impacts are particularly severe for the urban poor. (Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180 (XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974)

2.11. Continued food crisis violating right to life and human dignity

The grave food crisis that is afflicting the peoples of the developing countries where most of the world's hungry and ill-nourished live and where more than two thirds of the world's population produce about one third of the world's food—and imbalance which threatens to increase in the next 10 years—is not only fraught with grave economic and social implications, but also acutely jeopardizes the most fundamental principles and values associated with the right to life and human dignity as enshrined in the Universal Declaration of Human Rights; Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180 (XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974



2.12. Increased use of manipulative Biotechnology

Biotechnology industry is progressing virtually without any curbs or restrictions. Present legislation and regulations are inadequate to deal with these technical matters. No consideration is being given to ethical or cultural consequences of biotechnology including genetic engineering. Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies must be prevented from controlling the world's food supplies via their technological arsenals, in particular genetic engineering of seeds, animals and biological processing of produced foods (Citizens Association to Save the Environment- CASE)

2.13. Continued unethical Patenting of seeds by multinationals

Multi-national corporations have persuaded numerous countries to adopt "plant Breeders Rights". Because of these "rights", corporations have bought up seed companies, secured indigenous varieties from many locations, and engineered them to secure patent rights. These "rights" exist in the EC, the USA, Canada and other countries. GATT has and is extending patent laws to developing countries, which means corporate control of their crop varieties. Many generic varieties have already been lost or are not obtainable (Citizens Association to Save the Environment- CASE).

2.14. Increased modification of seeds for profit

By genetically modifying seeds to withstand a specific herbicide, the multi-national corporations are reaping a profit by claiming their royalties on such seeds and selling their particular herbicides. Additionally, because the majority of genetically altered seeds do not grow plants with seeds that breed true, the companies are assured of annual seed sale. Many indigenous plants in their adaptation to local environmental conditions can withstand drought, resist insect depredations and provide good protein yields. Within conditions of mixed varieties, some plants may harbour predatory insects that prey on the pests of other plant varieties. Such symbiotic relationships are significant but will not longer be considered because of genetic splicing of insecticides into seeds. Hundreds of seed varieties are no longer available with the EC. Almost half of all non-hybrid seed varieties offered in 1984 North American seed catalogues were no longer available in 1991 (Citizens Association to Save the Environment- CASE, 1995)

2.15. Increased modification of organisms through "genetically modified organisms"

Experimental gene manipulation of animals has been going on for several years. The introduction of the Bovine Growth Hormone BST, is now a major attempt by the international corporations to secure a strong influence world wide (Citizens Association to Save the Environment- CASE, 1995).

2.16. Continued high birth mortality rate

High percentage of child mortality rate of deaths per live births.



(3)
**ACKNOWLEDGMENT OF URGENCY:
CONTINUED HEALTH PROBLEMS**

3.1. Linking of health population and overconsumption and inappropriate development

(Health and development are intimately interconnected. Both insufficient development leading to poverty and inappropriate development resulting in overconsumption, coupled with an expanding world population, can result in severe environmental health problems in both developing and developed nations) (6.1., Agenda 21 UNCED, 1992)

3.2. Increased deterioration of public health system, public health spending and privatization of health care systems

In many countries, in particular in developing and least-developed countries, (structural adjustment,) (the deterioration of public health systems, a decrease in public health spending and in some cases, increasing privatization of health care systems without appropriate guarantees of universal access) further reduce health care availability. This situation not only directly affects the health of girls and women, but also places disproportionate responsibilities on women, whose multiple roles including within the family and the community are often not acknowledged and as such do not receive the necessary social, psychological and economic support (93 Advanced Draft Platform of Action, UN Conference on Women, 1995)

3.3. Continuing spread of communicable infections

According to World Health Organization (WHO) estimates, by the beginning of 1995 the number of cumulative cases of Acquired Immunodeficiency Syndrome (AIDS) was 4.5 million. An estimated 19.5 million men, women and children have been infected with human immunodeficiency syndrome (HIV) since it was first diagnosed and it is projected that another 20 million will be infected by the end of the decade. Among new cases, women are twice as likely to be infected than men. In the early stage of the AIDS pandemic, women were not infected in large numbers; however, there are now about 8 million women infected. Young women and adolescents are particularly vulnerable. It is estimated that by the year 2000 more than 13 million women will be infected and 4 million women will have died from AIDS-related conditions. In addition, about 250 million new cases of sexually transmitted diseases (STDs) are estimated to occur every year. The rate of STD/HIV/AIDS transmission is increasing at an alarming rate among women and girls, especially in developing countries (Art. 39, Advance draft, Platform of Action, UN Conference on Women, May 15)

3.4. Continued unequal access to basic health resources

Women have different and unequal access to and use of basic health resources, including primary health services for the prevention and treatment of childhood diseases, malnutrition, anemia, diarrhea diseases, communicable diseases, malaria and other tropical diseases and tuberculosis, among others. Women also have different and unequal opportunities for the protection, promotion and maintenance of their health. In many developing countries, the lack of emergency obstetric services is also of particular concern. Health policies and programmes often perpetuate (gender) stereotypes and fail to consider socio-economic disparities and other differences among women and may not fully take account of the lack of autonomy of women regarding their health. Women's health is also affected by (gender) bias in the health system and by the provision of inadequate and inappropriate medical services to women. (Art. 92, Advance draft, Platform of Action, UN Conference on Women, May 15)

3.5. Increased deterioration of public health systems and increased privatization of health care systems

In many countries, in particular in developing and least-developed countries, (structural adjustment,) (the deterioration of public health systems, a decrease in public health spending and in some cases, increasing privatization of health care systems without appropriate guarantees of universal access) further reduce health care availability. This situation not only directly affects the health of girls and women, but also places disproportionate responsibilities on women, whose multiple roles including within the family and the community are often not acknowledged and as such do not receive the necessary social, psychological and economic support (Art. 93, Advance draft, Platform of Action, UN Conference on Women, May 15)

3.6. Continued impact of social realities on health

... The prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination, (the limited power many women have over their sexual and reproductive lives) and lack of influence in decision-making are social realities which have an adverse impact on their health. Lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. Good health is essential to leading a productive and fulfilling life (and the right of all women to control their own fertility is basic to their empowerment) (Art. 94, Advance draft, Platform of Action, UN Conference on Women, May 15)

PART II B. (4)
ACKNOWLEDGMENT OF URGENCY:
DETERIORATION OF ENVIRONMENTAL QUALITY AND
IMPLICATIONS FOR HUMAN HEALTH

4.1. Continued impact on health due to environmental degradation

Improving human health is one of the most important objectives of development. The deterioration of environmental quality, notably air, water and soil pollution owing to toxic chemicals, hazardous wastes, radiation and other sources, is a matter of growing concern...Malnutrition, poverty, poor human settlements, lack of good-quality potable water and inadequate sanitation facilities add to the problems of communicable and non-communicable diseases. As a consequence, the health and well-being of a people are exposed to increasing pressures. (16.12., Protecting and Promoting of Human Health Conditions Agenda 21, UNCED, 1992)

4.2. Increased impact on health and environment from the overuse of chemicals

Chemical control of agricultural pests has dominated the scene, but its overuse has adverse effects on farm budgets, human health and the environment...(14.74. Agriculture, Agenda 21, UNCED, 1992)

4.3. Continued production and export of products that have been banned... or withdrawn

- (i) Aware of the damage to health and the environment that the continued production and export of products that have been banned and/or permanently withdrawn on grounds of human health and safety from domestic markets is causing in the importing countries (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)
- (ii) Aware that some products, although they present a certain usefulness in specific cases and/or under certain conditions, have been severely restricted in their consumption and/or sale owing to their toxic effects on health and the environment (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)
- (iii) Aware of the harm to health being caused in importing countries by the export of pharmaceutical products ultimately intended also for consumption and/or sale in the home market of the exporting country, but which have not yet been approved there,
- (iv) Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,
- (v) Considering the need for countries that have been exporting the above-mentioned products to make available the necessary

- information and assistance to enable the importing countries to adequately protect themselves,
- (vi) Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,
 - (vii) Taking into account that the primary responsibility for consumer protection rests with each State,
 - (viii) Recalling its resolution 36/166 of 16 December 1981 and the report on "Transnational corporations in the pharmaceutical industry of the developing countries", and acting in pursuance of Economic and Social Council resolution 1981/62 of 23 July 1981,
 - (ix) Bearing in mind in this context the work of the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Labour Organization, the United Nations Environment Programme, the General Agreement on Tariffs and Trade, the Centre on Transnational Corporations and other relevant intergovernmental organizations
- (Preamble, Resolution 37/137 Protection against products harmful to health and the environment, 1982)

4.4. Increase air, water and land pollution

In many locations around the world the general environment, (air, water, and land), workplaces and even individual dwellings are so badly polluted that the health of hundreds of millions of people is adversely affected. This is, inter alia, due to past and present developments in consumption and production patterns and lifestyles, in energy production and use, in industry, in transportation etc. with little or no regard for environmental protection. (6.39., Protecting and Promoting of Human Health Conditions, Agenda 21, UNCED, 1992)

4.5. Continued adverse health and environmental effects of transboundary air pollution

Transboundary air pollution has adverse health impacts on humans (**as well as**) other detrimental environmental impacts, such as tree and forest loss and the acidification of water bodies.... (9.22., Atmosphere, Agenda 21, UNCED)

4.6. Continued trafficking in toxic and dangerous products to health and to the environment

There is currently no global international agreement on the traffic in toxic and dangerous products (toxic and dangerous products are those that are banned, severely restricted, withdrawn or not approved for use of sale by governments in order to protect public health and the environment (19.66 Toxic chemicals) UNCED, 1992)

4.7. Continued risks of damage to human health and the environment from transboundary hazardous waste

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

4.8. Increased generation and transboundary movement of hazardous waste causing threat to human health and environment

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

4.9. Continued relocation or transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health.

States *should shall* effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14, Rio Declaration, UNCED, 1992)

4.10. Continued awareness of the harm of exporting banned or withdrawn products on human health

- (i) Aware of the damage to health and the environment that the continued production and export of products that have been banned and/or permanently withdrawn on grounds of human health and safety from domestic markets is causing in the importing countries
- (ii) Aware that some products, although they present a certain usefulness in specific cases and/or under certain conditions, have been severely restricted in their consumption and/or sale owing to their toxic effects on health and the environment
- (iii) Aware of the harm to health being caused in importing countries by the export of pharmaceutical products ultimately intended also for consumption and/or sale in the home market of the exporting country, but which have not yet been approved there
- (iv) Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,

(Preamble, Protection Against Products Harmful to Health and the Environment, Resolution 37/137, 1982)

SYSTEMIC CONSTRAINT: RATHER THAN PREVENT GENERATION ANTHOPOGENIC TOXIC, HAZARDOUS, AND ATOMIC WASTES, THE GLOBAL COMMUNITY CONDONES CONTINUED ECOLOGICALLY UNSOUND PRACTICES COUPLED WITH MITIGATION TECHNOLOGY

4.11. Increased deterioration of the environment and health through anthropogenic actions

... The deterioration of environmental quality, notably air, water and soil pollution owing to toxic chemicals, hazardous wastes, radiation and other sources, is a matter of growing concern...Malnutrition, poverty, poor human settlements, lack of good-quality potable water and inadequate sanitation facilities add to the problems of communicable and non-communicable diseases. As a consequence, the health and well-being of people are exposed to increasing pressures. (16.12., Biotechnology, Agenda 21, UNCED, 1992))

4.12. Continued ecological and human health effects of environmentally destructive model of development

Erosion, sedimentation, deforestation and desertification have led to increased land degradation, and the creation of reservoirs has, in some cases, resulted in adverse effects on ecosystems. Many of these problems have arisen from a development model that is environmentally destructive and from a lack of public awareness and education about surface and groundwater resource protection. Ecological and human health effects are the measurable consequences, although the means to monitor them are inadequate or non-existent in many countries. There is a widespread lack of perception of the linkages between the development, management, use and treatment of water resources and aquatic ecosystems. A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies (18.35., Freshwater, Agenda 21, UNCED, 1992)

4.13. Continuous degradation of human health and the environment from hazardous wastes

Human health and environmental quality are undergoing continuous degradation by the increasing amount of hazardous wastes being produced. There are increasing direct and indirect costs to society and to individual citizens in connection with the generation, handling and disposal of such wastes... (20.9., Hazardous Wastes, Agenda 21, UNCED, 1992)

4.14. Continued use of banned and restricted Pesticides designated as being hazardous to human or environmental health

Continued use of pesticides under the following criteria: Hazards to human or environmental health, evidence of widespread use and resulting harm, bans in exporting countries, ... pesticide dependencies....(Many) pesticides are banned or unregistered in many countries because of their known hazards. Yet many are still widely promoted and used, especially in developing countries, where weak controls and dangerous working conditions make their impact even more devastation. (from Pesticide Action Network (PAN), 1995)

(5)

ACKNOWLEDGMENT OF URGENCY: ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

5.1. Loss of biological diversity

The loss of biological diversity may reduce the resilience of ecosystems to climatic variations and air pollution damage. Atmospheric changes can have important impacts on forests, biodiversity, and freshwater and marine ecosystems, as well as on economic activities, such as agriculture (9.16., Atmosphere, Agenda 21, 1992)

5.2. Continued threat to genetic diversity

Plant genetic resources for agriculture are an essential resource to meet future needs for food. Threats to the security of these resources are growing, and efforts to conserve, develop and use genetic diversity are underfunded and understaffed...(14.54., Agriculture, Agenda 21, UNCED, 1992)

5.3. Increased deforestation and land degradation

Forests world wide have been and are being threatened by uncontrolled degradation and conversion to other types of land uses, influenced by increasing human needs, agricultural expansion and environmentally harmful mismanagement, including, for example, lack of adequate forest-fire control and anti-poaching measures, unsustainable commercial logging, overgrazing and... the impacts of loss and degradation of forests are in the form of soil erosion, loss of biological diversity, damage to wildlife habitats and degradation of watershed areas, deterioration of the quality of life and reduction of the options for **(ecologically sound and socially equitable)** development. (11.12. Deforestation, Agenda 21, UNCED, 1992)

5.4. Increased land degradation and soil erosion

Land degradation is the most important environmental problem affecting extensive areas of land in both developed and developing countries. The problem of soil erosion is particularly acute in developing countries, while problems of salinization, water logging, soil pollution and loss of soil fertility are increasing in all countries. (14.44. Agriculture, Agenda 21, UNCED, 1992)

5.5. Increased desertification

Desertification affects about one sixth of the world's population, 70% of all drylands, amounting to 3.6 billion hectares, and one quarter of the total land areas of the world. The most obvious impact of desertification, in addition to widespread poverty, is the degradation of 3.3 billion hectares of the total area of rangeland, constituting 73 per cent of the rangeland with a low potential for human and animal carrying capacity, decline in soil fertility and soil structure on about 47 per cent of the dryland

areas constituting marginal rain-fed cropland and the degradation of irrigated cropland, amounting to 30 % of the dryland areas with a high population density and agricultural potential. (12.2. Desertification Agenda 21, UNCED, 1992)

5.6. Increased loss and degradation of mountain ecosystems

Mountain ecosystems are... rapidly changing. They are susceptible to accelerated soil erosion, landslides and rapid loss of habitat and genetic diversity. On the human side, there is widespread poverty among mountain inhabitants and loss of indigenous knowledge. As a result, most global mountain areas are experiencing environmental degradation (13.1., Fragile ecosystems, Agenda 21, UNCED, 1992)

5.7. increased erosion and soil loss in river basins

Freshwater is a unitary resource. Long-term development of global freshwater requires holistic management of resources and a recognition of the interconnectedness of the elements related to freshwater and freshwater quality. There are few regions of the world that are still exempt from problems of loss of potential sources of freshwater supply, degraded water quality and pollution of surface and groundwater sources. Major problems affecting the water quality of rivers and lakes arise, in variable order of importance according to different situations, from inadequately treated domestic sewage, inadequate controls on the discharges of industrial waste waters, loss and destruction of catchment areas, ill-considered siting of industrial plants, deforestation, uncontrolled shifting cultivation and poor agricultural practices. This gives rise to the leaching of nutrients and pesticides. Aquatic ecosystems are disturbed and living freshwater resources are threatened. Under certain circumstances, aquatic ecosystems are also affected by agricultural water resource development projects such as dams, river diversions, water installations and irrigation schemes. Erosion, sedimentation, deforestation and desertification have led to increased land degradation, and the creation of reservoirs has, in some cases, resulted in adverse effects on ecosystems.

5.8. Increased watershed deterioration

There are serious problems of ecological deterioration in...watershed areas.... In many areas this is accompanied by excessive livestock grazing, deforestation and loss of biomass cover (13.13., Fragile Ecosystems, Agenda 21, UNCED, 1992)

5.9. Increased marine environment degradation

Degradation of the marine environment can result from a wide range of sources. Land-based sources contribute 70% of marine pollution, while maritime transport and dumping-at-sea activities contribute 10 % each (Marine, Agenda 21, UNCED, 1992)

5.10. Increased vulnerability of marine environment to change

The marine environment is vulnerable and sensitive to climate and atmospheric changes. (17.101., Marine, Agenda 21, UNCED, 1992)

5.11. Increased risk of impact from increase in sea level

Small increases in sea level have the potential of causing significant damage to small islands and low-lying coasts (17. 98, Marine, Agenda 21, UNCED, 1992))

5.12. Increased depletion of Earth's stratosphere

Analysis of recent scientific data has confirmed the growing concern about the continuing depletion of the Earth's stratospheric ozone layer by reactive chlorine and bromine from man-made CFC's, halons and related substances. While the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (as amended in London in 1990) were important steps in international action, the total chlorine loading of the atmosphere of ozone-depleting substances has continued to rise. This can be changed through compliance with the control measures identified within the Protocol (9.22., Atmosphere, Agenda 21, UNCED)

5.13. Increased impact of global climate change

Global climate changes could also have an impact on freshwater resources and on the availability of those resources, and through sea level rise and atmospheric pollution, threaten coastal aquifers and small island ecosystems. (18.1., Fresh Water, Agenda 21, UNCED, 1992)

5.14. Increased potential of climate change

There is uncertainty with respect to the prediction of climate change at the global level. Although the uncertainties increase greatly at the regional, national and local levels, it is at the national level that the most important decisions would need to be made. Higher temperatures and decreased precipitation would lead to decreased water-supplies and increased water demands; they might cause deterioration in the quality of freshwater bodies, putting strains on the already fragile balance between supply and demand in many countries. Even where precipitation might increase, there is n guarantee that it would occur at the time of year when it could be used; in addition there might be a likelihood of increased flooding. Any rise in sea level will often cause the intrusion of salt water into estuaries, small islands and coastal aquifers and the flooding of low-lying coastal areas; this puts low-lying countries at great risk (18.82., Fresh Water, Agenda 21, UNCED, 1992)

4.15. Increased ecological threats to future generations

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

5.16. Increased environmental damage from waste accumulation

The environment is threatened in all its biotic and abiotic components: animals, plants, microbes and ecosystems comprising biological diversity; water, soil and air, which form the physical components of habitats and ecosystem; and all the interactions between the components of biodiversity and their sustaining habitats and ecosystem. With the continued increase in the use of chemicals, energy and non-renewable resources by expanding global population, associated environmental problems will also increase. Despite increasing efforts to prevent waste accumulation and to promote recycling, the amount of environmental damage caused by overconsumption, the quantities of waste generated and the degree of unsustainable land use appear likely to continue growing (16.22., Biotechnology, Agenda 21, UNCED, 1992)

5.17. Unprecedented Increase in environmentally persistent wastes

Unsustainable patterns of production and consumption are increasing the quantities and variety of environmentally persistent wastes at unprecedented rates. The trend could significantly increase the quantities of wastes produced by the end of the century and increase quantities four to fivefold by the year 2025. (21.7., Solid Wastes, Agenda 21, UNCED, 1992))

5.18. Continued trafficking in toxic and dangerous products

There is currently no global international agreement on the traffic in toxic and dangerous products (toxic and dangerous products are those that are banned, severely restricted, withdrawn or not approved for use of sale by governments... (19.66 Toxic chemicals) UNCED, 1992)

5.19. Continued export to developing countries of chemicals banned in producing countries

The export to developing countries of chemicals that have been banned in producing countries or whose use has been severely restricted in some industrialized countries has been the subject of concern... (19.67 Toxic chemicals) UNCED, 1992))

5.20. Increased generation of nuclear wastes

Annually about 200,000 m³ of low-level and intermediate-level waste and 10,000 m³ of high-level waste (as well as spent nuclear fuel destined for final disposal) is generated world wide from nuclear power production. These volumes are increasing as more nuclear power units are taken into operation, nuclear facilities are decommissioned and the use of radio nuclides increases. The high-level waste contains about 99 percent of the radio nuclides and thus represents the largest radiological risk (22.1., Radio Active Wastes, Agenda 21, UNCED, 1992)

5.21. Increased Loss of biodiversity through ecologically unsound practices

Despite mounting efforts over the past 20 years, the loss of the world's biological diversity, mainly from habitat destruction, over-harvesting, pollution and the inappropriate introduction of foreign plants and animals has continued. Urgent and decisive action is needed to conserve and maintain genes, species and ecosystems, with a view to the sustainable management and use of biological resources. Capacities for the assessment, study and systematic observation and evaluation of biodiversity need to be reinforced at national and international levels. (15.3., Biodiversity Agenda 21, UNCED, 1992)



5.22. Increased ignoring of carrying capacity of land

Inappropriate and uncontrolled land uses are a major cause of degradation and depletion of land resources. Present land use often disregards the actual potentials, carrying capacities and limitations of land resources as well as their diversity in space. It is estimated that the world's population, now at 5.4 billion, will be 6.25 billion by the turn of the century. The need to increase food production to meet the expanding needs of the population will put enormous pressure on all natural resources, including land (14.34., Agriculture, Agenda 21, UNCED, 1992)

5.23. Continued dumping of toxic wastes is a violation of collective human rights

Convinced that the dumping of toxic wastes in Africa constitutes a violation of the collective human rights of the populations of Africa (Tunis Declaration, report of the regional meeting for Africa of the World Conference on Human rights, 1993)

(6)
ACKNOWLEDGMENT OF URGENCY
VIOLATION OF HUMAN RIGHTS



6.1. Continued violation of human rights

The World Conference on Human Rights also expresses its dismay and condemnation that gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world. Such violations and obstacles include,.... torture and cruelty, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law. (S. 30., World Conference on Human Rights, 1993)

6.2. Continued violations of human rights :

- **Mistreatment, and hasty judicial procedures**
- **Lack of respect for due process of law (access to a lawyer or visiting rights)**
- **arbitrary detentions**
- **In camera trials**
- **Detention without charge and notification to next of kin**
- **Lack of defence counsel in trials before revolutionary courts and lack of the right of appeal**
- **Ill-treatment and torture of detainees**
- **Torture of the cruelest kind and other inhuman practices**
- **Widespread routine practice of systematic torture in its most cruel forms**
- **Wide application of the death sentence**
- **Carrying out of extra-judicial executions**
- **orchestrated mass executions and burials**
- **Extra judicial killings including political killings**
- **hostage taking and use of persons as 'human shields'**
- **Constitutional, legislative and judicial protection, while on paper, are revealed as totally ineffective in combating human rights abuses**
- **Extreme and indiscriminate measures in the control of civil disturbances**
- **Enforced or involuntary disappearances, routinely practiced arbitrary arrest and detention, including women, the elderly and children**
- **Abuses of political rights and violation of democratic rights**
- **Unfair elections**
- **Activity against members of opposition living abroad**
- **Harassment and suppression of opposition politically**
- **Suppression of students and strikers are severely**
- **Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks**
- **Failure to grant exit permits**

6.2. Increased migration of populations of migrants, refugees and displaced persons

Global trends have brought profound changes in family survival strategies and structure(s). Rural to urban migration has increased substantially in all regions. The global urban population is projected to reach 57 per cent of the total population by the year 2000. An estimated 125 million people are migrants, refugees and displaced persons, half of whom live in developing countries. These massive movements of people have profound consequences for family structure(s) and well-being and have unequal consequences for women and men, including in many cases the sexual exploitation of women (Art.38 Advance draft, Platform of Action, UN Conference on Women, May 15)

6.3. Continued critical situation of children

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for **and needed** (Preamble, Convention on the Rights of the Child, 1989)

6.4. Continued concern about discrimination against women continues despite Human Rights instruments

Concerned that despite these various instruments (human rights instruments) extensive discrimination against women continues to exist, (Preamble, Convention on the Elimination of All Forms of Discrimination Against Women, 1979)

6.5. Continued barriers faced by women

(...many women face particular barriers because of such factors as their race, age, language, ethnicity, culture, religion (sexual orientation,) or disability, or because they are indigenous people. Many women face barriers related to their family status, particularly as single parents, to their socio-economic status, including their living conditions in rural or isolated areas and in impoverished areas in rural and urban environments, or to their status as immigrants. Particular barriers also exist for refugee, migrant and displaced women, as well as for those who are affected by environmental disasters, serious and infectious diseases, addiction and various forms of violence against women) (Art.48 Advance draft, Platform of Action, UN Conference on Women, May 15)

6.6. Continued female genital mutilation and other harmful practices

Female genital mutilation has major adverse impacts on girls' and women's health that are long lasting. It is a practice that highlights concretely the impact of gender-bias, male dominance, violence against women, violation of human rights and violation of women's sexuality. (Women's Health in Women's Hands, 1995)

6.7. Denial of fundamental rights and freedoms

Suppression of freedom of thought, Media and religion and conscience • systemic discrimination

6.8. Denial of moral and humanitarian values through religious intolerance and extremism

(i) Considering that extremism and terrorism, whether the pretext be sectarian, ethnic or religious, deny the moral and humanitarian values of peoples and, in particular, fundamental freedom and tolerance,

(ii) Believing that religious extremism poses a real threat to the security of nations and the stability of their institutions (Art. 1. International cooperation in the fight against all forms of religious intolerance and extremism Regional Meeting for Africa of the World Conference on Human Rights, 1993)

6.9. Continued massive violations of human rights, ethnic cleansing and systematic rape

The World conference on Human rights expresses its dismay at massive violations of human rights especially in the form of genocide, "ethnic cleansing" and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons... (S. 28 World Conference on Human Rights, 1993)

6.10. Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence

6.11. Continued violation of human rights of women including murder, torture, systematic rape, forced pregnancy

The end of the cold war has resulted in international changes and diminished competition between the super-Powers. *The threat of a global armed conflict has diminished, while international relations have improved and prospects for peace among nations have increased. Although the threat of global conflict has been reduced, wars of aggression, armed conflicts, (alien domination and foreign occupation), civil wars, terrorism and (extremist violence) continue to plague many parts of the world. Grave violations of human rights of women occur, particularly in times of armed conflict, and include murder, torture, systematic rape, sexual assault (forced pregnancy) and forced abortion, in particular under policies of "ethnic cleansing". (Art. 3, Advance draft, Platform of Action, UN Conference on Women, May 15)*

6.12. Continued ethnic cleansing

The World Conference on Human Rights expresses grave concern about continuing human rights violations in all parts of the world in disregard of standards as contained in international human rights instruments and international humanitarian law and about the lack of sufficient and effective remedies for the victims (Art. 29., World Conference on Human Rights, 1993)

6.13. Continued xenophobia

Fear and aversion to foreigners continues throughout the world

6.14. Continued violation of human rights during armed conflict

The World Conference on Human Rights is deeply concerned about violations of human rights during armed conflicts, affecting the civilian population, especially women, children, the elderly and the disabled... (S. 29, World Conference on Human Rights, 1993)

6.15. Continued discrimination of and violence against women

Deeply concerned by various forms of discrimination and violence, to which women continue to be exposed all over the world (Preamble, World Conference on Human Rights, 1993)

6.16. Continued violation against indigenous peoples

We continue to maintain our rights as peoples despite centuries of deprivation, assimilation and genocide (World Conference of Indigenous Peoples on Territory, Environment, and Development, Kari-Oca village Declaration, UNCED. 1992)

6.17. Increased violations of the rights of refugees

States have very carefully avoided any important commitments: asylum-seekers have a right to "seek and enjoy" asylum but states have not committed themselves to letting them in. There is no obligation to avoid forcing citizens into internal migration and other states stay hands off because of sovereignty issues. It might be possible for internal matters to reach such a state as to trigger the UN Charter intervention but this has never happened. There are no international law rules against causing a refugee flow...except, of course, that all of the Human rights documents are normally breached (Global Compliance Research Project)

6.18. Continued insufficient protection of the rights of migrant workers

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection (Preamble, International Convention on the protection of the Rights of all Migrant workers and members of their families)

6.19. Continued marginalization of specific women by their lack of knowledge of their rights and redress

(Women in particularly vulnerable circumstances such as migrant, including migrant women workers, refugees or (internally) displaced women or those belonging to racial or ethnic minorities or indigenous groups, are often disadvantaged and marginalized by their lack of knowledge and recognition of their human rights and the absence of recourse mechanisms to redress violations of their rights. The causes of flight of refugees and (internally) displaced women may be different from those affecting men. Refugee and (internally) displaced women continue to be vulnerable to abuses of their human rights while in flight and in countries of asylum and resettlement, because of the varied effects of their displacement, including a lack of access to human rights recourse mechanisms and to information on their rights. Such effects of displacement may also be experienced by other migrant women) (Art.226 Advance draft, Platform of Action, UN Conference on Women, May 15)

6.20. Insufficient protection of the rights of migrant workers

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection (Preamble. International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families)

6.21. Continued multiple discrimination against indigenous women

The past decade has also witnessed a growing recognition of the distinct interests and concerns of indigenous women, whose identity, cultural traditions and forms of social organization enhance and strengthen the communities in which they live. Indigenous women often face barriers both as women and as members of indigenous communities (Art. 34, (Art.226 Advance draft, Platform of Action, UN Conference on Women, May 15)

6.22. Continued gender disparities as identified in the text brochure (June 1994) for the UN Conference on Women (TO BE UPDATED)

- Despite the growing evidence that investments in women have an enormous impact on society as a whole, *no one can deny that* women continue to face discrimination in social, economic, political and cultural spheres.
- Violence against women is recognized to be pervasive across cultures and regions.
- Half a million women, nearly all of them in developing countries, die each year from pregnancy-related causes. Thirty per cent of them are teenagers.
- The break-up of families caused by armed conflict, economic difficulties and increased divorce rates, has led to a burgeoning growth in the number of female-headed households. One third of all families worldwide are headed by a woman. These families are often poor and lack financial support from the fathers of the children. Everywhere, women and children are the poorest among the poor.
- Discrimination may affect women throughout their lives. In many cultures, gender disparities start at the earliest stages of life.
- In many parts of Asia and the Pacific, inferior health care and nutrition for girl children coupled with maternal mortality have caused men to outnumber women by five in every 100. This is in contrast to demographic trends in the rest of the world, where women as a rule outnumber men.
- On the average, women receive between 30 and 40 per cent less pay than men for the same work. At the same time, much of women's daily work is unremunerated and the value of household labour unrecorded.
- Three quarters of women over 25 in much of Africa and Asia are illiterate, a much higher rate than for men and a residue of past discrimination. Women account for two thirds of illiterate people in the world.
- In order to achieve meaningful equitable partnership between women and men, much more will have to be done to change persistent stereotyped attitudes, to improve the conditions of women around the world and to promote and defend their human rights.
- Today only seven of the 184 Ambassadors to the United Nations are women. Only four of the 32 UN specialized agencies and programmes are headed by women.
- In 1993 only six countries had women as heads of Government while the average proportion of women in the world's parliaments had dropped to 10 per cent -- from 12 per cent in 1989. Women still lack resources, authority and meaningful decision-making powers.

(7)

**ACKNOWLEDGMENT OF URGENCY:
DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION**

7.1. Perpetuation of the global expenditures being devoted to production, trafficking and trade of arms

7.2. Forcing developing countries to undertake structural adjustment and thus increasing poverty

7.3. Increased poverty

Continued high portion of global military budget (Consequently, a huge portion of global expenditures has been devoted to the production, trafficking and trade of arms, thus substantially reducing resources for social development. Moreover, debt burden has forced many developing countries to undertake structural adjustment policies that are detrimental to their social development. The number of people living in poverty has therefore increased disproportionately in most developing countries, particularly the heavily indebted countries, during the last decade) (Art. 15., Advance draft, Platform of Action, UN Conference on Women, May 15)

7.4. Concerned about growing military expenditures

Deeply concerned about the ever-spiraling arms race and growing military expenditures, which constitute a heavy burden for the economies of all nations and have extremely harmful consequences on international peace and security (Resolution 36/82 1981, Reduction of Military Budgets. 1981)

7.5. Perpetuation of massive humanitarian problems through military intervention

There exist situations in several regions of the world where the violation of principles of non-use of force, non-intervention, non-interference, non-aggression and the right to self-determination endangers international peace and security and creates massive humanitarian problems which constitute an impediment to the advancement of women and hence to the full implementation of the Nairobi Forward-looking strategies. In regard to these situations strict adherence to and respect for the cardinal principles enshrined in the Charter of the United Nations and implementation of relevant resolutions consistent with the principles of the charter are an imperative requirement with a view to seeking solutions to such problems thereby ensuring a secure and better future for the people affected *most of whom are invariably women and children* (para 242, Nairobi Forward Looking Strategy for the advancement of women, 1985)

7.6. Continued threat to peace through violation of UN Charter
The threat to peace resulting from continuing international tensions and violations of the United Nations Charter, resulting in **the build up of arms, the unabated arms race in particular in the nuclear field the proliferation of civil nuclear technology, which can be applied to military use**, as well as wars, armed conflicts, external domination, foreign occupation, acquisition of land by force, aggression imperialism, colonialism, neo-colonialism, racism, apartheid, gross violations of human rights, terrorism, repression, the disappearance of persons and discrimination on the basis of sex, **and the destruction and deterioration of the environment** are major obstacles to human progress, specifically to the advancement of women. (Para, Nairobi Forward looking strategies for the advancement of women, 1985)

7.7. Continued war crimes against humanity, including genocide ethnic massacres , and "ethnic cleansing"

7.8. Increased destruction through war saturation of land mines

7.9. Increased war and civilian amputees as a result of land mines

7.10. Continued displacement of people through war proportion of the populations displaced and hundreds of thousands dead.

7.11. Continued impact of radiation from nuclear testing on future generations

Reaffirming its conviction that an end to nuclear-weapon testing by all States in all environments would be a major step towards ending the qualitative improvement, development and proliferation of nuclear weapons, a means of relieving the deep apprehension concerning the harmful consequences of radioactive contamination for the health of present and future generations and a measure of the utmost importance in bringing the nuclear-arms race to an end. (Urgent Need for a Comprehensive Nuclear-test-ban treaty, General Assembly Resolution A/RES/38/63, 1983)

7.12. Continued concern about the potentially harmful effects on present and future generations from levels of exposure to radiation

(i) Taking note with appreciation of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation,

(ii) Concerned about the potentially harmful effects on present and future generations, resulting from the levels of radiation to which *man humans* are *is* exposed,

(iii) Conscious of the continued need to examine and compile information about atomic and ionizing radiation and to analyze its effects on man and his environment, (Effects of Atomic Radiation, United Nations Resolution 36/14, 1981)

**PART III:
PRINCIPLES OF ACTION TO ADDRESS URGENCY
AND OBLIGATIONS TO ADDRESS URGENCY**

A. ACKNOWLEDGING THE NEED FOR ACTION TO ADDRESS THE URGENCY

**(1)
ACTION AND POLITICAL WILL**

1.1. Acknowledging the need for action

We have come to realize that the threats to the biosphere which sustains all life on this planet have increased in rate, magnitude and scale; inaction is negligent. The international community has enough information about the pending irreversible state of ecological degradation that it must act immediately (ERA Charter affirmed by the NGO Earth Charter, Global Forum, 1992)

1.2. (Summoning up) the political will to promote development...for the advancement of women to overcoming obstacles or systemic constraints

What is now needed is the political will to promote development in such a way that the strategy for the advancement of women seeks first and foremost to alter the current unequal conditions and structures that continue to define women as secondary persons *and give women's issues a low priority*. Development should now move to another plane in which women's pivotal role in society is recognized and given its true value. That will allow women to assume their legitimate and core positions in the strategies for effecting the changes necessary to promote and sustain *development* (Socially equitable and environmentally sound development) (ICPD) (Par 21, (Nairobi Forward Looking Strategy, 1995)

1.3. Recognizing the need to change lifestyles, social norms or government policies

A few (actions to achieve the goals of this program) would require little or no additional financial resources, in that they involve changes in lifestyles, social norms or government policies that can be largely brought about and sustained through greater citizen action and political leadership (1.19., International Conference on Population and Development, 1994)

SYSTEMIC CONSTRAINT:

FAILURE TO SUMMON UP THE GLOBAL POLITICAL WILL TO ACT TO ADDRESS THE URGENCY

B. GENERAL FUNDAMENTAL PRINCIPLES UNDERLYING PRINCIPLES OF ACTION

(1)

PRINCIPLE OF INTERPRETATION THROUGH ORDINARY MEANING

1.1. (This principle holds that) a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose (Art. 1. Convention on the Law of Treaties, 1968)

1.2. (This principle also holds that)... that the rules of customary international law will continue to govern questions not regulated by the provisions of the present Convention have agreed as follows (Article 29 territorial scope of treaties, Convention on the Law of Treaties)

(2)

OBLIGATION PRINCIPLES

2.2. (This principle holds that there is an) Obligation not to defeat the object and purpose of a treaty prior to its entry into force

A state is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

- (i) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty a); or
 - (ii) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed b)
- (Art. 18, Convention on the Law of Treaties, 1968)

2.3. (This principle affirms the Doctrine of Legitimate Expectations which holds that)

(i) "To create an expectation is an empty gesture without a promise to fulfill it. Before creating an expectation, an organization must assure itself of its ability to fulfill the promise it implies" (Introduction, B.C. Ombudsman Annual Report, 1991)

and that

(ii) If a government holds itself out to do something even if not legally required to do so, it will be expected to act carefully and appropriately without negligence, and the citizens have the legitimate expectation that the government will discharge its obligations (Ombudsman Office, Personal Communication).

2.4. This principle also entails commitment to the Public Trust Doctrine
This doctrine provides that submerged and submersible lands are preserved for public use in navigations, fishing and recreation and state, as trustee for the people, bears responsibility of preserving and protecting the right of the public to the use of the waters for those purposes.

(3)

EQUITY PRINCIPLES

(This principle holds that) equity imputes an intention to fulfill an obligation and that equity looks to the intent rather than to the form (Maxims of Equity)

- 3.1. **Equity will not suffer a wrong without a remedy**
- 3.2. **Equity follows the law**
- 3.3. **Where there is equal equity, the law shall prevail**
- 3.4. **Where the equities are equal, the first in time shall prevail**
- 3.5. **He/she who seeks equity must do equity**
- 3.6. **He/she who comes into equity must come with clean hands**
- 3.7. **Delay defeats equity**
- 3.8. **Equality is equity**
- 3.9. **Equity looks to the intent rather than to the form**
- 3.10. **Equity looks on that as done which ought to be done**
- 3.11. **Equity imputes an intention to fulfill an obligation**
- 3.12. **Equity acts in personam**

(Roscoe Pound in Cambridge Legal Essays (1926), pp259 et seq., cited from P.V. Baker and P. St Langar (1990). *Snell's Equity* London Sweet and Maxwell)

(4)

POSSIBILITY OR REVERSIBLE PRINCIPLE

4.1. (This principle holds that) Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligations under the treaty or of any other international obligation owed to any other party to the treaty (Art. 61. 2 Convention on the Law of Treaties, 1968).

SYSTEMIC CONSTRAINT:

OFTEN IT IS THOSE WHO ATTEMPT TO PREVENT IRREVERSIBILITY RATHER THAN THOSE WHO CAUSE IRREVERSIBILITY ARE THAT ARE PROSECUTED. INJUNCTIONS WHICH ARE SUPPOSED TO PREVENT IRREPARABLE HARM ARE USED AGAINST THOSE WHO ATTEMPT TO PREVENT IRREPARABLE HARM

(5)
HIGHEST TENABILITY PRINCIPLE
INTERNATIONAL OBLIGATIONS AS A MINIMUM PRINCIPLE

5.1. This principle affirms that the need to avoid the lowest common denominator as the solution

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained in the legislation of a State Party or in any other international convention, treaty or agreement in force for that State. (Paraphrase of Article 23, Convention on the Elimination of all forms of Discrimination Against Women, 1979)

(6)
INTERDEPENDENCE PRINCIPLE

6.1. The interdependence principle affirms the interdependence of respect for human rights, of fulfillment of social justice and equity, of achieving environmental protection, preservation and conservation, and of attainment of peace. These issues will be perceived to be interdependent facets of a potentially viable solution. It is no longer possible to consider in isolation: threats and impacts of war; the use of ecologically unsafe and unsound energy; the loss of ecological integrity; the disposal of toxic and hazardous wastes, including nuclear waste, the disregard for intergenerational and gender equality/equity; the ignoring of health issues related to population and environmental degradation; the perpetuation of the current model of development; the inequitable distribution of resources; the disenfranchised and the enfranchised gap

6.2. This Interdependence principle reflects(ing) the growing awareness that population, poverty, patterns of production and consumption and other threats to the environment are so closely interconnected that none of them can be considered in isolation. (Preamble, 1.5., International Conference on Population and Development, 1994)

6.3. (This principle holds that) Research *should shall* be undertaken on the linkages among population, consumption and production, the environment and natural resources and human health as a guide to effective (socially equitable and environmentally-sound) *sustainable development* policies (3.31., International Conference on Population and Development, 1994)

6.4. This principle holds that *mankind humankind* is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients (Preamble (a)UN Resolution, 37/7, World Charter of Nature, 1982)

(7)

PRINCIPLE OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

7.1. This principle affirms the need for “socially equitable and environmentally-sound development” (Preamble, 1.2., International Conference on Population and Development, 1994)

7.2. This principle affirms that to achieve *sustainable development* (socially equitable and environmentally-sound) and a higher quality of life for all people, Governments *should reduce and shall* eliminate unsustainable patterns of production and consumption and promote (appropriate ~) demographic policies (3.9., International Conference on Population and Development, 1994)

(8)

PRINCIPLE OF SELF-SUFFICIENCY

8.1. This principle entails the supporting of bioregions in the development of self-sufficiency through the development of indigenous technology using ecologically sound means and only exporting when there is a surplus. Adoption of this principle would discourage export-dominant economies and the furthering of many of the aspects of the “green revolution” — which fostered the dependence on external technology.

8.2. This principle is aimed at the promotion of food security and, *where appropriate*, food self-sufficiency within the context of sustainable agriculture (3.7.1., Combating Poverty, Agenda 21, UNCED, 1992)

(9)

PRINCIPLE OF EXTRA-TERRITORIALITY

9.1. This principle entails the ensuring that states, individuals, institutions and the market shall not abuse the concept of extra-territoriality —the application of standards from exporter state- to justify the transfer of banned, restricted, obsolete or rejected technology to other states whose standards are not as high

SYSTEMIC CONSTRAINT: THE SAME STATE OR INDUSTRY THAT CONTINUES TO IMPOSE THE TRADITIONAL MODEL OF CONSUMPTION USES THE RELUCTANCE TO IMPOSE EXTERNAL REGULATIONS AS A MEANS TO JUSTIFY RELAXING REGULATIONS

(10)
HUMANITARIAN PRINCIPLE

10.1. This principle affirms the fundamental right of all peoples to respect, equity and equality; to food, health, shelter, and social security; to safe drinking water, clean air, safe environment; freedom from conflict and war

(11)
EQUALITY PRINCIPLE

11.1. (This principle entails) reaffirming of the... faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in large freedom (Preamble, Universal Declaration of Human Rights, 1948)

(12)
PRINCIPLE OF NON-PRESUMPTION

12.1. This principle entails the affirming that no presumption shall be made about capabilities or abilities on the basis of race, tribe, religion, disabilities, country of origin, sex, sexual orientation, language, family structure, or other status

(13)
LIMITS-TO GROWTH PRINCIPLE
LIVING WITHIN THE CARRYING CAPACITY OF THE ECOSYSTEM

13.1. There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are serious indications that these limits have long since passed.

*** (Find: Quote from Club of Rome)**

(14)
INHERENT WORTH PRINCIPLE

14.1. Every form of life is unique, warranting respect regardless of its worth to man (Humanity), and to accord other organisms such recognition's, man (humans) must be guided by a moral code of action (Preamble, UN Resolution, 37/7, World Charter of Nature, 1982)

14.2. Nature shall be respected and its essential processes shall not be impaired (Principle 1, UN Resolution, 37/7, World Charter of Nature, 1982) World Charter of Nature, 1982)

(15)
PRECAUTIONARY PRINCIPLE

15.1. This principle holds that...where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Convention on Biological Diversity)

15.2. PREVENTION PRINCIPLE And ANTICIPATORY PRINCIPLE (See, *Global compliance Research project's submission on the environment*, 22.3)

15.4. Reverse onus principle

- (i) **The onus of proof shall shift from the opponent of an intervention having to demonstrate harm, to the proponent of an intervention into the Ecosystem, having to demonstrate safety. Every proponent of an intervention into the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes, and be prepared to submit data for a full scale life cycle analysis, and environmental cost analysis of the product and activities.**

(16)
PRINCIPLE OF NON-DISPLACEMENT

16.1. This principle acknowledges that solutions do not lie in transferring the problem to another area, or another time

(17)
PRINCIPLE OF SOLUTION BEING BETTER THAN THE PROBLEM PRINCIPLE

17.1. Ensuring that the solution offered is not worse or potentially worse than the original problem that it was intended to solve

(18)
TRANSBOUNDARY PRINCIPLE

This principle holds that States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention. (Art. 194. 2., Law of the Seas, 1982)

(19)

PRINCIPLE OF JUSTIFIABLE INTERVENTION

This principle holds that no religious, state, or cultural justification of practice that violates fundamental human rights, can be used to prevent international condemnation through peaceful intervention.

(20)

**PRINCIPLE OF MORAL IMPERATIVE
PRINCIPLE OF WARRANTED INTERVENTION**

This principle holds that individuals, institutions and states have a responsibility to act to prevent any actions and practices that cause crimes against humanity and nature

(21)

PRINCIPLE OF RIGHT TO OBJECT

This principle holds that no state shall refrain from objecting to a practice which violates human rights on the grounds that the practice belongs to a religious or cultural group predominantly beyond the state's jurisdiction. This principle is particularly important in multicultural states where refugees, landed immigrants and citizens from former states have left their country of origin because of the violation of human rights.

(22)

ARMS LENGTH RESEARCH PRINCIPLE

This principle holds that most of the current research that has been used to support the continuation of the current model of development has arisen from non-arms length research by vested interests, and that if the urgency of the global situation is to be addressed arms-length non-vested interest research has to be relied on.

(23)

REGULATOR MUST NOT PROMOTER BE PRINCIPLE

This principle holds that regulators must not promote the continuance of the object or activity over which they regulate

(24)

PRINCIPLE OF PROPORTIONAL RESPONSE

This principle holds that the response in conflict must be proportional in kind, extent, nature to that of the original attack (Check wording in the Geneva Convention)

(25)

PRINCIPLE OF DISCRIMINATION

This principle requires the discrimination between military and not military competence and non competence (Check wording in the Geneva Convention)

C. PROPOSED PRINCIPLES OF ACTIONS TO ADDRESS URGENCY



Photo: Cam Cooper

(1)
**OBLIGATIONS TO ADDRESS THE URGENCY:
AFFIRMING THE RIGHT TO BASIC NEEDS**

1.1. Concurring in the dignity and worth of human person

that the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in large freedom (Preamble, Universal Declaration of Human Rights, 1948)

1.2. Recognizing the right of everyone to an adequate standard of living, including food

The States... recognize the right of everyone to an adequate standard of living, for himself (**herself**) and his (**her**) family, including adequate food, clothing and housing and to the continuous improvement of living conditions. the states parties will take (appropriate~) steps to ensure the realization of this right recognizing to this effect the essential importance of international co-operation based on free consent (Art.11.1, International Covenant on Economic, Social and Cultural Rights, 1966)

1.3. Recognizing the right of everyone to social security

The States parties to the present Covenant recognize the right of everyone to social security, including social insurance (Art. 9., International Covenant on Economic, Social and Cultural Rights, 1966)

1.4. Ensuring the right to satisfaction of basic needs.

Governments *should shall* establish measures that will directly or indirectly set up an effective primary health care and maternal health care system accessible to all (3.8.e., Combating Poverty, Agenda 21, UNCED, 1992)

1.5. Providing for right to satisfaction of basic needs

Sound development is not possible without a healthy population; yet most developmental activities affect the environment to some degree, which in turn causes or exacerbates many health problems. Conversely, it is the very lack of development that adversely affects the health condition of many people, which can be alleviated only through development. The health sector cannot meet basic needs and objectives on its own; it is dependent on social, economic and spiritual development, while directly contributing to such development. It is also dependent on a healthy environment, including the provision of a safe water supply and sanitation and the promotion of a safe food supply and proper nutrition. Particular attention should **shall** be directed towards food safety, with priority placed on the elimination of food contamination; comprehensive and sustainable water policies to ensure safe drinking water and sanitation to preclude both microbial and chemical contamination; and promotion of health education and (appropriate~) services regarding responsible planning of family size... (6.3., Protecting and Promoting Health, Agenda 21, UNCED. 1992)

1.6. Recognizing access to food as a basic human right

Reduce vulnerability calls for enhancing food security by recognizing access to food as a basic human right (Prep Com II Reduction and Elimination of Widespread Poverty, UN Secretariat Plan of Action World Summit for Social Development, March 1995)

1.7. (affirming) the right to an (adequate∞) standards of living

They (human beings) have the right to an adequate standard of living for themselves and their families including adequate food, clothing, housing, water (Principle 2. International Conference on Population and Development, 1994)

1.8. Ending the age-old scourge of hunger

Time is short. Urgent and sustained action is vital. The conference, therefore, calls upon all peoples expressing their will as individuals, and through their Governments, and non-governmental organizations to work together to bring about the end of the age old scourge of hunger. (Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

1.9. Proclaiming the inalienable right to be free from hunger and malnutrition

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Sect.1. Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)



Photo: Donald McCullin

1.10. Combating disease and malnutrition

States parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: to combat disease and malnutrition including within the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequately nutritious foods and clean drinking water (24.2.c. Convention on the Rights of the Child, 1989)

1.11. Promotion of (appropriate~) nourishment

The promotion of (nourishment) that is lower on the food chain (less energy consuming) as well as food that is organically humanely and locally produced (adapted from Interfaith Chapter response to Charter circulated on the internet)

1.12. Ensuring access to basic knowledge of child health and nutrition

to ensure that all segments of society, in particular parents and children are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast feeding, hygiene and environmental sanitation...(24.2. d Convention on the Rights of the Child, 1989)

1.13. Recognizing the right of child to benefit from social security

States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law (Art. 1 Convention on the Rights of the Child, 1989)

1.14. Recognizing the child's right to health care services

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties (24.1. Convention on the Rights of the Child, 1989)

1.16. Endorsing the right to a safe environment

Everyone has the right to a safe environment including the right to safe drinking water, clean air, and land free from contamination (Global Compliance Research Project)

1.17. Reaffirming that crime prevention and criminal justice should be considered in the context of...social and cultural systems

Reaffirms that crime prevention and criminal justice should be considered in the context of economic development, political, social and cultural systems and social values and changes, as well as in the context of the New International Economic Order (2 Crime Prevention and Criminal Justice and development, the General Assembly Resolution, 1981)

(2)
OBLIGATIONS TO ADDRESS THE URGENCY
UNDERTAKING OBLIGATIONS TO FULFILL BASIC RIGHTS

2.1. Providing access to safe and healthy shelter

(Provide) access to safe and healthy shelter **(which)** is essential to a person's physical, psychological, social and economic well-being and should **shall** be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights... (7.6., Settlement, Agenda 21, UNCED, 1992)

2.2. Providing the poor with access to fresh water

Provide the poor with access to fresh water and sanitation (3.7. p., Combating Poverty, Agenda 21, UNCED, 1992)

2.3. Providing the poor with access to sanitation

Provide the poor with access to fresh water and sanitation (3.7. p., Combating Poverty, Agenda 21, UNCED, 1992)

2.4. Providing the poor with access to primary education

provide the poor with access to primary education.(3.7.q Combating Poverty, Agenda 21, UNCED, 1992)

2.5. Giving priority to sustenance of land/water ecosystems

2.6. Giving priority to basic human needs for drinking-water, health protection and food security

(Priority must be given to the sustenance of land/water ecosystems, with particular attentions to wetlands and biodiversity, and the satisfaction of basic human needs for drinking-water, health protection and food security) (Prep Com bracketed section. 18.8. Fresh Water, Agenda 21, UNCED, 1992)

2.7. Affirming that water is an integral part of the ecosystem

2.8. Ensuring the satisfaction of basic needs for water

Integrated water resources management is based on the perception of water as an integral part of the ecosystem, a natural resource and a social and economic good, whose quantity and quality determine the nature of its utilization. To this end, water resources have to be protected, taking into account the functioning of aquatic ecosystems and the perennality of the resource, in order to satisfy and reconcile needs for water in human activities. In developing and using water resources, priority has to be given to the satisfaction of basic needs and the safeguarding of ecosystems. Beyond these requirements, however, water users should be charged appropriately 18.8. Fresh Water, Agenda 21)

2.9. Proclaiming the inalienable right to be free from hunger

2.10. Proclaiming that eradication of hunger is a common objective of international community

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Art. 1. Universal Declaration on the Eradication of Hunger and Malnutrition, 1974) **The need for society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.**

2.10. Proclaiming that a fundamental responsibility of governments is to work for...equitable and efficient distribution of food

It is a fundamental responsibility of Governments to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries. Governments should **shall** initiate immediately a greater concerted attack on chronic malnutrition and deficiency diseases among the vulnerable and lower income groups. In order to ensure adequate nutrition for all, Governments *should formulate appropriate* (**shall ensure**) food and nutrition policies (**are**) integrated in overall socio-economic and agricultural development plans based on adequate knowledge of available as well as potential food resources (Sect. 2, Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

2.11. Undertaking activities aimed at the promotion of food security

Undertake activities aimed at the promotion of food security and, *where appropriate*, food self-sufficiency within the context of sustainable agriculture (3.7.1., Combating Poverty, Agenda 21, UNCED, 1992)

2.12 Endorsing Global Strategy for Health for All by the Year 2000 1995

Endorses the Global Strategy for Health for All by the Year 2000 as a major contribution of Member States to the attainment of the world-wide social goal of health for all by the year 2000 and to the fulfillment of the International Development Strategy for the Third United Nations Development Decade (Art. 1. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

2.13. Ensuring the implementation of the Global Strategy for Health for All by the Year 2000 1995

Urges all Member States to ensure the implementation of the Global Strategy as part of their multisectoral efforts to implement the provisions contained in the International Development Strategy (2. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

2.14. Urging states to ensure implementation of the Global Strategy for Health

Also urges all Member States to co-operate with one another and with the World Health Organization to ensure that the necessary international action is taken to implement the Global Strategy as part of the fulfillment of the International Development Strategy (Art. 3. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

2.15. Calling for international organizations to collaborate in carrying out the strategy

Requests all appropriate organizations and bodies of the United Nations system - including the United Nations Children's Fund, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Educational, Scientific and Cultural Organization, the United Nations Fund for Population Activities and the World Bank- to collaborate fully with the World Health Organization in carrying out the Global Strategy (Art. 4. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

2.16. Improving of human health is one of the most important objectives of development

Improving human health is one of the most important objectives of development. The deterioration of environmental quality, notably air, water and soil pollution owing to toxic chemicals, hazardous wastes, radiation and other sources, is a matter of growing concern...Malnutrition, poverty, poor human settlements, lack of good-quality potable water and inadequate sanitation facilities add to the problems of communicable and non-communicable diseases. As a consequence, the health and well-being of people are exposed to increasing pressures (16.12., Biotechnology, Agenda 21, UNCED, 1992)

3.
**OBLIGATIONS TO ADDRESS THE URGENCY:
ENDORISING A MODE OF DEVELOPMENT THAT WOULD
SATISFY FUNDAMENTAL RIGHT TO SAFETY, SECURITY AND
SURVIVAL AND FREEDOM FROM POVERTY**

3.1. Creating a new development paradigm which integrates environmental sustainability with gender equality and justice within and between generations

(Through their management and **ecologically sound** use of natural resources women provide sustenance to their families and communities. As consumers, caretakers of their families and educators, women play an important role in promoting **socially equitable and environmentally sound development sustainable development** and in their concern for the quality and sustainability of life for present and future generations. Women have expressed their commitment to create a new development paradigm that integrates environmental sustainability with gender equality and justice within and between generations as maintained in Agenda 21, chapter 24) (Art. 248., Advance draft, Platform of Action, UN Conference on Women, May 15)

3.2. Establishing a new international based on equity, sovereign equality, interdependence, common interest and co-operation

Solemnly proclaim our united determination to work urgently for the Establishment of a New International Economic Order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

3.3. Recognizing the right of everyone to social security

The States parties to the present Covenant recognize the right of everyone to social security, including social insurance (Art.9., International Covenant on Economic, Social and Cultural Rights, 1966).

3.4. Allowing women access to social security

(Allow women access to social security systems in equality with men throughout the whole life-cycle) (Art. 81.d Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995).

3.5. Extending non conditional assistance

Extension of active assistance to developing countries by the whole international community, free of any political or military conditions (4 k., Declaration on the Establishment of a New International Economic Order, 1974)

3.6. Ensuring the participation of developing countries in all phases of decision-making for the formulation of an equitable monetary system

Full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the proposed Council of Governors of the International Monetary Fund (1d., International monetary system... Programme of Action on the Establishment of a New International Economic Order, 1974)

3.7. Ensuring the effective participation by developing countries

Review by the International Monetary Fund of the relevant provisions in order to ensure effective participation by developing countries in the decision-making process (1g., International Monetary System... Programme of Action on the Establishment of a New International Economic Order, 1974)

3.8. Condemning hunger and unchecked over-consumption

iv) against hunger and unchecked over-consumption (Youth Treaty, UNCED, 1992)

3.9. Recognition of a just and equitable social and economic international order

Absolute poverty and the feminization of poverty, unemployment, the increasing fragility of the environment, continued violence against women and the widespread exclusion of half of humanity from institutions of power and governance underscore the need for a continued search for development, peace, security and solutions seeking to ensure a people-centred **socially equitable and environmentally sound development** *sustainable development*. The participation and leadership of the half of humanity that is female is essential to the success of that search. Therefore, only (a just and equitable social and economic international order and) a radical transformation of the relationship between women and men to one of full and equal partnership will enable the world to meet the challenges of the next century (Art. 19., Advance draft, Platform of Action, UN Conference on Women, May 15)

3.10. Acknowledging the need to an "intertransfer" of socially equitable and environmentally-sound development

There is a need to move away from a presumption that the transfer of technology from the North to the South is a necessary provision for development. The transfer of ecologically-sound technology from the "South" to the North might assist the North to live within the limits of the ecosystem (Global Compliance Research Project)

3.11. Environmental degradation and poverty in the "South" are strongly linked to global processes of trade and economic relations. Growing debt and declining terms of international trade for mineral and biomass products make it impossible for developing countries to incorporate the ecological costs of their production. There is also the need for "developing countries to form coalition in order to improve their bargaining power"(NGO, The Imperative of Equity: the Missing Dimension of UNCED Statement of the South Asia NGO Summit New Delhi, February 17-19, 1992)

3.12. Eradicating poverty, inequality and inequity

The eradication of poverty and hunger, greater **equality and equity** in income distribution and human resources development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries (3.1., Combating Poverty, Agenda 21, 1992)

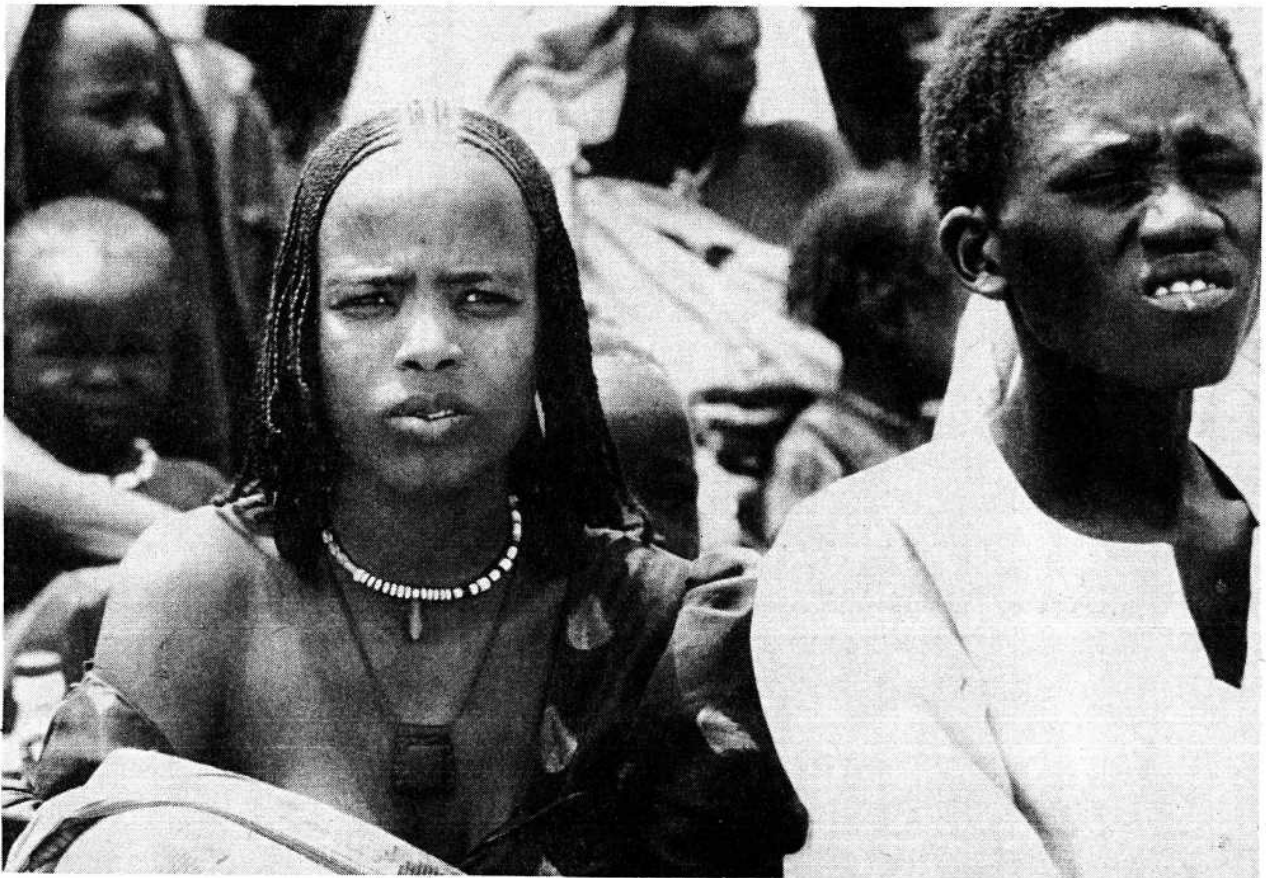


Photo: CIDA David Barbour

(4)
**OBLIGATIONS TO ADDRESS THE URGENCY
UNDERTAKING MEASURES TO ADDRESS INEQUITABLE
DISTRIBUTION OF RESOURCES**

4.1. Ensuring accountability and transparency from the state and private sectors

(By national and international non-governmental organizations and women's groups: Non-governmental organizations and women's organizations should organize pressure groups and establish monitoring mechanisms and other relevant activities to ensure implementation of the recommendations on poverty outlined in the Platform for Action. These activities should aim at ensuring accountability and transparency from the State and private sectors (62b. Advance draft, Platform of Action, UN Conference on Women, May 15)

4.2. Enacting laws to prevent rural and indigenous community resources passing into the hands of the private sector and transnational corporations

(Enact laws to prevent the passing of rural and indigenous community resources into the hands of the private sector and transnational corporations;) (63 c Advance draft, Platform of Action, UN Conference on Women, May 15)

4.3. Ensuring that transnational corporations comply with... laws...codes...

(Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws) (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

4.4. (Requiring) Encouraging transnational and national corporations to comply with safety laws

By **requiring** (encouraging) (transnational and national corporations) (by the private sector):

comply with *Observe national labour environment, consumer, health and safety laws, particularly those that affect women.* (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)

(the following references to industry: re training for industry (84 j); Technical assistance (258). Only mention of impact appears to be in section 257)

4.5. Raising awareness about environmental and health impacts of products, technologies and industry processes

By international organizations, non-governmental organizations and private sector institutions:

Involve women in the communication industries in raising awareness regarding environmental issues, especially on the environmental and health impacts of products, technologies and industry processes (257 a, Advance draft, Platform of Action, UN Conference on Women, May 15)

4.6. Regulating transnationals by country of operation

Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order, 1974)

4.7. Limiting the power of transnational corporations through charters

When we look at the history of our states (US) we learn that citizens intentionally defined corporations through charters—the certificates of incorporation. In exchange for the charter, a corporation was obligated to obey all laws, to serve the common good, and to cause no harm. Early state legislators wrote charter laws and actual charters to limit corporate authority, and to ensure that when a corporation caused harm, they could revoke its charter. (Grossman, R., Taking Care of Business: Citizenship and the Charter of Incorporation)

A corporation in law is just what the incorporating act makes it. It is the creature of the law and may be molded to any shape or for any purpose that the Legislature may deem most conducive for the general good. (Grossman, R., Taking Care of Business: Citizenship and the Charter of Incorporation)

4.8. Revoking Charters of transnationals

Revoke Charters of Incorporation of industries and transnationals that have caused environmental destruction, violated human rights, and contributed to conflict or war (Recommendation to NGO Response to Platform of Action - agreed to by consensus but not included in the NGO submission)

4.9. Implementing International Code of Conduct for transnationals

All efforts should **shall** be made to formulate, adopt and implement an international code of conduct for transnational corporations (V. REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

4.10. Preventing of interference of transnationals in the internal affairs of states

To prevent interference in the internal affairs of the countries where they operate and their collaboration with racist regimes and colonial administrations (V a., REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

4.11. Seeking compensation from transnational Companies and other market representatives

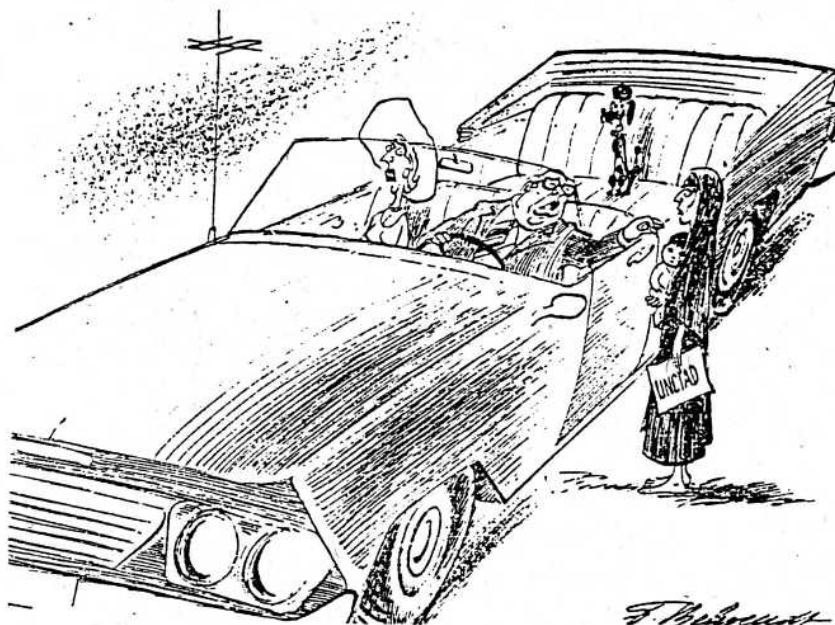
Transnational Companies and other market representatives shall be responsible for paying compensation for denying social justice, for causing environmental degradation, for violating human rights, for contributing to violence, for escalating conflict, and (Global Compliance Research Project)

4.12. Affirming the right to restitution and giving full restitution and compensation

The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples (4 f, Declaration of a New International Economic Order, 1974)

4.13. Rejecting the domination of the global economy by an elite

i) the rejection of the domination of the global economy by an elite based on the external debt of developing countries, transnational enterprises and their institutional accomplices, the World Bank, IMF, GATT, etc. (Youth Treaty, UNCED, 1992)



(5)
**OBLIGATION TO ADDRESS THE URGENCY
LINKING OF DEBT, HUMAN RIGHTS AND POVERTY**

5.1. Alleviating the debt burden

The world Conference on Human Rights calls upon the international community to make all efforts to help alleviate the external debt burden of developing countries, in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people. (Sect. 12., World Conference on Human Rights, 1993)

5.2. Addressing the root causes of poverty

Promote international cooperation to address the root causes of poverty. The development process will not gather momentum if developing countries are weighted down by external indebtedness, if development finance is inadequate, if barriers restrict access to markets and if commodity prices and the terms of trade in developing countries remain depressed (3.10., Combating Poverty, Agenda 21, UNCED, 1992).

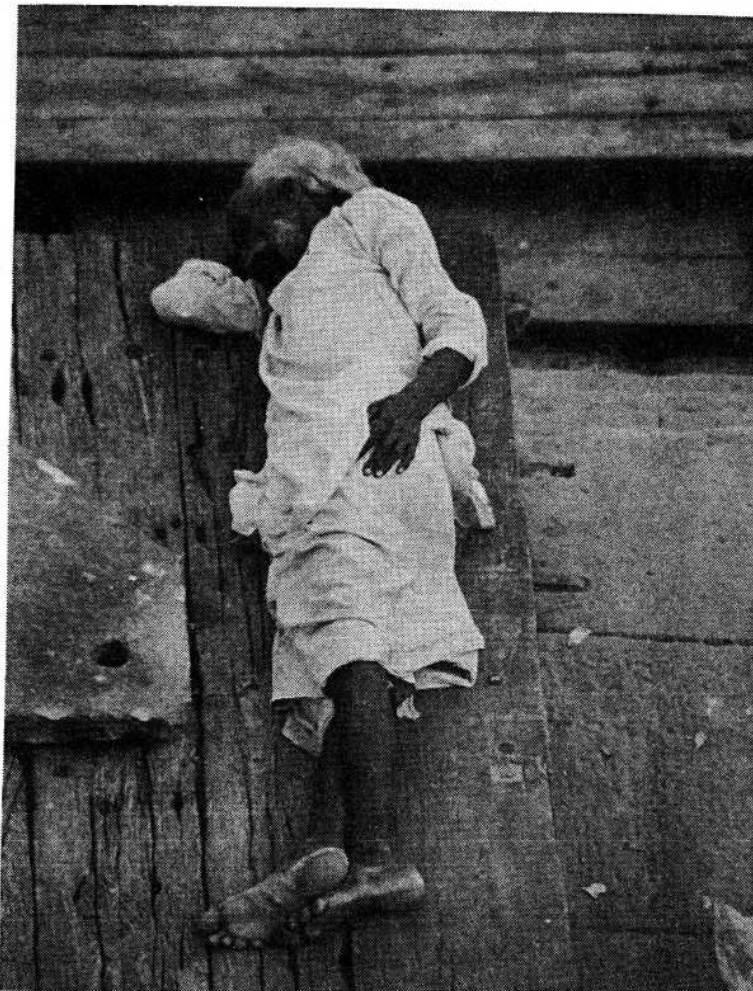


Photo: Cam Cooper

(6)
OBLIGATIONS TO ADDRESS THE URGENCY
UNDERTAKING ACTIONS TO ELIMINATE POVERTY

6.1. Increasing resources allocated to eliminate poverty

By multilateral financial and development institutions, including the World Bank, the International Monetary Fund and regional development institutions, and through bilateral development cooperation:

((Increase resources allocated) (Allocate resources as appropriate) to the elimination of (absolute) poverty, and target women (and families) in poverty) (Support the developing countries through the allocation of new and additional resources for the eradication of poverty and target women living in poverty)) (61 a Advanced Draft Platform of Action, May 15)

6.2. Eliminating poverty through establishing best long-term conditions

Contain a long-term strategy aimed at establishing the best possible conditions for sustainable local, regional and national development that would eliminate poverty and reduce the inequalities between various population groups. It should assist the most disadvantaged groups - in particular, women, children and youth within those groups - and refugees. The groups will include poor small holders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (3.5. c., Combating Poverty, Agenda 21, UNCED, 1992)

6.3. Developing adequate infrastructure for widening of options for resource-poor people

With international support, where necessary, develop adequate infrastructure, marketing systems, technology systems, credit systems and the like and the human resources needed to support the above actions and to achieve a widening of options for resource-poor people. High priority should be given to basic education and professional training (3.8.b, Combating Poverty, Agenda 21, UNCED, 1992)

6.4. Strengthening legal frameworks for access to land and ownership...in particular for women

Consider strengthening/developing legal frameworks for land management, access to land resources and land ownership - in particular, for women - and for the protection of tenants (3.8.h Combating Poverty, Agenda 21, UNCED, 1992)

6.5. Undertaking actions to promote food security

Undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture (3.8. i., Combating Poverty, Agenda 21, UNCED 1992)

6.6. Integrating traditional methods that have been shown to be environmentally sustainable

Support research on and integration of traditional methods of production that have been shown to be environmentally sustainable (3.8. m., Combating Poverty, Agenda 21, UNCED, 1992)

6.7. Improving access to land for the landless poor

Consider making available lines of credit and other facilities for the informal sector and improved access to land for the landless poor so that they can acquire the means of production and reliable access to natural resources. In many instances special considerations for women are required. Strict feasibility appraisals are needed for borrowers to avoid debt crises (3.8. o., Combating Poverty, Agenda 21, UNCED, 1992)



Photo: Cam Cooper

6.8. Ensuring continued provision of basic services to the poor and needy

Examine the international economic framework, including resource flows and structural adjustment programmes, to ensure that social and environmental concerns are addressed, and in this connection, conduct a review of the policies of international organizations, bodies and agencies, including financial institutions, to ensure the continued provision of basic services to the poor and needy (3.10. e., Combating Poverty, Agenda 21, UNCED, 1992)

6.9. Promoting international cooperation to address the root causes of poverty

Promote international cooperation to address the root causes of poverty. The development process will not gather momentum if developing countries are weighted down by external indebtedness, if development finance is inadequate, if barriers restrict access to markets and if commodity prices and the terms of trade in developing countries remain depressed (3.10. f., Combating Poverty, Agenda 21, UNCED, 1992)

6.10. Eliminating the practice of adding poverty programs as an afterthought

How can poor and traditionally excluded people gain an integral role in economic development that addresses squarely the poverty and inequality that is crippling the hemisphere? Poverty programs should not be added to development strategies as an afterthought. Poor people, small farmers and small businesses must be treated as potential generators of wealth and engines of economic growth. Critical issues of food security, land tenure and agricultural policy for the majority of the region's farmers (PROMISES TO KEEP The Unfinished Agenda for Human Rights and Economic Justice in the Americas, 1994)

6.11. Accepting and implementing the concept of forward planning of food aid

All donor countries *shall should accept and* implement the concept of forward planning of food aid and *make all efforts to provide* commodities and/or financial assistance that will ensure adequate quantities of grains and other food commodities (Section 12 Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

6.12. Cooperating in the provision of food aid

Co-operating in the provision of food aid for meeting emergency and nutritional needs as well as for stimulating rural employment through development projects (Section 12, Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

6.13. Coordinating system of protection against unemployment

Each Member shall take appropriate steps to co-ordinate its system of protection against unemployment and its employment policy. To this end, it shall seek to ensure that its system of protection against unemployment and in particular the methods of providing unemployment benefits, contribute to the promotion of full, productive and freely chosen employment, and are not such as to discourage employers from offering and workers from seeking productive employment (Convention Concerning Employment Promotion and Protection against Unemployment, no.168, 1988)

++ PREVENTING THE NEED FOR AID THROUGH PREVENTIVE MEASURES

6.14. Requesting...world food security net

Requests the World Food Council to give further consideration to a series of feasible measures which, taken together, comprise a world food security net to ensure international market stability and continuity of world food supplies, especially for developing countries, at reasonable prices and on conditions they can afford, and to make recommendations thereon(Article 20., UN Resolution, Global Strategy for Health for All by the Year 2000, 1981)

6.15. Stressing the importance of human milk

The importance of human milk in this connections should **shall** be stressed on nutritional grounds. (Sect. 2 Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

6.16. Promotion of (appropriate~) nourishment

The promotion of (nourishment) that is lower on the food chain (less energy consuming) as well as food that is organically humanely and locally produced (adapted from Interfaith Chapter response to Charter circulated on the internet, 1995)

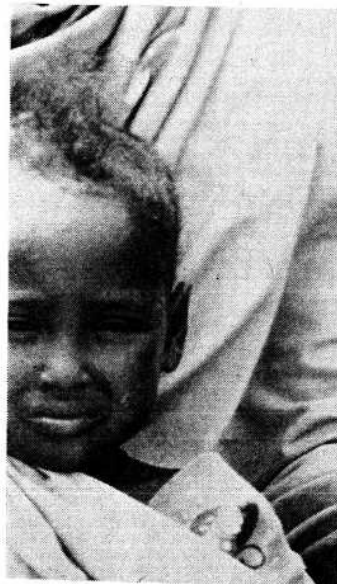


Photo: (CIDA), David Barbour

(7)
**OBLIGATIONS TO ADDRESS THE URGENCY
UNDERTAKING PROVISIONS FOR HEALTH CARE**

7.1. (Undertaking) to develop a comprehensive national strategy for improving health...

Women's organizations and other non-governmental organizations in cooperation with the Government *and private sector* (see next section about the need to discontinue the trend towards privatization) should develop a comprehensive national strategy for improving health, education and social services so that girls and women of all ages living in poverty have full access to such services. Funding should be sought to secure access to services with a gender perspective and to extend those services in order to reach the rural and remote areas that are not covered by government institutions (62 d Advance draft, Platform of Action, UN Conference on Women, May 15)

7.2. (Discontinuing) the trend towards privatization of health programmes and services

The rising trend towards privatization of health programmes and services internationally makes a mockery of the platform principles of equality, development and peace for women (Women's Health in Women's Hands, 1995)

7.3. Recognizing that health is a fundamental human right

...Health is a fundamental human right, we must uphold this right we must fight for it. Health is inseparable from individual rights and freedoms and from the rights to development (Hiroshima, WHO, cited in Women's Health in Women's hands)

7.4. Promoting health policies and practices that validate all people and enhance the health of all

There needs to be a clear understanding that the human rights norms should be used in a proactive manner to promote health policies and practices that validate all people and enhance the health of all (Women's Health in Women's hands, 1995)

7.5. Developing of holistic health systems

Developing of holistic health systems that do not assume primacy of the Western medical allopathic model of health care (Women's Health in Women's hands, 1995)

7.6. Ensuring universal health care and that all people are entitled to health care

Women's rights to the enjoyment to the highest standard of health must be secured throughout the whole life cycle in equality with men.... (94 Advanced Draft Platform of Action, May 15)

7.7. Improving the equality of education to ensure that women are provided with useful knowledge ... to develop full capacities in health

(Improve the equality of education to ensure that women of all ages are provided with useful knowledge, reasoning ability, skills and ethical values required to develop their full capacities in health and dignity and to participate fully in the social, economic and political process of development. In this regard, women and girls should be considered a priority group) (82 h, Advance draft, Platform of Action, UN Conference on Women, May 15)

7.8. Recognizing the right of everyone to the highest attainable standards of physical and mental health

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health(Article 12 International Covenant Economic, Social & Cultural Covenant, 1966)

7.9. Endorsing...attainment of world-wide social goal of health for all by the year 2000

Endorses the Global Strategy for Health for All by the Year 2000 1995 as a major contribution of Member States to the attainment of the world-wide social goal of health for all by the year 2000 and to the fulfillment of the International Development Strategy for the Third United Nations Development Decade (Art. UN General Assembly Resolution 36/43, 1981)

7.10. Recognizing health as an integral part of development

Recalling its resolution 34/58 of 29 November 1979 concerning health as an integral part of development,

7.11. Implementing and strengthening preventive and curative health facilities

Implement, as a matter of urgency, in accordance with country-specific conditions and legal systems, measures to ensure that women and men have the same right to decide freely and responsibly on the number and spacing of their children and have access to the information, education and means, as appropriate, to enable them to exercise this right in keeping with their freedom, dignity and personally held values, taking into account ethical and cultural considerations. Governments should take active steps to implement programmes to establish and strengthen preventive and curative health facilities, which include

women-centred, women-managed, safe and effective reproductive health care and affordable, accessible services, as appropriate, for the responsible planning of family size, in keeping with freedom, dignity and personally held values, taking into account ethical and cultural considerations. Programmes should focus on providing comprehensive health care, including pre-natal care, education and information on health and responsible parenthood and should provide the opportunity for all women to breast-feed fully, at least during the first four months post-part. Programmes should fully support women's productive and reproductive roles and well-being, with special attention to the need for providing equal and improved health care for all children and the need to reduce the risk of maternal and child mortality and sickness (3.8. j. Combating Poverty, Agenda 21, UNCED, 1992)



Photo: CIDA, David Barbour

(8)
**OBLIGATIONS TO ADDRESS THE URGENCY
RESPECTING BASIC HUMAN RIGHTS AND HEALTH:
REPRODUCTIVE RIGHTS**

8.1. Reinforce laws, reform institutions and promote norms and practices...that ensure the conditions necessary for women to exercise their reproductive rights

(Reinforce laws, reform institutions and promote norms and practices that eliminate discrimination against women and encourage both women and men to take responsibility for their sexual and reproductive behaviour; (ensure the full respect for the physical integrity of the human body); (and take action to ensure the conditions necessary for women to exercise their reproductive rights) (and eliminate, where possible, coercive laws and practices)) (108 d Advance draft, Platform of Action, UN Conference on Women, May 15)

8.2. Recognizing that women's reproductive rights are basic human rights

Governments should guarantee the rights of women and girls to high quality health services, recognizing that women's reproductive rights are basic human rights which enable women to freely decide whether, with whom, when and how often to have children (Women's Health in Women's Hands, 1995)

8.3. (Affirming) the right of access to reproductive choice

Aware **Affirming** that the right to reproductive health and choice is a basic human right of all individuals, we point out that the World Fertility Survey estimates that there are 500 million couples who wish to plan their family size but have no access to the means to do so. (Women's Action AGENDA, 1992)

8.4. Condemning any attempt to deprive women of reproductive freedom

We condemn a Any attempt to deprive women of reproductive freedom or the knowledge to exercise that freedom **shall be condemned.** (Women's Action AGENDA, 1992)

8.5. Ensuring women-centered comprehensive reproductive health care

We demand There shall be **grass root**, women-centered, women-managed comprehensive reproductive health care and family planning including the right to prenatal care, **with family planning safe and legal voluntary contraceptive and abortion, stressing the**

importance of sex education and information (Women's Action AGENDA, 1992)

8.6. Providing full information on the possible side effects of contraceptives

It is essential that extensive research is carried out on the potential side effects of contraceptives, and that this information is widely distributed

8.7. Increasing investments in comprehensive reproductive health services

We urge Governments, multilateral and donor agency shall to increase investments in comprehensive reproductive health services and to include men as beneficiaries of family planning education and services. Family support services should shall include child care and parental leave. These investments should be directed to the aforementioned women-managed health care facilities (Women's Action AGENDA, 1992)

8.8. Providing for reproductive choice

In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations *are urged to shall* strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family planning services. Prevention of unwanted pregnancies must always be given the highest priority and all attempts should be made to eliminate the need for abortion. Women who have unwanted pregnancies *should shall*; have ready access to reliable information and compassionate counseling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions (8.25, International Conference on Population and Development, 1994)

8.9. Ensuring the right to accessible and safe abortions

Ensure the right to accessible and safe abortions, as unsafe abortions are a leading cause of mortality (Women's Health in Women's Hands, 1995)

8.10. Condemning top-down, demographically-driven population policies

Recognizing that this analysis, if unchallenged, lays the ground work for these emergency of top-down, demographically-driven population policies and programs that are deeply disrespectful of the basic women's rights human rights of women as guaranteed in the Convention on the Elimination of all forms of Discrimination Against Women (Women's Action AGENDA, 1992)

8.11. Recognizing that women's ability to protect themselves from sexually transmitted disease is a prerequisite to women's health

Fearful of the threat to women's lives by the HIV pandemic and recognizing that women's ability to protect themselves from AIDS and other sexually transmitted diseases and to determine when-and-if to have children is a prerequisite for women's health, self-determination, and empowerment (Women's Action AGENDA, 1992)

8.12. Taking action to ensure that women's sexual and reproductive rights are fully recognized and respected

(Take action to ensure that women's (sexual and) reproductive rights are fully recognized and respected) (232 f, Advance draft, Platform of Action, UN Conference on Women, May 15)



(9)
**OBLIGATIONS TO ADDRESS THE URGENCY
UNDERTAKING ACTIONS RELATED TO FOOD AND THE
ENVIRONMENT**

9.1. Collaborating in conservation of natural resources and in preservation of the environment

To assure the proper conservation of natural resources being utilized, or which might be utilized, for food production, all countries must collaborate in order to facilitate the preservation of the environment, including the marine environment. (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

9.2. Undertaking to ensure through conservation the maintenance of the living resource

The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall co-operate to this end. (Art. 61. 2. Law of Seas, Conservation of the Living Resource, 1982)

9.3. Refraining from damaging natural resources by preventing pollution

To refrain from damaging or deteriorating natural resources and food resources, especially those derived from the sea, by preventing pollution and taking appropriate steps to protect the interests of:

Developing importing countries which cannot afford high prices for their imports (2.d i, Food Programme of Action to on the Establishment of a New International Economic Order, 1974)

Developing exporting countries which need increased market opportunities for their export (2.d ii., Food Programme of Action to on the Establishment of a New International Economic Order)

9.4. Supporting the use of natural materials

In cases where natural materials can satisfy the requirements of market, new investment for the expansion of the capacity to produce synthetic materials and substitutes *should shall* not be made (3 a xii, Food, Programme of Action for the establishment of a New International Economic Order 1974)

(10)
**OBLIGATIONS TO ADDRESS THE URGENCY
UNDERTAKING ACTIONS RELATED TO HEALTH AND
ENVIRONMENT**

10.1. Ensuring the provision of the necessary information...to strengthen the national capacities of developing countries to protect themselves from the consumption and/or sale of banned....products

Requests the Secretary-General to continue to ensure the provision of the necessary information and assistance by the United Nations system in order to strengthen the national capacities of developing countries to protect themselves from the consumption and/or sale of banned, withdrawn, severely restricted and, in the case of pharmaceuticals, non-approved products (Art. 3 Resolution 37/137 Protection against products harmful to health and the environment, 1982)

10.2. Preparing and regularly updating a consolidated list of products whose consumption and/or sale have been banned...

10.3. Protecting against products harmful to health and the environment

Requests the Secretary-General, based upon the work already being done within the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Labour Organization, the United Nations Environment Programme, the General Agreement on Tariffs and Trade, the United Nations Centre on Transnational Corporations and other relevant intergovernmental organizations, *to the maximum extent possible within existing resources*, to prepare and regularly update a consolidated list of products whose consumption and/or sale have been banned, withdrawn, severely restricted or, in the case of pharmaceuticals, not approved by Governments, and to make this list available as early as possible and, in any case, not later than December 1983 (Art. 4 Resolution 37/137 Protection against products harmful to health and the environment, 1982)

10.4. Co-operating in monitoring the effects of hazardous waste and other wastes on health and environment

All States shall co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment (Article 10, 1, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

10.5. Affirming states' international obligation for protection of human health and protection and preservation of the environment

Affirming that States are responsible for the fulfillment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

10.6. Preparing and regularly updating a consolidated list of products whose consumption and/or sale have been banned, withdrawn, or severely restricted

Demise of the Dirty Dozen chart highlights bans and sever restrictions on the Dirty Dozen's Campaign to target a list of particularly hazardous pesticides for strict controls, bans, and ultimately elimination (5/93 for PAN International by PAN North America Regional Center, 1995).

10.7. Undertaking measures related to pesticides

- Ending the use of pesticides whose safety cannot be assured;
- Ensuring that human and environmental health are considered foremost in all pesticide policy decisions
- Eliminating double standards in global pesticide trade
generative support for research and implementation of sustainable pest control methods (Recommendations by Pesticide Action Network —PAN, 1995).

10.8. Supporting the use of natural materials

In cases where natural materials can satisfy the requirements of market, new investment for the expansion of the capacity to produce synthetic materials and substitutes *should shall* not be made (3 a xii, Food, Programme of Action for the establishment of a New International Economic Order, 1974)

10.9. Recognizing the urgent need for conservation

The present situation calls for urgent and consistent action for conserving and sustaining forest resources. The greening of suitable areas, in all its component activities, is an effective way of increasing public awareness and participation in protecting and managing forest resources. It should include the consideration of land use and tenure patterns and local needs and should spell out and clarify the specific objectives of the different types of greening activities (11. 13., Deforestation, Agenda 21, UNCED, 1992)

(11)
**OBLIGATIONS TO ADDRESS URGENCY:
COMMITTING TO NON-TRANSFERENCE OF HARM**

11.1. Recognizing the damage to health and the environment caused by export of banned or permanently withdrawn products

Aware of the damage to health and the environment that the continued production and export of products that have been banned and/or permanently withdrawn on grounds of human health and safety from domestic markets is causing in the importing countries (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

11.2. Recognizing that some products have been severely restricted because toxic effects on health and the environment

Aware that some products, although they present a certain usefulness in specific cases and/or under certain conditions, have been severely restricted in their consumption and/or sale owing to their toxic effects on health and the environment (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

11.3. Recognizing that reduction in the generation of hazardous wastes is the most effective way of protecting human health and the environment

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

11.4. (Enforcing) the non- transference of harmful substances and activities

States should **shall** effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Principle 14 Rio Declaration, UNCED, 1992)

11.5. Recognizing that transfer of wastes is socially unjust

It should be realized that transfer of wastes (toxic, hazardous, and atomic) is socially unjust. Hazardous wastes that result from production is part of the cost of production so transferring it to another country is the same as transferring costs to a country that did not incur them. Consequently, no State has the right to export hazardous wastes to any other country even if the importing country has no legislation that prohibit such importation. Furthermore, exporting states shall not withhold information on the damaging effects of their exports on human health and on the environment as a whole.

11.6. Refusing to accept permission to be harmed

No support shall be given for the justification of the transfer of harmful substances to human health and to the environment on the grounds that the recipient state has granted permission for this transfer.

11.7. Under no circumstances shall a State agree to accept hazardous, toxic, or atomic wastes from another State. Also under no circumstances shall a State that has less stringent regulations be called upon to accept activities or substances that are deemed to be ecologically unsafe and unsound in another State that has more stringent regulations. Similarly, this principle shall also apply within a state where industry or a government within a state seeks to deposit toxic, hazardous or atomic wastes in different areas of the State, in particular on indigenous lands or in areas in which the disenfranchised members of the population live.



Photo: (CIDA), David Barbour

SYSTEMIC CONSTRAINT THROUGH DELUSION OF APPARENT CARE

11.8. The following statements appears to be based on the presumption that there is nothing unjust about the transfer of waste providing it can be "managed".

◦ Preventing import of hazardous wastes if not to be managed in an environmentally sound way

Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner (Article 4.2.g, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes, (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

◦ Ensuring non transboundary movement of hazardous waste and other wastes is only allowed if state of export does not have technical capacity

Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if: The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner (Article 4.9.a, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992).



◦ *Requiring duty of re-import by State of export*

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export. (Article 8 Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992).

◦ *Disallowing export of hazardous wastes or other wastes if the state has reason to believe wastes will not be managed in an environmentally sound manner*

Each State shall take the appropriate measures to not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization..., particularly developing countries, which have prohibited by their legislation all imports or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the States at their first meeting (Article 4.2.e, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)



11.6. Formulation of an international code of conduct for the transfer of technology

All efforts *should* **shall** be made to formulate an international code of conduct for the transfer of technology corresponding to needs of conditions prevalent in developing countries (TRANSFER OF TECHNOLOGY Programme of Action on the Establishment of a New International Economic Order, 1974 IV a).

11.7. Promotion of international co-operation in research and development

To promote international co-operation in research and development in exploration and exploitation, conservation and the legitimate utilization of natural resources and all sources of energy (TRANSFER OF TECHNOLOGY Programme of Action on the Establishment of a New International Economic Order, 1974 IV e).

11.8. Promotion of environmental an education campaign about the environmental effects of technologies

Environmental education and a campaign for public awareness on the environmental effects of technologies shall be promoted.



Photo: CIDA, Paul Chiasson

(12)
**OBLIGATIONS TO ADDRESS THE URGENCY
ENSURING ENVIRONMENTAL INTEGRITY AND THE
PRESERVATION OF THE ENVIRONMENT**

12.1. (Being entitled} to a health and productive life in harmony with nature

The inherent worth of the ecosystem beyond human purpose shall be respected. (*Human beings are at the centre of concern for sustainable development. Socially equitable and environmentally sound development.* They are entitled to a healthy and productive life in harmony with nature. 7/) Women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns, and approaches to **the respect for nature and ecologically sound employment natural resource management**, as was recognized at the United Nations Conference on Environment and Development and the International Conference on Population and Development and reflected throughout Agenda 21. (Art 246, Advance draft, Platform of Action, UN. Conference on Women, May 15)

12.2. Recognizing interconnectedness with nature

Mankind Humankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients (Preamble, UN Resolution, 37/7, World Charter of Nature, 1982)World Charter of Nature, 1992)

The Earth is an interdependent community of life. All parts of this system are interconnected and essential to the functioning of the whole (Interfaith charter through the Internet)

12.3. Respecting essential processes

Nature shall be respected and its essential processes shall not be impaired (Principle 1, UN Resolution, 37/7, World Charter of Nature, 1982) World Charter of Nature, 1982)

12.4. Endorsing the primacy of the ecosystem

In all decisions made affecting the environment, the integrity of the ecosystem must be given primacy in conjunction with socially equitable and environmentally-sound development. NOTE: The "Ecosystem" includes both the biological and physical and chemical components (the biotic and abiotic) (Global Compliance Research Project, Principle 2, Submission to NGO meeting, New York Prep Com)

12.5. Ensuring consistent protection of ambient air and water and soil quality

Ensuring consistent protection means ensuring both the variation in air, water, and soil conditions across a bioregion and the variation in effects of different substances emitted. That all discharges, no matter where they are located in the province will be equally affected by the criteria. Ensuring consistent protection also means that states will not transfer its pollution problems onto other jurisdictions, nor will it relax its standards in order to attract industry. The criteria must ensure acceptable ambient environmental conditions all across states. No particular area should be penalized due to pre-existing high quality environmental environmental standards or regulations. In no way shall the requirement to ensure consistency be used as a justification for the relaxing of standards and technical regulations. There must be tough standards that stand the test and everyone has to follow.

(Principle 3., "Environmental Compliance" Global Compliance Research Project, Submission to NGO meeting, New York Prep Com)

12.6. Taking action...for the conservation of biological diversity

Take action *where necessary* for the conservation of biological diversity through the in situ conservation of ecosystems and natural habitats, as well as primitive cultivars and their wild relatives, and the maintenance and recover of viable populations of species in their natural surrounding, and implement ex situ measures, preferably in the source country. In situ measures should include the reinforcement of terrestrial, marine and aquatic protected area systems and embrace, inter alia, vulnerable freshwater and other wetlands and coastal ecosystems, such as estuaries, coral reefs and mangroves;...(15.5 g. Biodiversity, Agenda 21 UNCED, 1992)

12.7. Acknowledging the urgency for conserving and preserving nature and natural resources

Man Humans can alter nature and exhaust natural resources by their actions or the consequences and, therefore, must fully recognize the urgency of maintaining the stability and quality of nature and of conserving natural resources and preserving nature (Preamble, UN Resolution, 37/7, World Charter of Nature, 1982)World Charter of Nature, 1982)

(13)
**OBLIGATIONS TO ADDRESS THE URGENCY
UNDERSTANDING THE INTERDEPENDENCE OF ISSUES**

13.1. Appreciating the interdependence of issues

The 1994 conference was explicitly given a broader mandate on development issues than previous population conferences, reflecting the growing awareness that population, poverty, patterns of production and consumption and other threats to the environment are so closely interconnected that none of them can be considered in isolation. (Preamble, 1.5., International Conference on Population and Development, 1994)

13.2. Undertaking of research into links among aspects of the problem

Research *should shall* be undertaken on the linkages among population, consumption and production, the environment and natural resources and human health as a guide to effective (socially equitable and environmentally-sound) *sustainable development* policies (3.31., International Conference on Population and Development, 1994)

13.3. Recognizing of interdependence and that natural disasters do not respect borders

The world is increasingly interdependent. All countries shall act in a new spirit of partnership to build a safer world based on common interests and shared responsibility to save human lives, since natural disasters do not respect borders. Regional and international cooperation will significantly enhance our ability to achieve real progress in **preventing mitigating** disasters through the transfer of **Best Ecologically Sound Techniques technology** and the sharing of information and joint disaster prevention *and mitigation* activities. Bilateral and multilateral assistance and financial resources should be mobilized to support these efforts (3 a Convention on Natural Disaster, 1994).

13.4. Adhering to the anticipatory policies in transboundary context

Mindful of the need and importance to develop anticipatory policies and of preventing, mitigating and monitoring significant adverse environmental impact in general and more specifically in a transboundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1991)

13.5. Undertaking not to cause damage or pollution to other states

States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention (Art. 194. 2., Law of the Seas, 1982)

13.7. Recognizing some patterns of consumption have potential for increasing vulnerability to natural disasters

Some patterns of consumption, production and development have the potential for increasing the vulnerability to natural disasters, particularly of the poor and socially disadvantaged groups. However, *sustainable development socially equitable and environmentally-sound development* can contribute to reduction of this vulnerability ... (A. 4. Basis for the Strategy, Convention on Natural Disaster reduction, 1994)

13.6. Combating desertification and relating desertification to other environmental problems

Bearing in mind the relationship between desertification and other environmental problems of global dimension facing the international and national communities, the Parties shall encourage the coordination of activities carried out under this Convention and, if they are Parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements (United Nations Convention to Combat, Desertification Article 1, 1994)



Photo: CIDA, David Barbour

(14)
**OBLIGATIONS TO ADDRESS THE URGENCY
ENDORING 'SOCIAALLY EQUITABLE AND
ENVIRONMENTALLY SOUND DEVELOPMENT**

14.1. (Enabling) socially equitable and environmentally-sound development

"socially equitable and environmentally-sound development"
(Preamble, 1.2., International Conference on Population and Development, 1994)

14.2. Ensuring environmentally-sound and sustainable development

Affirming the need to ensure **socially equitable and environmentally sound and sustainable development** (Preamble, Convention on Environmental Impact Assessment in a Transboundary Context, February, 1991)

14.3. Affirming the principle of socially equitable and environmentally-sound development

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 (part of Mission Statement of the IUCN, 1994).

(15)
**OBLIGATIONS TO ADDRESS THE URGENCY
ENSURING NON-TRANSFORM TYPE OF POLLUTION INTO
OTHER MEDIA**

15.1. Undertaking the duty not to transfer damage or hazards or transform one type of pollution into another

In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another (Article 195, Law of the Seas, 1982)

15.2. Ensuring that polluting substances are not transferred from one media to another

Pollution prevention is complete prevention instead of displacement of problem and not the transferring pollution from one medium to another (for example from water to air) (Principle 5. "Environmental Compliance", Global Compliance Research Project)

(16)
**OBLIGATIONS TO ADDRESS THE URGENCY
PREVENTING ENVIRONMENTAL DEGRADATION**

16.1. Affirming the limits of growth

There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are serious indications that these limits have long since passed (Principle 6. "Environmental Compliance", Global Compliance Research Project)

16.2. Reducing and eliminating unsustainable patterns of production and consumption

To achieve *sustainable development* (Socially equitable and environmentally-sound) and a higher quality of life for all people, Governments *should reduce and shall* eliminate unsustainable patterns of production and consumption and promote (appropriate ~) demographic policies. (3.9., International Conference on Population and Development, 1994)

16.3. Ending the waste of natural resources for the cause of development

The need for all States to put an end to the waste of natural resources for the cause of development (4. Principle q., Declaration on the Establishment of a new International Economic Order 1974)

16.4. Ensuring the avoidance of activities causing irreversible harm to nature

Activities which are likely to cause irreversible damage to nature shall be avoided (11 a UN Resolution, 37/7, World Charter of Nature, 1982)



16.5. Adhering to the anticipatory principle

Mindful of the need and importance to develop anticipatory policies and of preventing, mitigating and monitoring significant adverse environmental impact in general and more specifically in a transboundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1991)

16.6. Anticipating and preventing the adverse effects of substances and activities on the environment (adherence to anticipatory principle)

The anticipatory principle is a pro-active measure to ensure that substances, processes and activities which are harmful to the environment are prevented from entering the environment, and to ensure that costly subsequent means of restoration are avoided, and that irreversible environmental degradation are avoided. Adverse effects include, but are not limited to: toxicity, bioaccumulation, bioconcentration, persistence, depletion of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, and hormone mimicry (Principle 7, "Environmental Compliance", Global Compliance Research Project)

16.7. Invoking of the precautionary principle

where there is a threat of serious or irreversible damage, lack of full scientific certainty *should shall* not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992)

16.8. Affirming the principle of doubt

Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effect are not fully understood, the activities should shall not proceed (11 b UN Resolution, 37/7, World Charter of Nature, 1982)

16.9. Enunciation of the "cautionary" principle

Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes (Principle 8, "Environmental Compliance", Global Compliance Research Project)

16.10. Requiring of a shift in the onus of proof

the proponents of an intervention shall demonstrate the safety of the intervention rather than the opponent having to demonstrate the harm of the intervention. (Reverse-onus principle recommended by the Canadian Minister of Environment, Sheila Copps, 1994) (Principle 9, "Environmental Compliance", Global Compliance Research Project)

16.11. Recognizing the need to develop environmentally sound technology

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

16.12. Recognizing the need to eliminate *as far as possible* the generation of hazardous waste

All States shall co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, *as far as practicable*, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies (Article 10, 1, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

16.13. Disposing of hazardous and other wastes disposed in state where generated

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

16.14. Recognizing desire for prohibiting transboundary movements of hazardous waste

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

16.15. Recognizing Disaster prevention...better than disaster response

Disaster prevention, *mitigation and preparedness are* better than disaster response in achieving the goals and objectives of the Decade. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. We have followed this limited approach for too long. This has been further demonstrated by the recent focus on response to complex emergencies which, although compelling, should not divert from pursuing a comprehensive approach. Prevention contributes to lasting improvement in safety and is essential to integrated disaster management (3 a Convention on Natural Disaster, 1994).

16.16. Developing a global culture of prevention

Development of a global culture of prevention as an essential component of an integrated approach to disaster reduction; (9 a The World Conference on Natural Disaster Reduction, 1994)

16.17. Incorporating disaster prevention...in development planning

Incorporate disaster reduction prevention *or mitigation* in socio-economic development planning based on the assessment of the risk (11a i The World Conference on Natural Disaster Reduction, 1994)

16.18. Undertaking to protect and preserve the marine environment

States have the obligation to protect and preserve the marine environment. (Part XII. Article 192. General Obligation. Protection and Preservation of the Marine Environment, Law of the Seas, 1982)

16.19. Undertaking measures to prevent, reduce and control pollution of the marine environment

States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities and they shall endeavour to harmonize their policies in this connection (Art. 194, 1. Law of the Seas, 1982)

16.20. Stimulating genuine community involvement... reducing vulnerability of communities to natural disasters

Stimulate genuine community involvement and empowerment of women and other socially disadvantaged groups at all stages of disaster management programmes in order to facilitate capacity building, which is an essential precondition for reducing vulnerability of communities to natural disasters (11 q Convention on Natural Disaster, 1994).

Photo: Donald McCullin



(17)
**OBLIGATIONS TO ADDRESS THE URGENCY
DEVELOPING PREVENTION TECHNOLOGIES**

17.1. Adopting of "prevention technologies

Prevention technologies — technologies that emphasize "protecting, conserving and sustaining the environment from the beginning, and thus avoiding the cycle of rectification of error — shall contribute to socially equitable and environmentally-sound development (Principle 10 "Environmental Compliance", Global Compliance Research Project)

17.2. Enforcing the pollution prevention principle

Mandatory standards and technical regulations will be developed to prevent adverse effects of substances or activities on the ecosystem including the adverse effects on the health of human and non-human species (Principle 11, "Environmental Compliance", Global Compliance Research Project)

17.3. Requiring the use of Best Ecologically Sound Techniques (BEST)

There is no guarantee that the Best Available Technology (BAT) will be ecologically sound. The BAT may be the best available but it may not be good enough. It is important to support and promote the development of and the use of BEST (Best Ecologically Sound Techniques) . In the event that there is no BEST technology which can prevent the release of persistent or bioaccumulative toxics then the extractive or productive activities which produce the product or substance process should be changed; the activities and product phased out/outlawed, or the demand for the product reduced through public education. In this case, the industry involved shall be assisted in the conversion to alternative processes or products involving (Principle 12, "Environmental Compliance" Global Compliance Research Project)



Photo: Cam Cooper

17.4. Creating indigenous plant reserves and home and community market gardens

Maintaining lawns requires a drain on local water supplies. Lawns shall be replaced with indigenous plant reserves (drought-free areas) and home and community market gardens (Principle 13, "Environmental Compliance", Global Compliance Research Project)

17.5. Eliminating introduction of hazardous products in the environment
The onus of proving the non-hazardous or toxic nature of the product introduced into the environment will be on the proponent of this new type of product after a full life cycle analysis of all the potential environmental harm by non-vested interest parties (Principle 14, "Environmental Compliance", Global Compliance Research Project)

17.6. Generating by-products as a resource not as waste
the generation of waste be prevented, and the emphasis shall be on the generation of byproducts that can become an ecologically safe and sound resource. If waste is already in existence, waste shall be disposed of at its source in an ecologically safe and sound manner ensuring that nothing is being stored that could, if an accident occurred, cause harm to the environment. If no assurance can be given that waste will not cause potentially significant adverse effects, then the activity that is generating the wastes shall cease, and permission to undertake the project will not be granted (Principle 15, "Environmental Compliance", Global Compliance Research Project)

17.7. Recognizing the need to develop environmentally sound technology

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes, (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

17.8. Recognizing the need to eliminate *as far as possible* the generation of hazardous waste

All States shall co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, *as far as practicable*, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies (Article 10, 1, Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal)

(18)
**OBLIGATIONS TO ADDRESS THE URGENCY
COMPLYING WITH STANDARDS AND ENFORCING
REGULATIONS**

18.1. Prevailing of the most stringent environmental provisions complying with all international, national, bilateral and regional agreements, protocols and conventions as a minimum. if there is a conflict between international, national, bilateral and regional agreements, the most stringent environmental provisions shall prevail (Principle 16, Global Compliance Research Project)

**18.2. Ensuring inclusiveness of activities and substances
Ensuring that every activity or substance that could prevent the protection and conservation of the environment will be included in environmental legislation, regardless of whether the activity or substance is, or is presumed to be covered under another Act (Principle 17, "Environmental Compliance" Global Compliance Research Project)**

**18.3. (Observing international obligations as a minimum) by following the most conducive provisions for achieving (objective)
Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained in the legislation of a State Party or in any other international convention, treaty or agreement in force for that State. (Paraphrase of Article 23, Convention on the Elimination of all forms of Discrimination against women, 1979)**

**18.4. Undertaking to not relax standards related to socially equitable and environmental sound development
Undertaking to not relax environmental standards and technical regulations, or human rights protection, or social justice and equality/equity provisions to attract short-term economic benefit (Principle 18, "Environmental Compliance" Global Compliance Research Project)**

**18.5. Ensuring that standards and technical regulation will not be relaxed to attract investment
the argument that in a pristine environment that has not yet been polluted by industrial activity shall be able to have emission standards relaxed is inherently invalid and should be discounted. In other words a licence to pollute could be given to industry in an pristine area because the area is not yet officially been designated as being polluted (Principle 19, "Environmental Compliance", Global Compliance Research Project)**

18.6. Ensuring that redefinition of practices will not enable industry to bypass regulations

Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations (where a plant with "industrial" air emissions is redefined as a recycling plant and thus the regulations related to "industrial....) is deemed inapplicable (Principle 20, "Environmental Compliance", Global Compliance Research Project)

18.7. Ensuring that relaxation of standards and regulations shall not be used to attract polluting industry

No proposal to relax standards or technical regulations shall be used to attract industry (see principle enunciated in NAFTA. (re: relaxation of standards to attract industry) (Principle 21, "Environmental Compliance", Global Compliance Research Project)

18.8. Expressing the political commitment to...through legislation...at (global) national, community level

Express the political commitment to reduce their vulnerability, through declaration, legislation, policy decisions and action at the highest level, which would require the progressive implementation of disaster **prevention assessment and reduction** plans at the **global** national and community levels (11 a Convention on Natural Disasters, 1994)

18.9. Establishing and enforcing reduction and elimination targets

Ambient criteria, or environmental quality criteria refers to levels of contaminants in the environment that must be zero use, production, and release in all cases where a toxic substance is persistent or bioaccumulative. It also applies when a substance will generate persistent or bioaccumulative toxic byproducts or breakdown products during its productions, use or disposal (Zero Toxics Alliance Statement of Principles) (Principle 22, "Environmental Compliance", Global Compliance Research Project)



Photo: Cam Cooper

(19)
**OBLIGATIONS TO ADDRESS THE URGENCY
FACTORING IN THE REAL COSTS**

19.1. Implementing of environmental impact assessment procedures

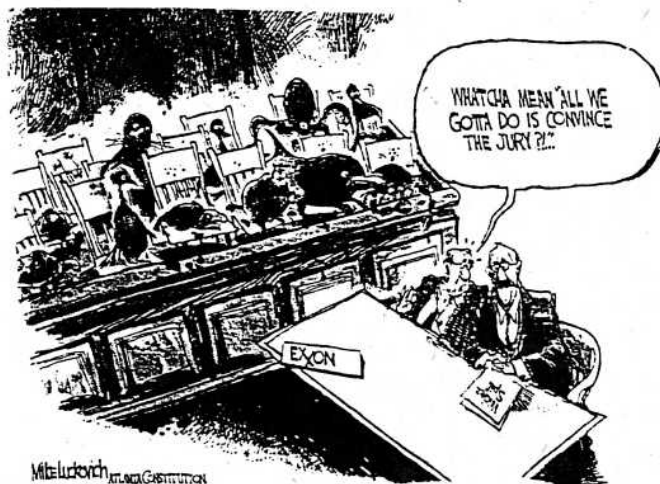
Introduce (appropriate~) procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects, and *where appropriate*, allow for public participation in such procedures (Article 14, 1A, Convention on Biological Diversity, 1992)

19.2. Promoting the internalizing of environmental costs

National authorities *should shall* endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter *should shall*, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment (Principle 16, Rio Declaration, 1992)

**19.3. Developing procedures for environmental impact assessment—
cradle to grave approach, and environmental audits**

Governments,...should develop procedures for environmental impact assessment, taking into account the cradle to grave approach, including environmental audits (Agenda 21, 20.19 e)



19.4. Ensuring relevant decisions are preceded by environmental impact assessments

- Taking into account the costs of any ecological consequences

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, 7.42)

19.5. Ensuring environmental audits and taking into account all ecological consequences principle

The environmental audit and ecological consequences principle is the following: to assess both the environmental costs of not converting to ecologically sound practices, and the environmental costs of permitting ecologically unsound practices (including the costs to future generations of irreversible environmental degradation) and the environmental costs of potential mitigation, and restoration (Principle 23, "Environmental Compliance" Global Compliance Research Project) .

19.6. Assessing the full costs of violating the rights to the disenfranchised through ecologically unsound practices

In addition assessment of the full costs of violating the rights of the disenfranchised shall be carried out. The groups bearing the greatest impact from ecologically unsound practices are usually the disenfranchised in society—the poor and the members of minority groups (Principle 24, "Environmental Compliance" Global Compliance Research Project) .

19.7. Requiring a legitimate environmental assessment

An actual assessment of the short and long term potentially adverse environmental effects of existing and proposed projects and activities shall be carried out. So-called "Environmental Assessments" which review environmental, economic, social, cultural, heritage, health effects of the reviewable projects" are not legitimate environmental impact assessments (Principle 25, "Environmental Compliance" Global Compliance Research Project)



Photo: Bernadette Mertens

(20)

OBLIGATIONS TO ADDRESS THE URGENCY ENSURING RESTITUTION

20.1. Taking into account the polluter pay principle

Governments should include in national planning and legislation an integrated approach to environmental protection, driven by prevention and source reduction criteria, taking into account the 'polluter pays' principle, and adopt programmes for hazardous waste reduction, including targets and adequate environmental control (20.20 b Agenda 21, UNCED, 1992)

20.2. Applying the polluter pay principle

Governments should ...(b) apply the 'polluter pays' principle, where appropriate, by setting waste management charges at rates that reflect the costs of providing the service and ensure that those who generate the wastes pay the full cost of disposal in an environmentally safe way (21.42 b., Agenda 21, UNCED, 1992)

20.3. Ensuring and enforcing the polluter pay principle

Enforcing the Polluter Pay Principle to ensure that those who may release polluting substances into the environment pay the full-cost of environmentally safe handling, treatment, disposal, and remediation; in addition, permits shall be suspended and canceled, if the polluter has caused serious irreversible ecological damage (Principle 26, "Environmental Compliance" Global Compliance Research Project) .

20.4. Enforcing environmental compensation principle

Given that throughout history sympathetic government regimes have failed to enforce their own statutory legislation, and given that there has been resultant environmental degradation, current governments shall seek environmental compensation from companies that can be shown to have consistently contributed to environmental degradation. The funds from environmental compensation shall be put into developing BEST (Best Ecologically Sound techniques) (Principle 27, "Environmental Compliance" Global Compliance Research Project) .

20.5. Ensuring that compensation is not used as justification for non fulfilling of duty

Compensation shall never be used as reason for not exercising the duty to preserve, protect, conserve the environment (Principle 28, "Environmental Compliance" Global Compliance Research Project) .

(21)
**OBLIGATIONS TO ADDRESS THE URGENCY
REHABILITATING THE IRREVERSIBLE**

21.1. Rehabilitating of areas degraded by human activities

Areas degraded by human activities shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations (Art 11 e World Charter of Nature, 1982)

21.2. Rejecting the notion that the restorability of nature justifies the abuse of nature

There exists a notion that environmental degradation is reversible; it can be restored, and rehabilitated. This notion shall never be used as a justification for the causing of environmental degradation

21.3. Rejecting the notion that the restorability of nature justifies the abuse of nature

There exists a notion that environmental degradation is reversible; it can be restored, and rehabilitated. This notion shall never be used as a justification for the causing of environmental degradation (Principle 28, "Environmental Compliance" Global Compliance Research Project) .



Photo: Kari Jones

(22)
**OBLIGATIONS TO ADDRESS THE URGENCY
EXTENDING THE NOTION OF DISASTER TO INCLUDE
ENVIRONMENTAL AND TECHNOLOGICAL DISASTERS
(ANTHROPOGENIC DISASTERS)**

22.1. Extending the concept of disaster reduction to cover natural and other disaster situations including environmental and technological disasters (Na-Techs)

Experience has demonstrated that, although not a part of the mandate of the Decade, the concept of the disaster reduction should be enlarged to cover natural and other disaster situations including environmental and technological disasters (Na-Techs) and their interrelationship which can have a significant impact on social, economic, cultural and environmental systems, in particular in developing countries (B i Convention on Natural Disaster, 1994)

22.2. Recognizing some patterns of consumption have potential for increasing vulnerability to natural disasters

Some patterns of consumption, production and development have the potential for increasing the vulnerability to natural disasters, particularly of the poor and socially disadvantaged groups. However, *sustainable development socially equitable and environmentally-sound development* can contribute to reduction of this vulnerability, if planned and managed in a way to ameliorate the social and economic conditions of the affected groups and communities. (A. 4. Basis for the Strategy, Convention on Natural Disaster reduction, 1994)



COMMENT

22.3. PRINCIPLES OF ENVIRONMENTAL COMPLIANCE

(Submitted by the Global Compliance Research Project to the NGO meeting at the New York Prep Com, 1995)

PRINCIPLE 1. ENDORSING THE INTERDEPENDENCE PRINCIPLE

The interdependence principle affirms the interdependence of respect for human rights, fulfillment of social justice and equity, achievement of environmental protection, preservation and conservation and attainment of peace. These issues will be perceived to be interdependent facets of a potentially viable solution. It is no longer possible to consider in isolation: threats and impacts of war; the use of ecologically unsafe and unsound energy; the loss of ecological integrity; the disposal of toxic and hazardous wastes, including nuclear waste, the disregard for intergenerational and gender equality/equity; the ignoring of health issues related to population and environmental degradation; the perpetuation of the current model of development; the inequitable distribution of resources; the disenfranchised and the enfranchised gap etc. can no longer be considered in isolation

PRINCIPLE 2 ENDORSING THE PRIMACY OF THE ECOSYSTEM

In all decisions made affecting the environment, the integrity of the ecosystem must be given primacy in conjunction with socially equitable and environmentally-sound development. NOTE: The "Ecosystem" includes both the biological and physical and chemical components (the biotic and abiotic)

PRINCIPLE 3; ENSURING CONSISTENT PROTECTION OF AMBIENT AIR AND WATER AND SOIL QUALITY

Ensuring consistent protection means ensuring both the variation in air, water, and soil conditions across a bioregion and the variation in effects of different substances emitted. That all discharges, no matter where they are located in the province will be equally affected by the criteria. Ensuring consistent protection also means that states will not transfer its pollution problems onto other jurisdictions, nor will it relax its standards in order to attract industry. The criteria must ensure acceptable ambient environmental conditions all across states, No particular area should be penalized due to pre-existing high quality environmental standards or technical regulations. In no way shall the requirement to ensure consistency be used as a justification for the relaxing of standards and technical regulations. There must be tough standards that stand the test and everyone has to follow

PRINCIPLE 4: (ENABLING) SOCIALLY EQUITABLE AND ENVIRONMENTALLY-SOUND DEVELOPMENT

"socially equitable and environmentally-sound development" (Preamble, 1.2., International Conference on Population and Development, 1994)

PRINCIPLE 5 ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER

Pollution prevention is complete prevention instead of displacement of problem and not the transferring pollution from one medium to another (for example from water to air).

PRINCIPLE 6 AFFIRMING THE LIMITS OF GROWTH

There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are serious indications that these limits have long since passed.

PRINCIPLE 7: ENDORSING THE ANTICIPATORY PRINCIPLE

The anticipatory principle is a pro-active measure to ensure that substances, processes and activities which are harmful to the environment are prevented from entering the environment, and to ensure that costly subsequent means of restoration are avoided, and that irreversible environmental degradation are avoided. Adverse effects include, but are not limited to: toxicity, bioaccumulation, bioconcentration, persistence, depletion of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, and hormone mimicry

PRINCIPLE 8: AFFIRMING THE "CAUTIONARY" PRINCIPLE

Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes

PRINCIPLE 9: REQUIRING OF A SHIFT IN THE ONUS OF PROOF

the proponents of an intervention shall demonstrate the safety of the intervention rather than the opponent having to demonstrate the harm of the intervention. Reverse-onus principle recommended by the Canadian Minister of Environment, Sheila Copps (1994)

PRINCIPLE 10: ADOPTING OF "PREVENTION TECHNOLOGIES

Prevention technologies — technologies that emphasize "protecting, conserving and sustaining the environment from the beginning, and thus avoiding the cycle of rectification of error — will contribute to socially equitable and environmentally-sound development

PRINCIPLE 11: ENFORCING THE POLLUTION PREVENTION PRINCIPLE

Mandatory standards and technical regulations will be developed to prevent adverse effects of substances or activities on the ecosystem including the adverse effects on the health of human and non-human species

PRINCIPLE 12: REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)

There is no guarantee that the Best Available Technology (BAT) will be ecologically sound. The BAT may be the best available but it may not be good enough. It is important to support and promote the development of and the use of BEST (Best Ecologically Sound Techniques) . In the event that there is no BEST technology which can prevent the release of persistent or bioaccumulative toxics then the extractive or productive activities which produce the product or substance process should be changed; the activities and product phased out/outlawed, or the demand for the product reduced through public education. In this case, the industry

involved shall be assisted in the conversion to alternative processes or products involving

PRINCIPLE 13 CREATING INDIGENOUS PLANT RESERVES AND HOME AND COMMUNITY MARKET GARDENS

Maintaining lawns requires a drain on local water supplies. Lawns shall be replaced with indigenous plant reserves (drought-free areas) and home and community market gardens

PRINCIPLE 14: ELIMINATING INTRODUCTION OF HAZARDOUS PRODUCTS IN THE ENVIRONMENT

the onus of proving the non-hazardous or toxic nature of the product introduced into the environment will be on the proponent of this new type of product (after a full life cycle analysis of all the potential environmental harm by non-vested interest parties)

PRINCIPLE 15: GENERATING BY-PRODUCTS AS A RESOURCE NOT AS WASTE

The generation of waste shall be prevented, and the emphasis shall be on the generation of byproducts that can become an ecologically safe and sound resource. If waste is already in existence, waste shall be disposed of at its source in an ecologically safe and sound manner ensuring that nothing is being stored that could, if an accident occurred, cause harm to the environment. If no assurance can be given that waste will not cause potentially significant adverse effects, then the activity that is generating the wastes shall cease, or permission to undertake the project will not be granted.

PRINCIPLE 16

Prevailing of the most stringent environmental provisions complying with all international, national, bilateral and regional agreements, protocols and conventions as a minimum. if there is a conflict between international, national, bilateral and regional agreements, the most stringent environmental provisions shall prevail (Principle 2, Global Compliance Research Project)

PRINCIPLE 17: ENSURING INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES

Ensuring that every activity or substance that could prevent the protection and conservation of the environment will be included in environmental legislation, regardless of whether the activity or substance is, or is presumed to be covered under another Act (Principle 16., "Environmental Compliance" Global Compliance Research Project)

PRINCIPLE 18: UNDERTAKING TO NOT RELAX STANDARDS RELATED TO SOCIALLY EQUITABLE AND ENVIRONMENTAL SOUND DEVELOPMENT

Undertaking to not relax environmental standards and technical regulations, or human rights protection, or social justice and equality/equity provisions to attract short-term economic benefit.

PRINCIPLE 19: ENSURING THAT STANDARDS AND TECHNICAL REGULATION WILL NOT BE RELAXED TO ATTRACT INVESTMENT

the argument that in a pristine environment that has not yet been polluted by industrial activity shall be able to have emission standards relaxed is inherently invalid and should be discounted. In other words a licence to pollute could be given to industry in an pristine area because the area is not yet officially been designated as being polluted (Principle 15, "Environmental Compliance", Global Compliance Research Project)

PRINCIPLE 20: ENSURING THAT REDEFINITION OF PRACTICES WILL NOT ENABLE INDUSTRY TO BYPASS REGULATIONS

Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations (where a plant with "industrial" air emissions is redefined as a recycling plant and thus the regulations related to "industrial....) is deemed inapplicable

PRINCIPLE 21: ENSURING THAT RELAXATION OF STANDARDS AND REGULATIONS SHALL NOT BE USED TO ATTRACT POLLUTING INDUSTRY

No proposal to relax standards or technical regulations shall be used to attract industry (see principle enunciated in NAFTA. (re: relaxation of standards to attract industry)

PRINCIPLE 22: ESTABLISHING AND ENFORCING REDUCTION AND ELIMINATION TARGETS

Ambient criteria, or environmental quality criteria refers to levels of contaminants in the environment that must be zero use, production, and release in all cases where a toxic substance is persistent or bioaccumulative. It also applies when a substance will generate persistent or bioaccumulative toxic byproducts or breakdown products during its productions, use or disposal (Zero Toxics Alliance Statement of Principles)

PRINCIPLE 23: ENSURING ENVIRONMENTAL AUDITS AND TAKING INTO ACCOUNT ALL ECOLOGICAL CONSEQUENCES PRINCIPLE

The environmental audit and ecological consequences principle is the following: to assess both the environmental costs of not converting to ecologically sound practices and the environmental costs of permitting ecologically unsound practices (including the costs to future generations of irreversible environmental degradation) and the environmental costs of potential mitigation, and restoration

PRINCIPLE 24: ASSESSING THE FULL COSTS OF VIOLATING THE RIGHTS TO THE DISENFRANCHISED THROUGH ECOLOGICALLY UNSOUND PRACTICES

In addition assessment of the full costs of violating the rights of the disenfranchised shall be carried out. The groups bearing the greatest impact from ecologically unsound practices are usually the disenfranchised in society—the poor and the members of minority groups

PRINCIPLE 25: REQUIRING A LEGITIMATE ENVIRONMENTAL IMPACT ASSESSMENT

An actual assessment of the short and long term potentially adverse environmental effects of existing and proposed projects and activities shall be carried out. So-called "Environmental Assessments" which review "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" are not legitimate environmental impact assessments (Principle 25, "Environmental Compliance" Global Compliance Research Project)

PRINCIPLE 26: ENSURING AND ENFORCING THE POLLUTER PAY PRINCIPLE

The Polluter Pay Principle ensures that those who may release polluting substances into the environment pay the full-cost of environmentally safe handling, treatment, disposal, and remediation; in addition, permits shall

be suspended and canceled, if the polluter has caused serious irreversible ecological damage

PRINCIPLE 27: ENFORCING ENVIRONMENTAL COMPENSATION PRINCIPLE

Given that throughout history sympathetic government regimes have failed to enforce their own statutory legislation, and given that there has been resultant environmental degradation, current governments shall seek environmental compensation from companies that can be shown to have consistently contributed to environmental degradation. The funds from environmental compensation shall be put into developing BEST (Best Ecologically Sound techniques)

PRINCIPLE 28: ENSURING THAT COMPENSATION IS NOT USED AS JUSTIFICATION FOR NON FULFILLING OF DUTY

Compensation shall never be used as reason for not exercising the duty to preserve, protect, conserve the environment

PRINCIPLE 29: REJECTING THE NOTION THAT THE RESTORABILITY OF NATURE JUSTIFIES THE ABUSE OF NATURE

There exists a notion that environmental degradation is reversible; it can be restored, and rehabilitated. This notion shall never be used as a justification for the causing of environmental degradation

PRINCIPLE 30: EXTENDING CONCEPT OF DISASTER REDUCTION TO COVER NATURAL AND OTHER DISASTER SITUATIONS INCLUDING ENVIRONMENTAL AND TECHNOLOGICAL DISASTERS (NA-TECHS)

Experience has demonstrated that, although not a part of the mandate of the Decade, the concept of the disaster reduction should be enlarged to cover natural and other disaster situations including environmental and technological disasters (Na-Techs) and their interrelationship which can have a significant impact on social, economic, cultural and environmental systems, in particular in developing countries. (B i Convention on Natural Disaster, 1994)



(23)
**OBLIGATIONS TO ADDRESS URGENCY:
RESPECTING FOR CULTURAL INTEGRITY, INDIGENOUS
KNOWLEDGE AND PRACTICES, THE RIGHT OF INDIGENOUS
PEOPLES TO BENEFIT FROM THIS KNOWLEDGE AND PRACTICE**

- 23.1. Protecting through legislation indigenous technologies
- 23.2. Safeguarding their intellectual property rights
- 23.3. Encouraging equitable sharing of the benefits arising from the utilization of such knowledge

(Encourage, through national legislation and subject to it, indigenous women's traditional knowledge, innovations and practices and skills, including those concerning traditional medicines, biodiversity, and indigenous technologies, are protected and improved and are respected, preserved and maintained as envisaged by the Convention on Biological Diversity and safeguard their intellectual property rights and encourage the equitable sharing of the benefits arising from the utilization of such knowledge) (Art.253 c Advance draft, Platform of Action, UN Conference on Women, May 15)



23.4. Recognizing the *desirability* (necessity) of sharing equitably benefits arising from the use of traditional knowledge...

Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the *desirability* (**necessity**) of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components (Preamble, Convention on Biological Diversity, UNCED, 1992)

23.5. Respecting, preserving and maintaining knowledge, innovations and practices of indigenous and local communities

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices (8j Convention on Biological Diversity, UNCED, 1992)

23.4. Encouraging and developing methods of cooperation for the development and use of technologies including indigenous and traditional technologies

The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts (Art. 18.4 Convention on Biological Diversity, UNCED, 1992)

23.5. Supporting research and integration of traditional methods

Supporting research on and integration of traditional methods of production that have been shown to be environmentally-sustainable (Combating Poverty 3.8. m Agenda 21, UNCED, 1992)

23.6. Recognizing that their traditional knowledge...in promoting socially equitable environmentally sound development

Recognition of their values, traditional knowledge and resource management practices with a view to promoting **socially equitable and environmentally sound** and *sustainable* development (26.3.a.iii., Indigenous People(s), Agenda 21, UNCED, 1992)

23.7. Respecting cultural integrity and rights of indigenous people

Respecting the cultural integrity and the rights of indigenous *people* **peoples** and their communities (3.7. b., Poverty, Agenda 21 UNCED, 1992)

23.8. Promoting traditional and indigenous practices

Promote development in accordance with indigenous practices and adopt technologies (appropriate~) to local conditions (7.42 c. Settlement. Agenda 21, UNCED, 1992)



Photo: CIDA. Virginia Boyd

23.9. Promoting...traditional methods of agriculture, agroforestry, forestry...

the promotion of sustainable production systems such as traditional methods of agriculture, agroforestry, forestry, range and wildlife management, which use, maintain or increase biodiversity (15.5 d Biodiversity, Agenda 21 UNCED 1992)

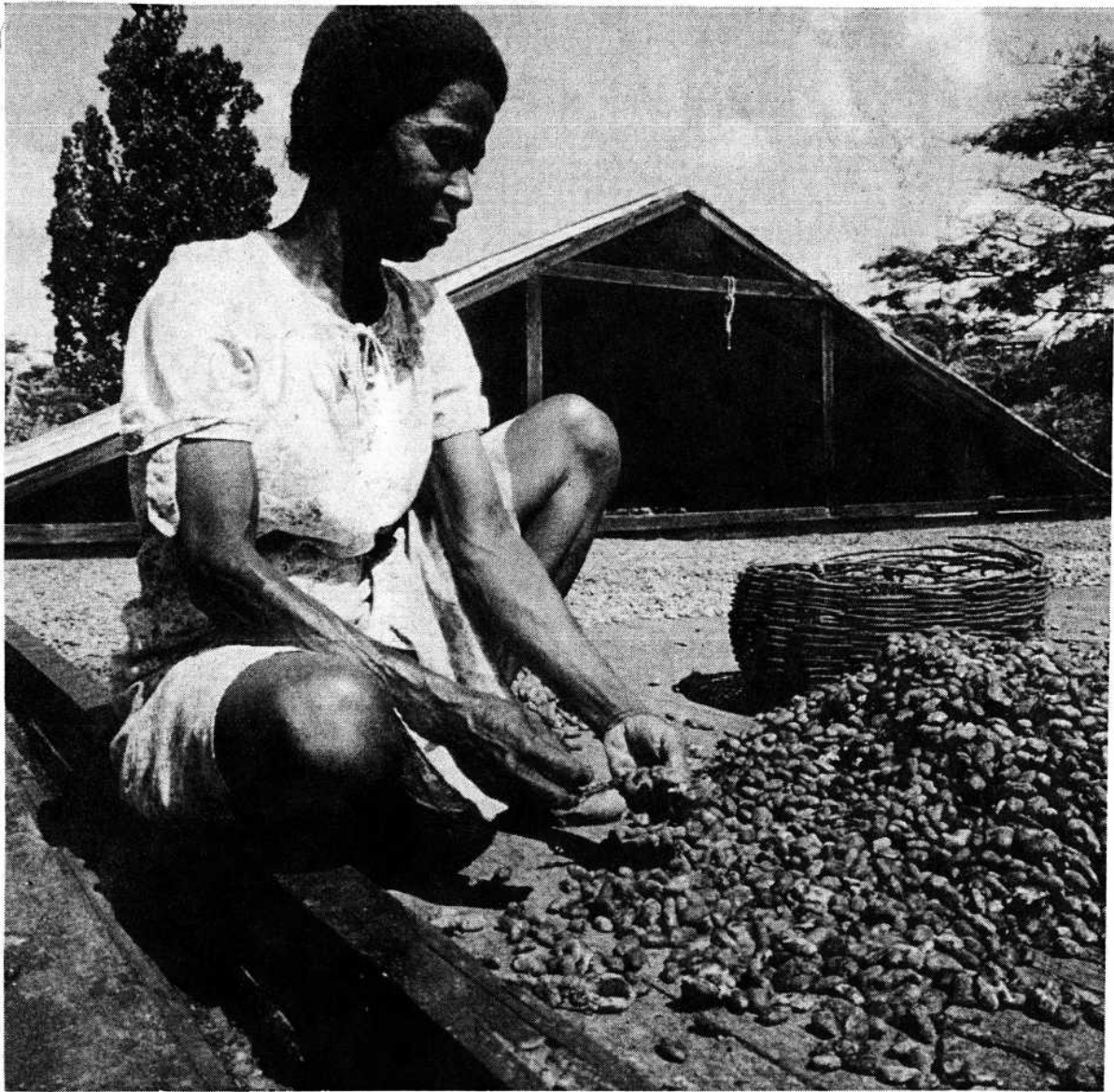


Photo: Bruce Patten

23.10. Undertaking pilot projects...with particular emphasis on traditional environmental *management* practices

Consider undertaking pilot projects that combine environmental protection and development functions with particular emphasis on some of the traditional environmental *management* practices or systems that have a good impact on the environment (13.21., Fragile Ecosystem Agenda 21, UNCED, 1992)

23.11. Collecting and recording information on indigenous conservation and rehabilitation practices

Collect and record information on indigenous conservation and rehabilitation practices and farming systems as a basis for research and extension programmes. (14.47 c., Agriculture., Agenda 21 UNCED 1992)

23.12. Recognizing and fostering traditional methods and knowledge of indigenous (peoples)

Governments....*should shall...* Recognize and foster the traditional methods and the knowledge of indigenous *people* **peoples** and their communities, emphasizing the particular role of women, relevant to the conservation of biological diversity and the sustainable use of biological resources, and ensure the opportunity for the participation of those groups in the economic and commercial benefits derived from the use of such traditional methods and knowledge (Unbracketed section in New York Prep Com, changed in final version. 15.4, g Biodiversity, Agenda 21, UNCED, 1992)

23.13. Promoting collaborative research and fostering traditional methods and knowledge

Promotion of collaborative research programmes especially in developing countries, to support activities outlined in this programme area, with particular reference to cooperation with local and indigenous people and their communities in the conservation of biological diversity and sustainable use of biological resources, as well as the fostering of traditional methods and knowledge of such groups in connection with these activities (16.7 b, Agenda 21, UNCED, 1992)

23.14. Acknowledging and encouraging beneficial traditional health care

Acknowledge and encourage beneficial traditional health care, especially that practised by indigenous women, with a view to preserving and incorporating the value of traditional health care in the provision of health services, and support research directed to achieve this aim (Art.111 Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

(24)

**OBLIGATIONS TO ADDRESS URGENCY:
CONVERTING TO AND SUPPORTING ECOLOGICALLY SOUND
ALTERNATIVE ENERGY AND TO PREVENTION TECHNOLOGY**

24.1. Conversion to ecologically sound alternative energy and to prevention technology

(Human beings are part of the natural world and in their interaction with the earth, nature is altered. The actions of human beings and the consequences of their actions can exhaust natural resources and therefore the human family must recognize the limitations of resource exploitation. Ultimately, the quality of the natural world must not be irreparably reduced by the impact of humans). Humans thus have the responsibility to convert to ecologically sound alternative energy and to prevention technology.

24.2. Producing environmentally (safe and) sound renewable energy resources

Cooperate to increase the availability of capacity, capabilities and relevant technologies... in developing countries for utilizing and producing environmentally (safe and) sound renewable energy resources, such as solar, wind, geothermal, hydropower and biomass, including woodfuel resource. Each resource *should shall* be utilized in a manner that fosters *sustainable development socially equitable and environmentally-sound development* and minimizes environmental stress and health impacts,... (9.9 g Atmosphere, Agenda 21, March, 1992)
(NOTE STATES AT THE EARTH SUMMIT IN JUNE 1992 COMPLETELY REWORDED THIS SECTION BEYOND THE REQUIRED BRACKETED SECTION)

24.3. Convinced of the importance of developing new and renewable sources of energy

Convinced of the importance of developing new and renewable sources of energy in order to contribute to meeting requirements for continued economic and social development, particularly in the developing countries, through, inter alia, the transition from the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy, Stressing that the primary responsibility for promoting the development and utilization of new and renewable sources of energy rests with individual countries, that in this regard international co-operation is indispensable and should be directed to assist and support national efforts; that developed countries bear a special responsibility to ensure that both their bilateral and multilateral efforts contribute actively to this end and that other countries in a position to do so should also continue to promote efforts in this regard, (General Assembly Resolution 1. United Nations Conference on New and Renewable Sources of Energy, 1981)

24.4. Recognizing the urgent need for transferring new and renewable source of energy to developing countries

Recognizing the urgent need for adopting effective measures to facilitate the transfer and adaptation of technology from developed to developing countries in particular and for mobilization of financial resources for the development of new and renewable sources of energy in developing countries (General Assembly Resolution 1. United Nations Conference on New and Renewable Sources of Energy, 1981)

24.5. Phasing out of fossil fuel and nuclear energy

to establish a time-table for phasing out fossil fuel and nuclear energy and for the rapid development of solar and other forms of non-polluting energy, and for more efficient energy use (Nobel Laureate Declaration, UNCED, 1992)

24.6. Condemning the use of nuclear power, the abuse of fossil fuels and the unnecessary use of pesticides

against the use of nuclear power and the abuse of fossil fuels (ii., Youth Treaty, UNCED, 1992)



Peter/Dayton (O.) Daily News

(25)
**OBLIGATIONS TO ADDRESS URGENCY:
RESPECTING BASIC HUMAN RIGHTS, EQUALITY/EQUITY AND
DEVELOPMENT**

25.1. (Summoning up) the political will to promote development...for the advancement of women to overcome obstacles or systemic constraints

What is now needed is the political will to promote development in such a way that the strategy for the advancement of women seeks first and foremost to alter the current unequal conditions and structures that continue to define women as secondary persons....(Para 21, (Nairobi Forward Looking Strategy, 1995)

25.2. Raising the economic health, education and social status is essential to ending environmental degradation

We call on policy-makers shall to recognize that raising the economic, health, education, and social status of women are essential to ending environmental degradation. (Women's Action AGENDA, 1992)

Policy-makers shall raise the economic, health, education, and social status of women so as to end environmental degradation.

25.3. Ensuring universal access to health-care services, including those related to reproductive health care

Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. States *should take all appropriate measures to* **shall** ensure, on a basis of equality of men and women, universal access to health-care services, including those related to reproductive health care, which includes family planning and sexual health. Reproductive health-care programmes should **shall** provide the widest range of services without any form of coercion. **or conditional support through allurements from organizations that offer health services only if individuals subscribe to a particular religious affiliation** (Principle 8 International Conference on Population and Development, 1994)

25.4. Encouraging the expansion and strengthening of grass-roots, community-based and activist groups for women

Every effort should be made to encourage **The expansion and strengthening of grass-roots, community-based and activist groups for women shall be encouraged and promoted. Activity at the grass-roots level will ensure that a programme addresses the individual needs of women that may only be peculiar to that one community. In this way the ethnocentric way in which issues are often defined, prioritized, and addressed may be averted** (Actions 4.12 International Conference on Population and Development, 1994)

(26)
**OBLIGATIONS TO ADDRESS URGENCY
RESPECTING BASIC HUMAN RIGHTS AND GENDER
EQUALITY/EQUITY ENVIRONMENT**

26.1. Paying greater attention to the ways in which environmental degradation and changes in land use adversely affect the allocation of women's time

Greater attention *should shall* be paid to the ways in which environmental degradation and changes in land use adversely affect the allocation of women's time (Actions 4.11 International Conference on Population and Development, 1994)

26.2. Noting that the industrialized world has a far greater negative impact on the environment

Knowing that it is the number of people, plus their technology, plus their consumption of resources plus their wastes that determine their environmental impact, we note that a person in the industrialized world has a far greater negative impact on the environment than a person living in a poor country (Women's Action AGENDA, 1992)

26.3. Knowing that the major causes of environmental degradation are industrial and military pollutants and exploitative economic systems and rather than women's fertility rates

Knowing that the major causes of environmental degradation are industrial and military pollutants, toxic wastes, and economic systems that exploit and misuse nature and people, we are outraged by suggestions that women's fertility rates (euphemistically called population pressures) are to blame (Women's Action AGENDA, 1992)

(27)
**OBLIGATIONS TO ADDRESS THE URGENCY
ENSHRINING AND ENDORSING FUNDAMENTAL RIGHTS OF
EXPRESSION AND THOUGHT AND RELIGION**

27.1. Enshrining of the right to freedom of expression

This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his (his/her) choice... (Art 19, International Covenant on Civil and Political Rights, 1966)

27.2. Enshrining the right to freedom of thought

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching **as long as the expression of thought does not interfere with the rights of others** (Art. 18., Civil and Political Covenant, 1966)

27.3. Enshrining the right to freedom of religion

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching **as long as such practices do not violate human rights** (Art. 18., Civil and Political Covenant, 1966)



(28)
**RESPECTING THE LIMITATIONS OF FUNDAMENTAL FREEDOMS:
RELIGION**

28.1. Stipulating that the freedom of religion is subject to limitations

Recognizing also the threat posed by movements based on religious intolerance and extremism,

Considering that the International Covenant on Civil and Political Rights, in article 18, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in article 1, stipulate that the freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others,

Emphasizing the principle, contained in the preamble to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, that it is inadmissible to use religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the Declaration (Preamble, Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

28.2. Considering that extremism denies the moral and humanitarian values of peoples

Considering that extremism and terrorism, whether the pretext be sectarian, ethnic or religious, deny the moral and humanitarian values of peoples and, in particular, fundamental freedom and tolerance (Preamble, Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

28.3. Believing Religious extremism pose a real threat to security

Believes that religious extremism poses a real threat to the security of nations and the stability of their institutions (1. Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

28.4. Condemning extremism and terrorism

Welcomes the declaration adopted by the Assembly of Heads of State and Government of the Organization of African Unity (Dakar, 29 June-1 July 1992) and that of the Tenth Summit of Heads of State or Government of the Movement of Non-Aligned Countries (Jakarta, 1-6 September 1992) condemning extremism and terrorism and calling upon all States to observe scrupulously, in their relations, the principle of non-interference in the internal affairs of other States and to respect the principle of good neighbourliness (3. Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

(29)
**OBLIGATION TO ADDRESS URGENCY
GUARANTEEING FUNDAMENTAL HUMAN RIGHTS RELATED
TO WORK**

29.1. Recognizing the right to work (providing the work is not in violation of human rights, does not cause environmental degradation, or does not contribute to conflict and war)

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his/her living by work **providing the work is not in violation of human rights, does not cause environmental degradation, or does not contribute to conflict and war**, which he freely chooses or accepts, and will take appropriate steps to safeguard this right (Art. 6. 1. International Covenant of Civil and Political Rights, 1966)

29.2. Recognizing the right of everyone to work for fair wages

29.3. Recognizing the right for equal pay for equal work

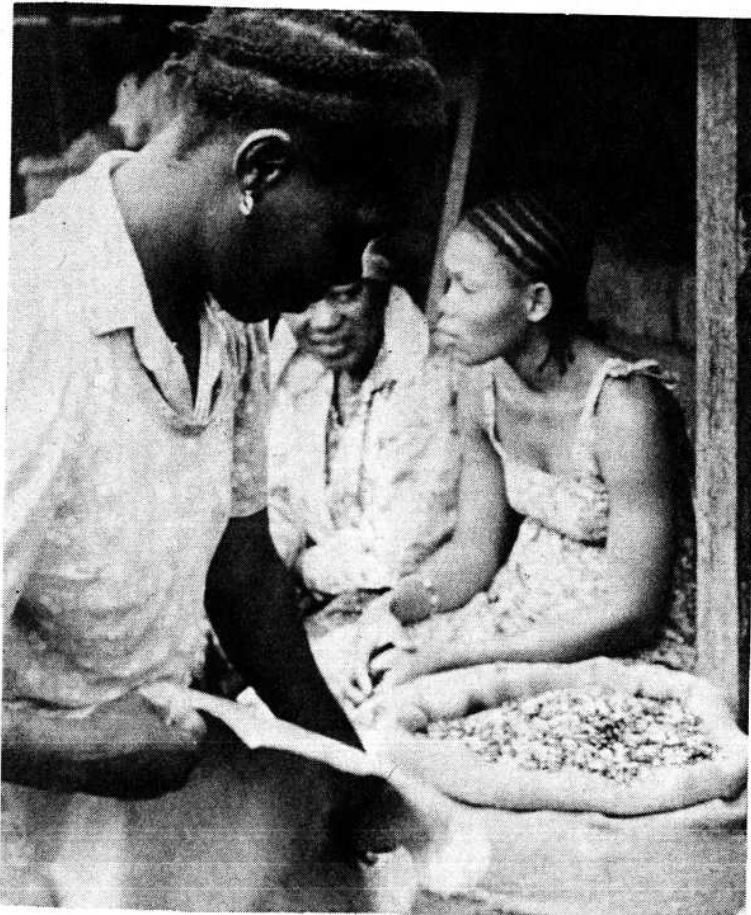


Photo: CIDA, Paul Chiasson

29.4. Recognizing the right to safe and healthy working conditions

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

- remuneration which provides all workers, as a minimum, with:
- fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (a) (i);
- a decent living for themselves and their families in accordance with the provisions of the present Covenant (a) (ii);
- safe and healthy working conditions (b);
- equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence...

(Art. 7 International Covenant of Civil and Political Rights, 1966).

29.5. Enshrining the right to freedom of association

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests (Art. 22. 1 International Covenant of Civil and Political Rights, 1966)

29.6. Ensuring the right to form trade unions

the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his/**her** economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others (Art. 8. 1. a International Covenant of Civil and Political Rights, 1966)

29.7. Ensuring the right to strike in conformity with the law

the right to strike, provided that it is exercised in conformity with the laws of the particular country (Art. 8. 1.d International Covenant of Civil and Political Rights, 1966)

(30)

**OBLIGATIONS TO REDRESS SITUATION:
AFFIRMING THE RIGHT TO EDUCATION**

30.1. Endorsing the right to education

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental states. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26. 1. Universal Declaration of Human Rights, 1948)

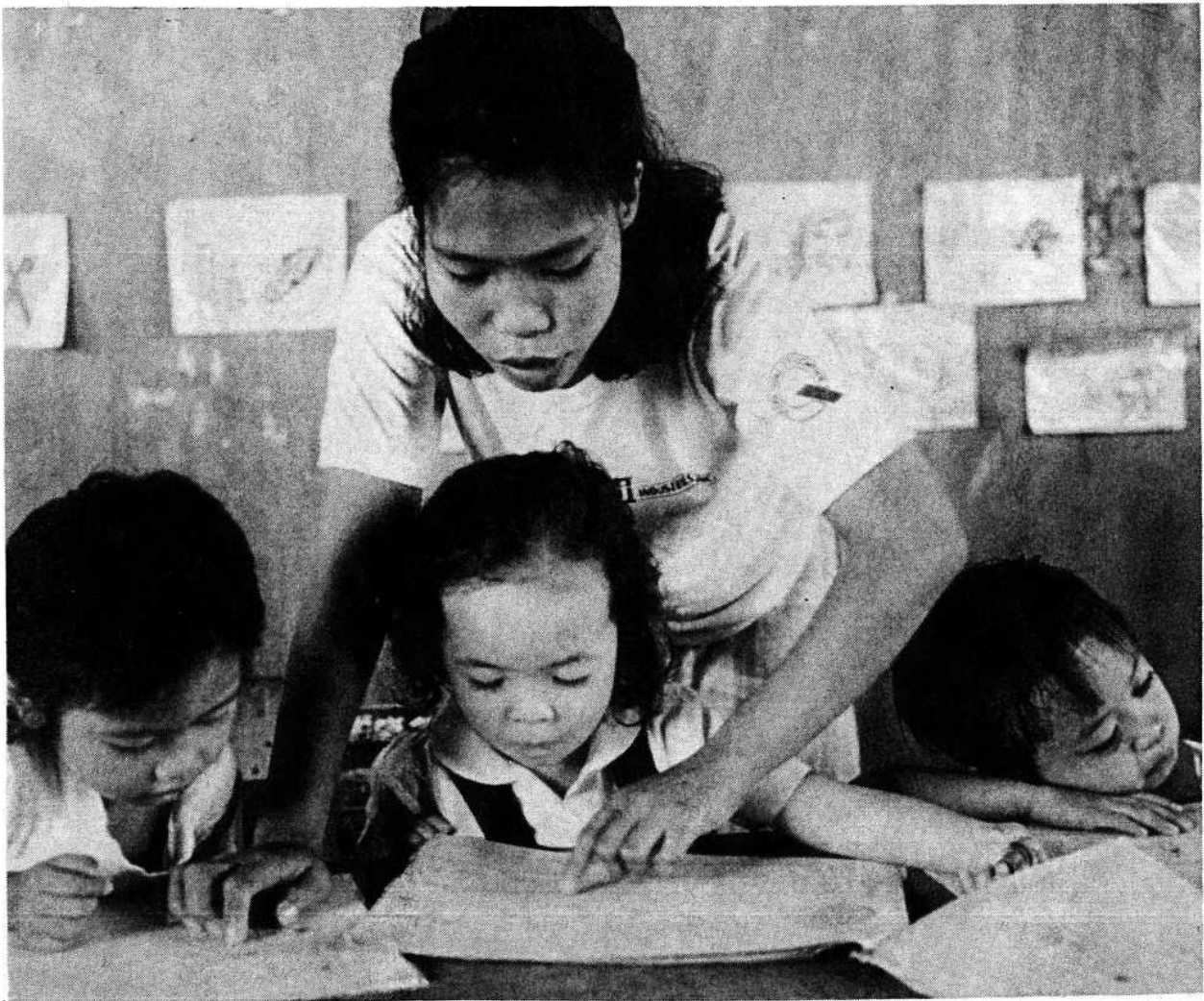


Photo: (CIDA), David Barbour

30.2. Affirming the right to education

- Recalling its resolutions 34/170 of 17 December 1979, 35/191 of 15 December 1980 and 36/152 of 16 December 1981 on the right to education,
- Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by its resolution 2200 A (XXI) of 16 December 1966, which recognizes the right of everyone to education,
- Bearing in mind the importance of the Convention against Discrimination in Education, adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (GA Resolution, The Right to Education 37/178 17 December 1982)

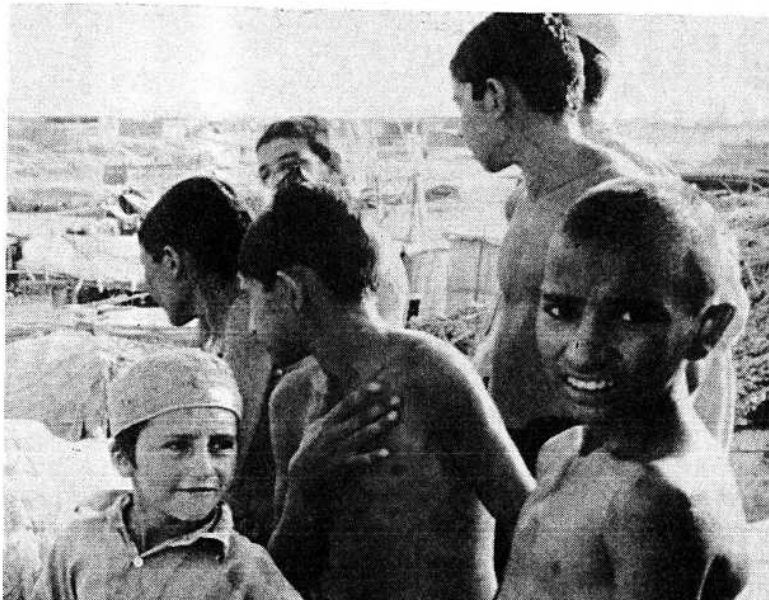
30.3. Reaffirming the importance of implementing the right to education

Reaffirming the paramount importance of the implementation of the right to education for the full development of the human personality and for the enjoyment of other fundamental human rights and freedoms (GA Resolution, The Right to Education 37/178 17 December 1982)

30.4. Affirming the right of education for all regardless of status

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

Photo: CIDA, Dilip Mehta



(31)
**RIGHT TO EDUCATION THAT IS EQUITABLE, COLLABORATIVE,
AND MEANINGFUL**

COMMENT: RESTRUCTURING EDUCATION AFFIRMING THE RIGHT TO EDUCATION AND RIGHT TO EDUCATION THAT IS EQUITABLE, COLLABORATIVE, AND MEANINGFUL

Prepared for the "Linkage Caucus" Educational Task Force, March 17, By Joan Russow, member of the Educational Task Force, Linkage Caucus, New York Prep Com. at the New York Prep Com for the UN Conference on Women. This comment was submitted to the Chair of the Linkage Caucus. (NOTE: PERMISSION WAS NOT GIVEN TO PRESENT THIS AT THE LINKAGE CAUCUS PLENARY). This comment was also distributed to the all the delegates from the G 77 on March 21, 1995

EQUAL ACCESS TO AN EDUCATIONAL SYSTEM THAT IS INEQUITABLE, COMPETITIVE AND HIERARCHICAL WILL NOT PROVIDE THE NECESSARY CHANGES TO ADDRESS THE ISSUES IN EDUCATION. EQUAL ACCESS PLUS A COMPLETE RESTRUCTURING OF THE EDUCATIONAL SYSTEM IS ESSENTIAL.

Statement reflecting international commitment to restructure education:

Note Bold is what could be added

Note Italics is what could be deleted

Obligations undertaken to restructure education:

In the World Summit on Population document:

We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all to primary health care, making particular efforts to rectify inequalities relating to social conditions, and without distinction as to race, tribe, national origin, gender, age or disability, **sexual orientation, family structure and other status in the achievement of socially equitable and environmentally-sound development** (Commitment 6, ICPD)

To this end, at the national level, we will:

B. Emphasize lifelong learning by seeking to improve the quality of education to ensure that people of all ages are provided with useful knowledge, reasoning ability, skills and ethical and social values required to develop their full capacities in health and dignity. In this regard, women and girls should be considered a priority group.

Recognize and support the right of indigenous people to education in a manner that is responsive to their specific needs, aspirations and cultures, and ensure their full access to health care (g Commitment 6, ICPD)

Develop broad-based education programmes that promote and strengthen respect for all human rights and fundamental freedoms, including the right *to development* to **socially equitable and environmentally-sound development**, promote the values of tolerance, responsibility and respect for the diversity and rights of others, and provide training in peaceful conflict resolution, in recognition of the United Nations Decade for Human Rights Education (1995-2005, Commitment 6, ICPD)

Education is a basic human right and is essential and an essential tool for achieving the goals of equality, development, **environmental integrity** and peace (Draft 56 Platform of Action).

Restructuring of educational system:

The United Nations, through its almost 50 years of operation, has strongly supported the development of international instruments to address the violation of human rights, the escalation of war and conflict, the degradation of the environment, and the denial of equality/equity (including specifically gender Equality/equity) and social justice. Similarly, states have undertaken obligations through international conventions treaties, resolutions, to address these issues.

In most of the international documents there has been provision for educating the global community in a way that would achieve the "goals of justice". To legitimately reflect these issues in education, a complete restructuring of the educational system is essential. The global community should begin to embrace a new vision of education that fosters a commitment to addressing the above issues, along with a stimulation of thinking, in a non-evaluative collaborative environment.

Equal access to an educational system that is inequitable, competitive and hierarchical will not provide the necessary changes to address the issues facing the global community. Equal access plus a complete restructuring of the educational system is essential.

ACTION TO RESTRUCTURE THE EDUCATIONAL SYSTEM

To achieve the above vision, and to discharge international obligations related to the promotion of socially equitable and environmentally-sound development, peace, and respect for human rights, the international community must move from an inequitable, hierarchical, biased, and competitive, model dependent educational system —a system that reproduces the current socio economic, political global structure to a new vision of education that is one of tolerance cooperation and intellectual stimulation.

SOME ACTIONS THAT COULD ASSIST IN THIS TRANSFORMATION

- 31.1. Ensure that collaboration is emphasized over competition through eliminating all competitive forms of evaluation
- 31.2. Provide alternative modes of expression that would facilitate alternative modes of ideation: (Visual, aural, oral,, gestural)
- 31.3. Encourage the examination of the interdependence of thought rather than the fragmentation of thought (interdisciplinarity rather than exclusively discipline-based education)
- 31.4. Include as an integral part of the content of study, analysis of issues based on fundamental principles agreed to through international obligations — related to the fostering of peace, the protection of environmental integrity, the entrenchment of human rights, the achievement of equality/equity and social justice. The instruction in the classroom based on agreed to international principles shall not be perceived as being indoctrination.
- 31.5 Eliminate all standardized exams (gender-biased, class-biased, race biased...)
- 31.6. Discontinue the privatization of the public education system
- 31.7. Ensure that industry is not involved in the determining of philosophical underpinnings of academic education
- 31.8. Discontinue the distribution of industry-driven materials in the class room
- 31.9 Discontinue industry-driven funded research at all levels
- 31.10. Discontinue the imposition of “made in the North” educational materials on the South.

(32)
**OBLIGATIONS TO ADDRESS URGENCY
HUMAN RIGHTS AND EDUCATION**

32.1. Strengthening respect for human rights through education

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (Art. 26. 2. Universal Declaration of Human Rights, 1948)



Photo: Cam Cooper

(33)
**OBLIGATIONS TO ADDRESS URGENCY
ELIMINATION OF ILLITERACY**

33.1. Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency, Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security, (GA Resolution. The right to education 37/178 17 December 1982)

33.2. Ensuring access to...legal literacy

Ensure access to free or low-cost legal services, including legal literacy especially designed to reach women living in poverty (Art.63 r Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

33.3. Recognizing that literacy is an important key to improving health

Education is a basic (*human*) right and an essential tool for achieving the goals of equality, development and peace.... Literacy of women is an important key to improve health, nutrition and education in the family, and to empower women to participate in decision-making in society. Investing in formal and non-formal education and training for girls and women, with its exceptionally high social and economic return, has proved to be one of the best means of achieving *sustainable development and economic growth* **socially equitable and environmentally sound development** that is both sustained and sustainable (Art.71 Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

33.4. Eradicating literacy by the year 2000

Encourage ratification of the International Covenant on Economic, Social and Cultural Rights where they have not already done so. Strategic objective B.2. Eradicate illiteracy among women world wide (*by the year 2000*) (Art.82 j Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

33.5. Encouraging adult and family engagement in learning to promote literacy for all people

Encourage adult and family engagement in learning to promote total literacy for all people (Art.83 e Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

33.6. Expanding the definition of literacy to include scientific and technological knowledge

(Expand the definition of literacy to include scientific and technological knowledge.) (Art.83 f Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

33.7. (Ensuring and) monitoring progress in levels achievements in literacy programmes

(Monitor progress, using educational indicators generated by national, regional and international bodies, and make Governments accountable for implementing measures to close the gap between women and men in education and training opportunities, and in the levels of achievement in all fields, particularly primary and literacy programmes) (Art.89 a Advance draft, Platform of Action, UN Conference on Women, May 15)

33.8. Translating documents into alternative formats... for persons with lower levels of literacy

By Governments, (with the support of) (and) non-governmental organizations, United Nations and other international organizations, as appropriate: Translate whenever possible, into the local and indigenous languages and into alternative formats appropriate for persons with disabilities, and persons of lower levels of literacy, publicize and disseminate laws and information relating to the equal status and human rights of all women including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Right to Development, the Declaration on the Elimination of Violence Against Women, as well as the outcomes of relevant United Nations Conferences and Summits and national reports to the Committee on the Elimination of Discrimination against Women; (Art. 233 a Advance draft, Platform of Action, UN Conference on Women, May 15)

(34)
**OBLIGATIONS TO ADDRESS URGENCY
RESPECTING FUNDAMENTAL HUMAN RIGHTS OF EQUALITY**

34.1. Guaranteeing every human being's inherent right to life

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his/her life (International Covenant of Civil and Political Rights, 1966)

34.2. Recognizing the inherent dignity of all members of the human family as being the foundation of freedom, justice and peace

Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the World (Preamble, Universal Declaration of Human Rights, 1948)

34.3. Protecting the right to recognition as a person

Everyone shall have the right to recognition everywhere as a person before the law..(Art. 16, covenant on Civil and Political Rights,1966)

34.4. Entitling everyone in full equality to a fair and public hearing

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his (his/her) rights and obligations and of any criminal charge against him (him/her) (Article 11, the Universal Declaration of Human Rights, 1948)

34.5. Ensuring equality before the law

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

34.5. Preventing cruel and inhumane or degradation treatment or punishment

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. in particular, no one shall be subjected without his/her free consent to medical or scientific experimentation. **The consent is only considered free if the person involved has full information on possible consequences of the experimentation** (Art. 7, International Covenant of Civil and Political Rights, 1966)

34.7. Encouraging tolerance and eliminating of all forms of discrimination

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, **sexual orientation, family structure**, or other status. (Art. 2, The Universal Declaration of Human Rights, 1948)

34.8. Recognizing that all humans are equal in dignity and rights

All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, **sexual orientation, family structure**, or other status (Principle 1, International Conference on Population and Development, 1994)

34.9. Ending discrimination in all its forms by removing systematic barriers

Ending discrimination in all its forms by removing systematic barriers to full participation that discriminate against particular groups due to gender, sexual orientation, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socio-economic conditions (age and other status) (Canadian Government submission to Prep Com 1, for the World Summit for Social Development, 1995)

34.10. Being convinced that any doctrine of superiority based on racial differentiation is scientifically false...

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere (Preamble, International Convention on the Elimination of All Forms of Racial Discrimination, 1965)

34.11. Reaffirming that discrimination between human beings on the grounds of race, color or ethnic origin is an obstacle to peaceful relations

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State (Preamble, International Convention on the Elimination of All Forms of Racial Discrimination, 1965)

34.12. Being convinced that the existence of racial barriers is repugnant to the ideas of any human society

Convinced that the existence of racial barriers is repugnant to the ideals

of any human society (Preamble, International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.13. Adopting all necessary measures to speedily eliminate all forms of racial discrimination

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination (Preamble, International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.14. (Adopting) definition of racial discrimination

In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (1.1 International Convention on the Elimination of all Forms of Racial Discrimination, 1965).

34.15. Securing adequate advancement of certain racial and ethnic groups requiring such protection...shall not be deemed discrimination

Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved (1.4. International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.16. Condemning racial discrimination

34.17. Undertaking without delay to pursue all appropriate means a policy of eliminating racial discrimination

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

- Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, (2.1.a International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

national and local, shall act in conformity with this obligation;

- Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations; (1b International Convention on the Elimination of all Forms of Racial Discrimination, 1965)
- Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; (2.1c International Convention on the Elimination of all Forms of Racial Discrimination, 1965)
- Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization (2.1d International Convention on the Elimination of all Forms of Racial Discrimination, 1965)
- Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division. (2.1e International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.18. Condemning all propaganda and all organizations which are based on ideas or theories of superiority of one race or groups of persons of one colour or ethnic origin

34.19. Adopting immediate and positive measures designed to eradicate all incitement to, or acts of such discrimination

34.20. Declaring an offence punishable by law all dissemination of ideas based on racial superiority or hatred

34.21. Declaring illegal and prohibiting organizations which promote discrimination

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia: International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.22. Declaring an offence punishable by law all dissemination of ideas based on racial superiority

Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof; (Art. 4. a International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.23. Declaring illegal and prohibiting organizations which promote discrimination

Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law (Art. 4. b International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination (Art. 4. c International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.24. Undertaking to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- The right to equal treatment before the tribunals and all other organs administering justice (a);
- The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution (b);
- Political rights, in particular the rights to participate in elections--to vote and to stand for election--on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service (c);

Other civil rights, in particular:

- (i) The right to freedom of movement and residence within the border of the State;
- (ii) The right to leave any country, including one's own, and to return to one's country;
- (iii) The right to nationality;
- (iv) The right to marriage and choice of spouse;
- (v) The right to own property alone as well as in association with others;
- (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association (d);

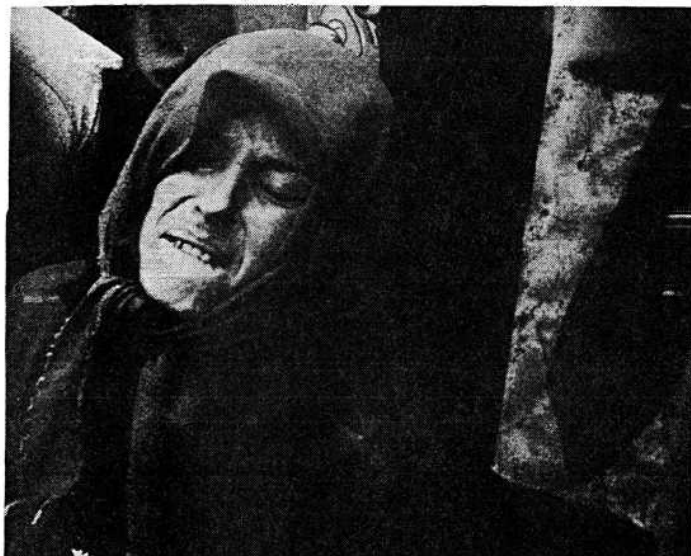
- Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities (d);
- The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks (Art. 5 International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.25. Undertaking to adopt immediate and effective measures... to combat prejudices

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Form if Racial Discrimination (Art. 7 International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

34.26. Prohibiting advocacy of hatred

Any advocacy of national, racial or religious hatred that constitutes incitement of discrimination, hostility or violence shall be prohibited by law (Art 20, International Covenant of Civil and Political Right, 1966)



(35)

**OBLIGATIONS TO ADDRESS URGENCY:
ENSHRINING AND ENDORSING FUNDAMENTAL RIGHTS OF
EQUALITY BETWEEN MEN AND WOMEN**

35.1. Ratifying and implementing all relevant universally accepted international human rights instruments (including those that) *as they* relate to violence against women

(Consider,) (ratify and) implement (all relevant) (universally accepted) international human rights (norms) (instruments) including those that *as they* relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (125 (e) (Art. 27, Advance draft, Platform of Action, UN Conference on Women, May 15)

35.2. Providing for international redress

...Individuals who claim that any of their rights enumerated in the Covenant (International Covenant on Civil and Political Rights) have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee (Human Rights Committee) (Art. 2, Optional Protocol to the International Covenant on Civil and Political Rights, 1966)

35.3. Recognizing that all peoples are equal

Recognize the equal rights of men and women (Charter, United Nations, 1945)

35.4. Recognizing that inherent dignity and equal and inalienable rights is the foundation of freedom, justice and peace in the world

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (Preamble, Universal Declaration of Human Rights, 1948).

35.5. Reaffirming their faith in fundamental human rights

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom (Preamble, Universal Declaration of Human Rights, 1948).

35.6. Affirming that major international human rights instruments include sex as one of the ground upon which states shall not discriminate

Equal rights of men and women is explicitly mentioned in the Preamble to the United Nations Charter. (All the major international human rights instruments include sex as one of the grounds upon which States may shall not discriminate, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child, as well as, the Declaration on the Right to Development and the Declaration on the Elimination of Violence against Women) (Art. 214, Advance draft, Platform of Action, UN Conference on Women, May 15)

35.7. Reaffirming that human rights throughout the life cycle are inalienable

(The World Conference on Human Rights reaffirmed clearly that the human rights of women throughout the life cycle are inalienable, integral and indivisible part of universal human rights. The International Conference on Population and Development reaffirmed women's reproductive rights and the right to development. Both the Declaration of the Rights of the Child and the Convention on the Rights of the Child guarantee children's rights and uphold the principle of non-discrimination on the grounds of gender. Three quarters of the States Members of the United Nations have become parties to the Convention on the Elimination of All Forms of Discrimination against Women. An increasing number of countries have established mechanisms to enable women to exercise their rights) (Art. 216, Advance draft, Platform of Action, UN Conference on Women, May 15)

35.8. Embodying the principle of the equality of men and women

To embody the principle of the equality of men and women in their national constitutions or other (appropriate) legislation if not yet incorporated therein and to ensure, through law and other (appropriate) means, the practical realization of this principle (Art 2 b Convention for the Elimination of All forms of Discrimination Against Women, 1979)

35.9. Adopting temporary measures for accelerating equality

Adoption by States Parties of temporary special measures aimed at accelerating, de facto, equality between men and women shall not be

considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. (Art. 4. Convention for the Elimination of all Forms of Discrimination Against Women, 1979)

35.10. Reaffirming the fundamental principle that rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights

(The Platform reaffirms the fundamental principle set forth in the Vienna Declaration adopted by the World Conference on Human Rights that the **rights of women and the girl child** *human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights*) As an agenda for action, the Platform seeks to promote and protect (the full enjoyment of all universal) all human rights and the fundamental freedoms of all women throughout their life cycle (Art. 2., Advance draft, Platform of Action, UN Conference on Women, May 15)

35.11. Modifying or abolishing discriminating existing laws, regulations customs and practices

States shall undertake to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations customs and practices which constitute discrimination against women; (Art.2f. Convention for the Elimination of all Forms of Discrimination Against Women, 1979)

35.12. Enacting laws and implementing programmes and policies which will enable employees of both sexes to organize...

countries are strongly urged to **shall** enact laws and to implement programmes and policies which will enable employees of both sexes to organize their family and work responsibilities through flexible work-hours, parental leave, day-care facilities, maternity leave, policies that enable working mothers to breast-feed their children, health insurance and other such measures. Similar rights *should* **shall** be ensured to those working in the informal sector (Actions 4.12., International Conference on Population and Development, 1994)

35.13. Enshrining the right of all women to vote

??? Not mentioned in the Platform of action about the right to vote and to hold office

All women regardless of color or race *should not be denied* **shall have** the right to vote and to be elected to a national office (Convention on the Political Rights of Women, 1953)

35.14. Entitling women to vote in all elections on equal terms with men

Women shall be entitled to vote in all elections on equal terms with men without any discrimination (Art. 1. Convention on the Political Rights of Women, 1953)

35.15. Entitling women to hold public office and to exercise all public functions

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination (Art. III Convention on the Political Rights of Women, 1953)

35.16. Modifying social and cultural patterns that promote inferiority and stereotyping of men and women

(States shall agree) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (Art. 5 Convention for the Elimination of all forms of Discrimination Against Women, 1979)

35.17. Adopting all appropriate~ measures to modify social and cultural patterns especially in the field of education

Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women (125 k Advanced Draft Platform of Action, May 15 1995)



35.18. Eliminating patterns of media presentation

(Raise awareness on the responsibility of the media in promoting non- ed (?) images of women and men, as well as in eliminating patterns of media presentation that generate violence, and encourage those responsible for media content to establish professional guidelines and codes of conduct; also raise awareness on the important role of the media to inform and educate people about the causes and effects of violence against women and in stimulating public debate on the topic) (126 j Advance draft, Platform of Action, UN Conference on Women, May 15)

35.19. Working together to break down persistent gender stereotypes

Girls and adolescents may receive a variety of conflicting and confusing messages on their gender roles from their parents, teachers, peers and the media. Women and men need to work together with children and youth to break down persistent gender stereotypes (recognizing the rights, duties and responsibilities of parents and other persons legally responsible for children, and consistent with the Convention on the Rights of the Child) (262 Advance draft, Platform of Action, UN Conference on Women, May 15)

35.20. Ensuring that measures (preventive and curative) are implemented by putting in place International safeguards and mechanisms for cooperation to eliminate all forms of exploitation, abuse, harassment and violence against women

Countries *should shall* take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries *should take full measures to* shall eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. Countries *should shall* pay special attention to protecting the rights an safety of those...in exploitable situations, such as migrant women, women in domestic service and school girls (Action 4.9. International Conference on Population and Development, 1994)

(36)
**OBLIGATIONS TO ADDRESS THE URGENCY
RECOGNIZING VARIATIONS OF FAMILY COMPOSITION AND
EQUAL RIGHTS IN THE FAMILY**

36.1. Recognizing the existence of various forms of the family

In different cultural, political and social systems, various forms of the family exist. **The recognition of same-sex marriage is a crucial way in which to illuminate the alternate family structure** (Principle 9, International Conference on Population and Development, 1994)

36.2. Ensuring equal rights for men and women in marriage

States Parties to the present covenant shall take (appropriate~) steps to ensure equality of rights and responsibilities of spouses at the marriage, during marriage and at its dissolution (Art. 23.4 International Covenant of Civil and Political Rights, 1966)

36.3. (Recognizing) the basic right to decide freely and responsibly the number and spacing of children

All couples and individuals have the basic right to decided freely and responsibly the number and spacing of their children and to have the information, education and the means to do so. **The focus of educational programmes related to population shall not be on population control but reproductive choice** (Principle 8., International Conference on Population and Development, 1994)

36.4. Emphasizing male responsibilities should {shall} be emphasized with respect to child-rearing and housework

Male responsibilities should shall be emphasized with respect to child-rearing and housework. **Women shall be given the economic, political and social means with which to become a family provider that can only be realized through structural changes** (Action 4.11 International Conference on Population and Development, 1994).

(37)
**OBLIGATIONS TO ADDRESS THE URGENCY
ELIMINATING VIOLENCE**

37.1. Bearing in mind obligation of state to curb violence resulting from religious intolerance and extremism

Urges Member States to take appropriate measures, bearing in mind that each State has an obligation to curb violence resulting from religious intolerance and extremism, to prevent it from spilling over into another country, and to oppose any use of religion for ends incompatible with human rights (4., Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993)

37.2. Taking effective measure to end acts of violence perpetrated by religious extremists

Considers that, while effective measures must be taken to put an end to the destructive effects on society of acts of violence perpetrated by religious extremists, measures must also be envisaged to counter, at their roots, all forms of religious intolerance and extremism (5, Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993)

37.3. Requesting of report about special measures for combating extremism and fanaticism

Also calls upon the Commission on Human Rights to request the Special Rapporteur to include in his next report the specific measures taken by several countries to combat the extremism and fanaticism referred to in his report (E/CN.4/1992/52, par. 186) and to submit proposals on measures to be taken to end this scourge (7 Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993)



Photo: Donald McCullin

(38)

**OBLIGATION TO ADDRESS THE URGENCY
ELIMINATING VIOLENCE AGAINST WOMEN**

38.1. Taking urgent action to combat and eliminate violence against women

(Take urgent action to combat and eliminate violence against women which is a human rights violation, resulting from harmful traditional or customary practices, cultural prejudices, (religious, anti-religious, or secular) extremism. (They are also urged) Prohibit female genital mutilation wherever it exists and give vigorous support, to efforts among non-governmental and community organizations and religious institutions to eliminate such practices) (232 g, Advance draft, Platform of Action, UN Conference on Women, May 15)

38.2. Eradicating of Female Genital Mutilation

The eradication of Female Genital Mutilation and other harmful gender-based harmful practices need a determined and sustained commitment from all states (Women's Health in Women's Hands, 1995)

38.3. Eradicating genital mutilation is global responsibility

The eradication of genital mutilation is the responsibility of all governments

38.4. Standing firm against any attempt to 'medicalise' genital mutilation

The Conference urges all Governments and all health, authorities to stand firm against any attempt to "medicalise" the genital mutilation of, or genital injury to, the girl child. (London Declaration: First Study conference on Genital Mutilation of Girls in Europe, 1992)

38.5. Agreeing that genital mutilation or genital injury is a violation of human rights

The Conference agrees that any form of genital mutilation of, or genital injury to, the girl child is a violation of her basic human rights, and must be abolished (London Declaration: First Study conference on Genital Mutilation of Girls in Europe, 1992)

38.6. Elimination of all forms of exploitation, abuse harassment and violence against women, adolescents and children

Countries *should take full measures to shall* eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children (Actions 4.9., International Conference on Population and Development, 1994)

38.7. Ensuring preventive action and rehabilitation of victims of exploitation, abuse, harassment and violence against women, adolescents and children

This implies both preventive actions and rehabilitation of victims. (Action 4.9., International Conference on Population and Development, 1994)

38.8. Prohibition of degrading practices

Countries should **shall** prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution (Actions 4.9., International Conference on Population and Development, 1994)

38.9. Prohibition of trafficking in women adolescents and children

Countries should **shall** prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution (Actions 4.9., International Conference on Population and Development, 1994)

38.10. Protecting the rights and safety of those who suffer from these crimes

Countries should **shall** take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. (Actions 4.9. International Conference on Population and Development, 1994)

38.11. Protecting the rights of those in exploitable situations (and preventing the exploitation)

Countries should **shall** pay special attention to protecting the rights and safety of those...in exploitable situations, such as migrant women, women in domestic service and school girls (Actions 4.9., International Conference on Population and Development, 1994)

38.12. (Preventing the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing) Identifying and condemning systemic treatment of women as instruments of war

Countries *are urged to* **shall** identify and condemn the systematic practice of rape, **sexual assault** and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing. (Actions 4.10., International Conference on Population and Development, 1994)

38.13. Preventing systemic practice of rape and other forms of inhuman and degrading treatment

States shall prevent the systemic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing

(39)
**OBLIGATIONS TO ADDRESS URGENCY:
ENSHRINING, GUARANTEEING AND ENDORSING FUNDAMENTAL
RIGHTS OF THE CHILD**

39.1. Recognizing the equal and inalienable rights of all members of the human family

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (Preamble, Convention on the Rights of the Child, 1989)

39.2. (Ensuring) that childhood is entitled to special care and assistance

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance (Preamble, Convention on the Rights of the Child, 1989)

39.3. (Ensuring) that the best interests of the child shall be a primary consideration

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Art. 3. 1. Convention on the Rights of the Child, 1989)

39.4 Providing adequate nutritious foods and clean drinking-water taking into account the dangers and risks of environmental pollution

To combat disease and malnutrition, including with the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water taking into consideration the dangers and risks of environmental pollution (Art. 24. 1. c Convention on the Rights of the Child, 1989)

39.5. Ensuring that all segments of society have access to basic knowledge of child health and nutrition...

To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents (Art. 24. 1. e Convention on the Rights of the Child, 1989)

39.6. Developing preventive health care

to develop preventive health care, guidance for parents and family planning education and services (Art. 24. 1. f Convention on the Rights of the Child, 1989)

39.7. Abolishing traditional practices prejudicial to the health of children

States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (Art. 3. Convention on the Rights of the Child, 1989)

39.8. Recognizing the right of the child to enjoy the highest standard of health

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. (Art. 24.1., Convention on the Rights of the Child, 1989)

39.9. Respecting rights of the child without discrimination on (any other status)

States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, tribe, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.(Art. 2, Convention on the Rights of the Child, 1989)

39.10. Directing education to developing respect for the natural environment

States Parties agree that the education of the child shall be directed to: the development of respect for the natural environment. (Article 29, 1.e. Convention on the Rights of the Child, 1989)

...

39.11. Respecting the right of the child to freedom of expression

The child shall have the right to freedom of expression (Convention on the Rights of the Child reaffirmed Art. 13.1 same as one in International Covenant of Civil and Political Rights, 1966)

39.12. Recognizing the rights of *the disabled child* (a child with a mental or physical disability)

States Parties recognize that a **child with a mental or physical disability** *mentally or physically disabled child* should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Art. 23., Convention on the Rights of the Child, 1989).

39.13. Recognizing the right of *the disabled child* (a child with disabilities) to special care

States parties recognize the right of *the disabled child* **a child with a disability** to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is

made and which is appropriate to the child's condition and the circumstances of the parents or others caring for the child. (Art. 2., Convention on the Rights of the Child, 1989)

39.14. Recognizing the special needs of a (child with a disability) a disabled child

Recognizing the special needs of **a child with a disability disabled child**, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or other caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. (Art. 3., Convention on the Rights of the Child, 1989)

39.15. Promoting the exchange of information on preventive health... for disabled children (with disabilities)

States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventative health care and of medical, psychological and functional treatment of *disabled children with disabilities*, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experiences in these areas. in this regard, particular account shall be taken of the needs of developing countries. (Art. 4. Convention on the Rights of the Child, 1989)



Photo: Dilip Mehta | CIDA

(40)
**OBLIGATIONS TO ADDRESS URGENCY:
ENSHRINING AND ENDORSING FUNDAMENTAL RIGHTS OF THE
GIRL CHILD**

40.1. Abolishing traditional practices prejudicial to the health of children

States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (Art. 3. Convention on the Rights of the Child, 1989)

40.2. (Preventing) discrimination against "girl child"

Since in all societies discrimination on the basis of sex often starts at the earliest stages of life, greater equality for the girl child is a necessary first step in ensuring that women realize their full potential and become equal partners in development. In a number of countries, the practice of prenatal sex selection, higher rates of mortality among very young girls, and lower rates of school enrollment for girls as compared with boys, suggest that "son preference" is curtailing the access of girl children to food, education and health care, and (even life itself (40)). This is often compounded by the increasing use of technologies to determine fetal sex resulting in abortion of female fetuses. Investments made in the girl child's health, nutrition and education from infancy through adolescence are critical. (Discrimination against women begins even before birth and must therefore be addressed from birth/then onwards (40)) (Actions 4.14 International Conference on Population and Development, 1994)

40.3. Eliminating excess mortality of girls, wherever such a pattern exists.

Eliminating excess mortality of girls, wherever such a pattern exists. Special education and public information efforts are needed to promote equal treatment of girls and boys with respect to nutrition, health care, education and social, economic and political activity, as well as equitable inheritance rights. (Actions 4.17 International Conference on Population and Development, 1994)

40.4. (Immediately discouraging) harmful attitudes and (immediately discontinuing) practices such as female genital mutilation and son preference

The Convention on the Rights of the Child recognizes that "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or status."

(Article 2, par 1). (States Parties shall respect the responsibilities, rights and duties of parents or, where applicable the members of the extended family, or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention." (Article 5)) However, in many countries available indicators show that the girl child is discriminated against from (conception/infancy,) through her childhood, and into adulthood. (In some areas of the world, men outnumber women by 5 in every 100. The reasons for the discrepancy, for the millions of missing women, include, among others, harmful attitudes and practices, such as female genital mutilation, son preference which results in female infanticide and (feticide/prenatal sex selection); **(these harmful attitudes must be immediately discouraged and the harmful practices immediately discontinued)** early marriage, violence against women, prostitution, sexual abuse, discrimination against girls in food allocation and other practices related to health and well-being (Art. 259. Advance draft, Platform of Action, UN Conference on Women, May 15)

40.5. Ensuring the fundamental rights and freedoms of the girl child
(Girls of today are the women of tomorrow. The skills, ideas and energy of girls are vital for full attainment of the goals of equality, development and peace. (For a girl to develop her full potential she needs to be nurtured in an enabling environment where her needs for survival, protection and development are met and her equal rights safeguarded.) (If women are to be equal partners with men, now is the time to recognize (human) dignity and worth of the girl child and to ensure the full enjoyment of her human rights and fundamental freedoms.) (If tomorrow's women are to become equal partners with men in social change and development, now is the time to (accord the girl child her rightful share of human dignity and opportunity and ensure the full enjoyment (respect) of all human rights (and fundamental freedoms) (including by universal ratification of the Convention of the Rights of the Child) of the girl child) Yet there exists world-wide evidence of discrimination and violence against girls (that begins even before they are born (from conception) and continues unabated through their lives.) They often have less access to nutrition, physical health, mental health and education, enjoy fewer

rights, lesser opportunities and benefits of childhood and adolescence than boys. They are often subjected to sexual and economic exploitation, violence and harmful practices such as (feticide), infanticide (at conception), (prenatal sex selection), incest, female genital mutilation and early marriage. Their daily existence and long-term aspirations are restricted by attitudes, structures and lack of resources that prevent their full and equal participation in society.) (Art. 41., Advance draft, Platform of Action, UN Conference on Women, May 15)

40.6. Appreciating the purported right to specific religious practices that violate fundamental human rights shall not be condoned. Governments shall ensure that practices such as genital mutilation be globally condemned and made illegal

40.7. Expanding value of girl children beyond their definition as potential child-bearers

Overall, the value of girl children to both their family and to society must be expanded beyond their definition as potential child-bearers and caretakers and reinforced through the adoption and implementation of education and social policies that encourage their full participation in the development of the societies in which they live. (Actions 4.17 International Conference on Population and Development, 1994)

40.8. Promoting equal treatment of girls and boys

Special education and public information efforts are needed to promote equal treatment of girls and boys with respect to nutrition, health care, education and social, economic and political activity, as well as equitable inheritance rights (Actions 4.17 International Conference on Population and Development, 1994)

40.9. All countries are urged to Ensure (Undertaking immediate measures to Ensure) the widest and earliest possible access by girls and women to secondary and higher levels of education,

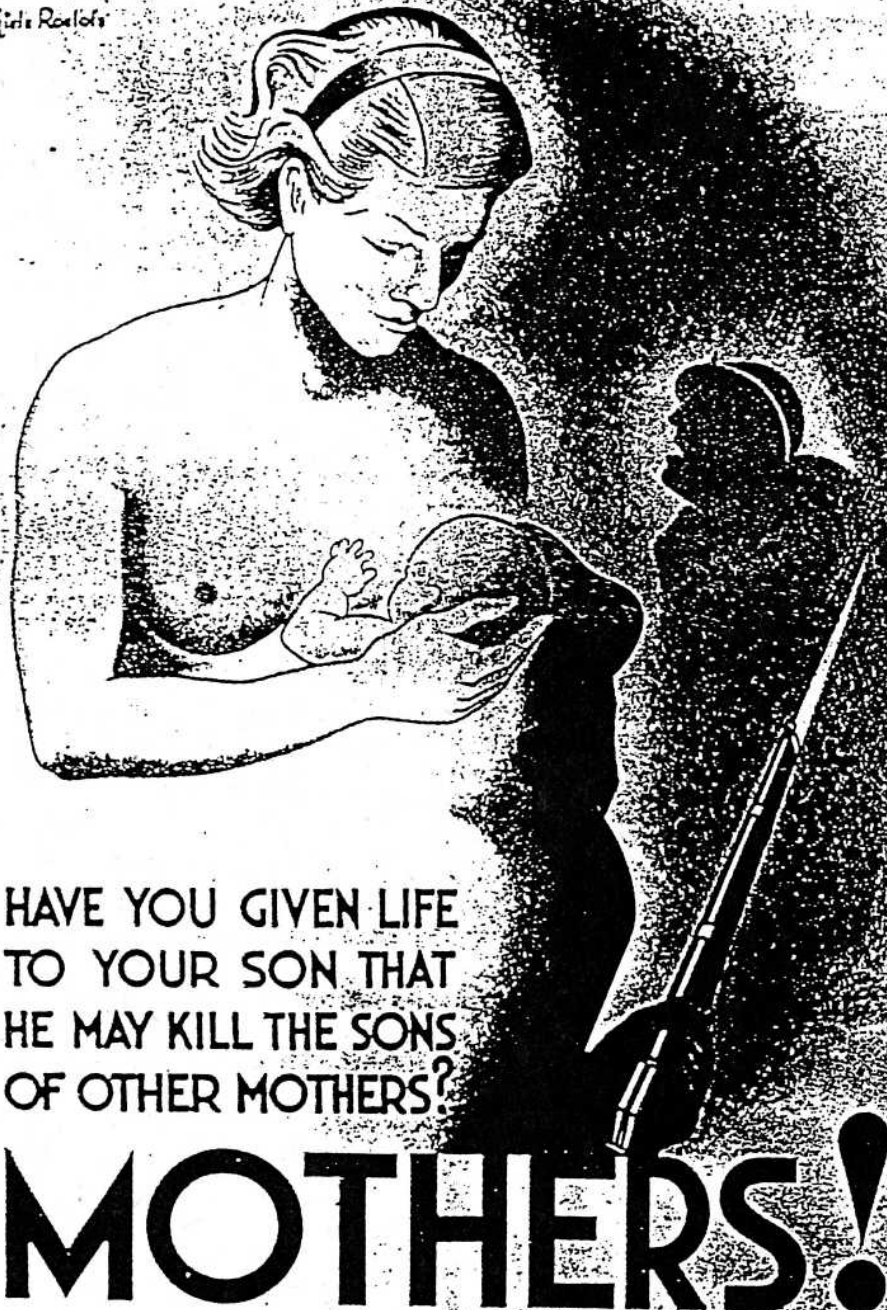
Beyond the achievement of the goal of universal primary education in all countries *before the year 2015, (all countries are urged) to undertake immediate measures* to ensure the widest and earliest possible access by girls and women to secondary and higher levels of education, as well as vocational education and technical training, bearing in mind the need to improve the quality and relevance of that education

¶(Systemic Constraints: date, no time line and weak *(all countries are urged)*§**{Hence all students should be encouraged in their skills and interests regardless of sex} (Actions 4.18 International Conference on Population and Development, 1994)

40.10. Elimination of stereotypes in all types of communication and educational materials

Schools, the media and other social institutions *should seek (shall be required to)* to eliminate all types of communication and educational materials that reinforce existing inequities between males and females and undermine girls' self-esteem (Actions 4.19 International Conference on Population and Development, 1994)

Girls Realists



HAVE YOU GIVEN LIFE
TO YOUR SON THAT
HE MAY KILL THE SONS
OF OTHER MOTHERS?

MOTHERS!

1979

(41)
**OBLIGATIONS TO ADDRESS URGENCY:
ENDORISING THE RIGHTS OF THE FUTURE GENERATIONS**

41.1. Affirming intergenerational equality/equity

Reaffirming that man (humans) must acquire the knowledge to maintain and enhance their ability to use natural resources in a manner which ensures the preservation of the species and ecosystems for the benefit of present and future generations (Preamble, UN Resolution, 37/7, World Charter of Nature, 1982)

- To conserve and sustainably use biological diversity for the benefit of present and future generations, (preamble, Convention of Biological Diversity, UNCED, 1992)
- The use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations (Definition, Convention on Biological Diversity, UNCED, 1992)

41.2. Recognizing intergenerational equity, and long term implications of current actions

Recognizing the longer-term realities and implications of current actions, the (states shall accept the) development challenge *is* to meet the needs of present generations and improve their quality of life without compromising the ability of future generations to meet their own needs (Chapter III, 3.1 International Conference on Population and Development, 1994)

41.3. Preserving natural heritage for future generations

- Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of *mankind (humankind)* as a whole (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972).
- Considering that in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value... (Preamble, Convention for the Protection of the World cultural and Natural Heritage, 1972)

41.4. Being apprehensive about the harmful consequences of radioactive contamination for the health of present and future generations

Reaffirming its conviction that an end to nuclear-weapon testing by all States in all environments would be a major step towards ending the

... improvement, development and proliferation of nuclear weapons, a means of relieving the deep apprehension concerning the harmful consequences of radioactive contamination for the health of present and future generations and a measure of the utmost importance in bringing the nuclear-arms race to an end. (General Assembly Resolution A/RES/38/63 Urgent need for a Comprehensive Nuclear-test-ban Treaty, 1983)

41.5. Recognizing the profound importance of participation of youth

- Recognizing the profound importance of the direct participation of youth in shaping the future of *mankind* **humanity** and the valuable contribution that youth can make in the implementation of the new international economic order based on equity and justice,
- Considering it necessary to disseminate among youth the ideals of peace, respect for human rights and fundamental freedoms, human solidarity and dedication to the objectives of progress and development, social and cultural advancement of peoples, the implementation of the new international economic order, the preservation of world peace and the promotion of international co-operation and understanding (The General Assembly Resolution 36/28 International Youth Year: Participation, Development, Peace, 1981)

41.6. Consolidating programming for youth: exchanges

Believing that it is urgently desirable to consolidate the efforts of all States in carrying out specific programmes concerning youth and to improve the activities of the United Nations and the specialized agencies in the field of youth, including youth exchanges in the cultural, sporting and other fields, (International Youth Year: Participation, Development, Peace, the General Assembly Resolution 36/28, 1981)

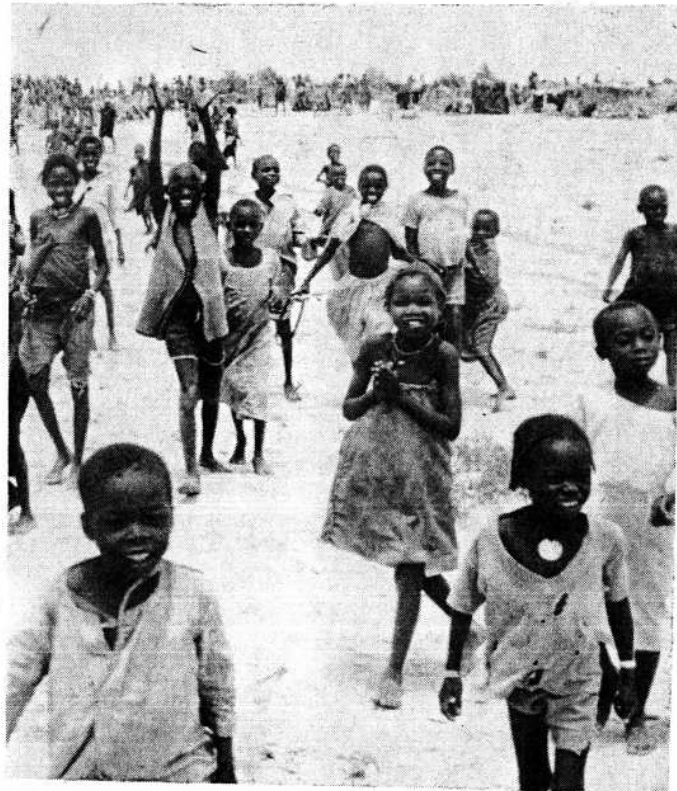
41.7. Respecting the views of the youth

- **Taking into consideration that in the Conflagrations it is the young who have suffered**
taking into consideration the fact that in the conflagrations which have afflicted mankind **humankind** it is the young people who have had to suffer most and who have had the greatest number of victims. (Youth Treaty, UNCED, 1992)

- **Convinced that young people wish to have an assured future**
Convinced that young people wish to have an assured future and that peace, freedom and justice are among the chief guarantees that their desire for happiness will be fulfilled: (Declaration on the Promotion Among Youth of the Ideals of Peace, Mutual Respect and Understanding Between Peoples) (Youth Treaty, UNCED, 1992)

- **Rejecting the domination of the global economy by an elite based on the external debt**
the rejection...of the domination of the global economy by an elite based on the external debt of developing countries, transnational enterprises and their institutional accomplices, the World Bank, IMF, GATT, etc. (Youth Treaty, UNCED, 1992, i)
- **Opposing militarism**
- **Directing military spending towards social and environmental ends**
against militarism, demanding that military spending be re-directed towards social and environmental ends (Youth Treaty, UNCED, 1992, ii)
- **Opposing nuclear power and abuse of fossil fuels**
against the use of nuclear power and the abuse of fossil fuels (iii. Youth Treaty, UNCED, 1992)
- **Opposing hunger and unchecked over-consumption**
against hunger and unchecked over-consumption (iv. Youth Treaty, UNCED, 1992)
- **Opposing the use of pesticides**
against the unnecessary use of pesticides
vi against nuclear testing and in favor of the dismantlement of nuclear plants (v. Youth Treaty, UNCED, 1992)

Photo: (CIDA), David Barbour



(42)

**OBLIGATIONS TO ADDRESS URGENCY:
AFFIRMING THE RIGHTS OF PERSONS WITH DISABILITIES**

42.1. Recognizing the right of everyone to the highest attainable standards of physical and mental health

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. (Article 12 International Covenant Economic, Social & Cultural Covenant, 1966)

42.2. Recognizing the rights of all *disabled persons* (persons with disabilities) regardless of status

Disabled person "Persons with disabilities shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}.

42.3. (Enshrining) the inherent right of persons with disabilities to respect for their human dignity

Disabled person "Persons with disabilities have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible {3 Declaration on the Rights of Disabled Persons, 1975}

42.4. (Enshrining) the right of persons with disabilities to medical, psychological and functional treatment

"*Disabled person*" Persons with disabilities have the right to medical, psychological and functional treatment, including prosthetic and orthotic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counseling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the process of their social integration or reintegration {6. Declaration on the Rights of Disabled Persons, 1975}

42.5. (Enshrining) the right of persons with disabilities have the right to economic and social security

Disabled person Persons with disabilities have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and

to join trade unions. (7 Declaration on the Rights of Disabled Persons, 1975)

42.6. Protecting persons with disabilities against exploitation, and degradation

Disabled person **Persons with disabilities** shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature (10. Declaration on the Rights of Disabled Persons. 1975)

42.17. (Recognizing) the right of a person with a mental disability to a qualified guardian

The *mentally retarded person* **persons with a mental disability** has a right to a qualified guardian when this is required to protect his or her personal well-being and interests. (5 Declaration on the Rights of Mentally Retarded Persons, Generally Assembly resolution 2856 (XXVI) 1971)

42.8. Recognizing the rights of person to exercise all rights under international human rights document

Every person with a mental disability *illness* shall have the right to exercise all civil, political, economic, social and cultural rights as recognized in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and in other relevant instruments, such as the Declaration on the Rights, and in other relevant instruments, such as the Declaration on the Rights of Disabled Persons... (Principle 1.4 Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991)

42.9. (Ensuring) that professional conflict or non-conformity...shall never be a determining factor in diagnosing mental illness

Family or professional conflict, or non-conformity with moral, social, cultural or political values of religious beliefs prevailing in a person's community, shall never be a determining factor in diagnosing mental illness. (Principle 4. 3. Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991)

42.10. (Ensuring) the right to treatment suited to cultural background)

Every patient shall have the right to treatment suited to his or her cultural background. (Principle 7, 3. Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991)

42.11. (Entitling) the same care as other ill persons

Every patient shall have the right to receive such health and social care as is appropriate to his or her health needs, and is entitled to care and treatment in accordance with the same standards as other

ill persons (Principle 8.1. Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991)

42.12. (Ensuring) that treatment shall be directed towards preserving and enhancing personal autonomy

The treatment of every patient shall be directed towards preserving and enhancing personal autonomy. (principle 9.4. Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991)

42.13. Bearing in mind the necessity of preventing physical and mental disabilities

(the General Assembly) bearing in mind the necessity of preventing physical and mental disabilities (Preamble, Declaration on the rights of disabled persons (General Assembly resolution 3447 (xxx) of 9 December 1975)

42.14. Bearing in mind the necessity of assisting disabled persons to develop their abilities

(the General Assembly) bearing in mind the necessity of assisting *disabled persons* **persons with disabilities** to develop their abilities in the most varied fields of activities. (Preamble, Declaration on the Rights of Disabled Persons (General Assembly resolution 3447 (xxx) of 9 December 1975)

42.15. Bearing in mind the necessity of promoting disabled persons in (normal life)

(the General Assembly) bearing in mind the necessity of promoting their integration as far as possible in normal life. (Preamble, Declaration on the rights of *disabled persons* **persons with disabilities** (General Assembly resolution 3447 (xxx) of 9 December 1975)

42.16. (Entrenching) the right to measures designed to enable them to become as self-reliant as possible

Disabled persons **Persons with disabilities** are entitled to the measures designed to enable them to become as self-reliant as possible. (S. 5 General Assembly resolution 3447 (xxx) of 9 December 1975)

42.17. Emphasizing that the declaration on social progress and development has proclaimed the necessity of protecting the rights....of physically and mentally disadvantaged

(the General Assembly) emphasizing that the declaration on social progress and development has proclaimed the necessity of protecting the rights....of physically and mentally disadvantaged Preamble, Declaration on the Rights of Disabled Persons (proclaimed by General Assembly resolution 3447 (xxx) of 9 December 1975)

42.18. Emphasizing that the declaration on social progress and development has proclaimed the necessity of assuring the welfare and rehabilitation....of physically and mentally disadvantaged
(the General Assembly) emphasizing that the declaration on social progress and development has proclaimed the necessity of assuring the welfare and rehabilitation....of physically and mentally disadvantaged (Preamble, Declaration on the Rights of Disabled Persons (proclaimed by General Assembly Resolution 3447 (xxx) of 9 December 1975)

42.19. (Entrenching) the right to medical,. psychological and functional treatment

Disabled persons **Persons with disabilities** have the right to medical, psychological and functional treatment, including prosthetic and orthotic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counseling placement services and other services which will enable them to develop their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions, (proclaimed by General Assembly resolution 3447 (xxx) of 9 December 1975, s. 6)



Photo: Cam Cooper

42.20. Right to consultation

Organizations of *disabled persons with disabilities* may be usefully consulted in all matters regarding the rights of disabled persons. (proclaimed by General Assembly resolution 3447 (xxx) of 9 December 1975, s.12)

42.21. Right to be informed

Disabled persons **Persons with disabilities**, their families and communities shall be fully informed, by all (appropriate) means, of the rights contained in this Declaration (proclaimed by General Assembly resolution 3447 (xxx) of 9 December 1975, s.13)

42.22. Mobilizing to improve the effectiveness of anti-poverty... towards women with disabilities

- (Ensuring) that responsibility is not shifted to NGOs (... mobilize to improve the effectiveness of anti-poverty programmes directed... women with disabilities. However, Governments should not abrogate their responsibility for providing for social well-being by shifting social responsibility to non-governmental organizations and women (Art.62 a Advance draft, Platform of Action, UN Conference on Women, May 15)

42.23. Ensuring access to quality education for women of disabilities

Ensure access to (quality) education and training at all proper levels for adult women with little or no education, for women with disabilities and for documented migrant, refugee and displaced women to improve their work opportunities (Art.84. k Advance draft, Platform of Action, UN Conference on Women, May 15)

42.24. Design and implement gender sensitive health programmes... to address the needs of women with disabilities

Design and implement gender sensitive health programmes including decentralized health services in cooperation with women and community-based organizations, to address the needs of women throughout their lives and that take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities, and the diversity of women's needs across age, socio- economic, and cultural differences among others, and include women, especially local and indigenous women, in the identification and planning of health care priorities and programmes; (and remove all barriers to women's health services) (and provide the widest possible access to a broad range of health care services.) (Art.107 c Advance draft, Platform of Action, UN Conference on Women, May 15)

(43)

**OBLIGATIONS TO ADDRESS URGENCY:
RESPECT FOR RIGHTS OF MIGRANT WORKERS,**

43.1 Mobilizing to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women such as... refugee and migrant women

(By national and international non-governmental organizations and women's groups:

All parties involved in the development process, including academic institutions, non-governmental organizations and grass-roots and women's groups, should mobilize to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women, such as rural and indigenous women, female heads of households, young women and older women, refugees and migrant women and women with disabilities. However, Governments should not abrogate their responsibility for providing for social well-being by shifting social responsibility to non-governmental organizations and women (Art.62 a Advance draft, Platform of Action, UN Conference on Women, May 15)

43.2 (Ensuring) Improving the human rights and dignity of all migrant workers

(General Assembly Resolution /RES/38/86, 1, Measures to Improve the Situation and Ensure the Human Rights and Dignity of All Migrant Workers 1983) ¶ to Follow up

43.3. Progressing towards the protection of the rights of migrant workers

Recognizing also the progress made by certain States on a regional or bilateral basis towards the protection of the rights of migrant workers and members of their families, as well as the importance and usefulness of bilateral and multilateral agreements in this field (Preamble, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families)

43.4. Undertaking to respect and ensure to all migrant workers and members of their families the rights provided for in the present Convention

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national,

ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

43.5. Recognizing human rights of all migrant workers and their families

Human rights of all migrant workers and members of their families (Part III International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

-The right to life of migrant workers and members of their families shall be protected by law (Art. 9)

-No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Art. 9).

- No migrant worker or member of his or her family shall be held in slavery or servitude (11.1)

- No migrant worker or member of his or her family shall be required to perform forced or compulsory labour (11.2).

-Migrant workers and members of their families shall have the right to hold opinions without interference (13.1).

43.6. Ensuring the human rights and dignity of all migrant workers

Reiterating that, in spite of the existence of a body of principles and standards already established, there is need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families (Measures to Improve the Situation and Ensure the Human Rights and Dignity of all Migrant Workers 1982)

43.7. Assuring protection for individuals who are not citizens

Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live (General Assembly Resolution A/RES/38/87, 1983

¶ **CHECK on follow-up conventions**

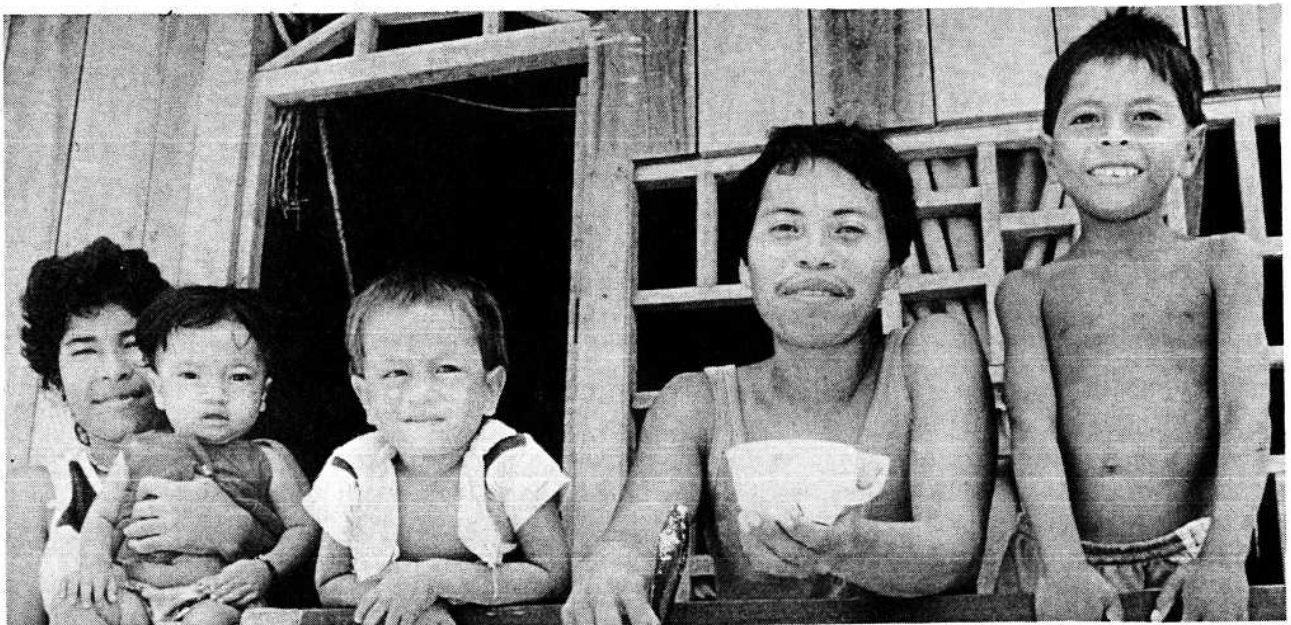


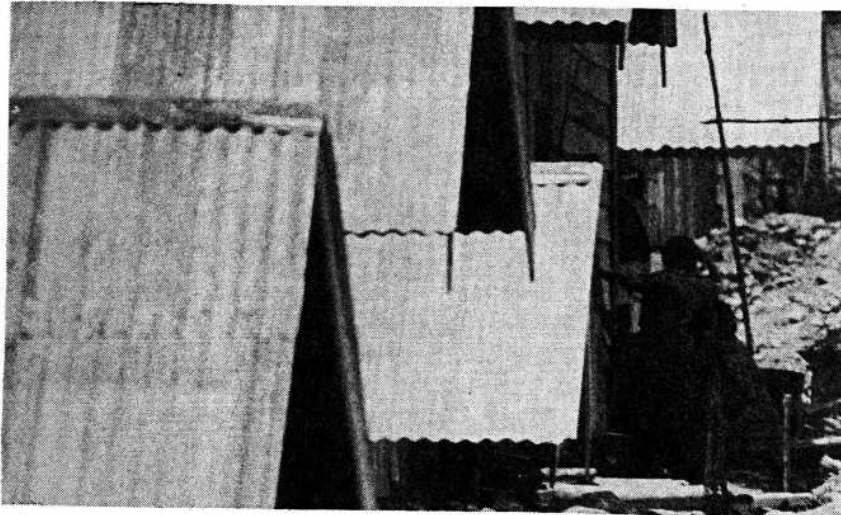
Photo: CIDA, Patricio Baeza

(44)
OBLIGATIONS TO ADDRESS THE URGENCY
RESPECT FOR RIGHTS OF REFUGEES

44.1. According refugees the same treatment as is accorded to citizens generally

Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to (citizens) generally. (Article 7, 1., Convention Relating to the Status of Refugees, 1951).

Photo: United Nations, J.K. Isaac



44.2. Enjoying exemption from legislative reciprocity

After a period of three years residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States. (Article 7.2., Convention Relating to the Status of Refugees, 1951).

44.3. Respecting rights of refugees

Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry in force of this Convention for that State. (Article 7, 3., Convention Relating to the Status of Refugees, 1951).

44.4. According refugees the same intellectual property rights

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in the territory to nationals of the country in which he has his habitual residence (Art. 14, Convention Relating to the Status of Refugees, 1951).

44.5. According refugees same supply when rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals (Art. 20, Convention Relating to the Status of Refugees, 1951)

44.6. According to refugees access to elementary education

The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education (Art. 22. 1, Convention Relating to the Status of Refugees, 1951).

44.7. According to refugees access to studies

The Contracting States shall accord to refugees treatment as favourable as possible, ... with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships (Article 22. 2, Convention Relating to the Status of Refugees, 1951).

44.8. According the same treatment and public relief to refugees

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals (Article 23, Convention Relating to the Status of Refugees, 1951).

44.9. Recognizing the contribution that ammunitions manufacturing countries make to the displacement of people

In recent years when most of the ammunitions manufacturing countries manage to make their products available to many parts of the world, the resulting wars and displacement of peoples should be considered as the external effects of the production of ammunitions. Compensation for those who have been displaced shall be required from arms producing nations. In cases where war has displaced a large number of people to other countries, international solidarity is required for the Contracting States to cater for the refugees, and thus demand contributions from those states that have exacerbated the conflict. This calls for the urgent need for an international fund for refugees.

44.10. Taking all the necessary steps to ensure the right of refugee and displaced women

(Take all the necessary steps to ensure the right of refugee and displaced women to safe and protected return to their homes) (Art. 149 d. Advance draft, Platform of Action, UN Conference on Women, May 15)

(45)

**OBLIGATIONS TO ADDRESS URGENCY:
AFFIRMING THE RIGHTS OF INDIGENOUS PEOPLES**

45.1. Enacting laws to prevent the passing of rural and indigenous community resources into the hands of the private sector and transnational corporations

(Enact laws to prevent the passing of rural and indigenous community resources into the hands of the private sector and transnational corporations;) (Art.63 c Advance draft, Platform of Action, UN Conference on Women, May 15)

45.2. Urging ratification, and effective implementation of Convention Concerning Indigenous and Tribal Peoples in Independent

Countries(Urge ratification of ILO Convention No. 169 or its effective implementation in countries where it has already been ratified, to ensure the rights of indigenous people;) (Art.63 d. Advance draft, Platform of Action, UN Conference on Women, May 15)

45.3. Urging adoption by the ECOSOC and General Assembly of the draft Declaration on the Rights of Indigenous People(s)

(Urge adoption by the Economic and Social Council and the General Assembly of the draft International Declaration on the Rights of Indigenous Peoples) (Art.63 e Advance draft, Platform of Action, UN Conference on Women, May 15)

45.4 (Ensuring) The full range of human rights and fundamental freedom to indigenous peoples

Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples. (Art. 3 Convention Concerning Indigenous and Tribal Peoples in Independent Countries No. 169, 1990)

45.5. Adopting special measures for safeguarding persons,... property, cultures and environment of indigenous peoples

Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. (Art. 4., Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

45.6. Ensuring the right of indigenous peoples to decide their own priorities

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use and to exercise control, *to the extent possible*, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly. (Art. 7.1. Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

45.7. Affirming the positive-duty-to protect-indigenous-lands principle.

recognition that the lands of indigenous *people peoples* and their communities *should shall* be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally (inappropriate~) (26.3. ii., Indigenous People(s), Agenda 21, UNCED, 1992)

45.8. Strengthening the role of indigenous (peoples) in (socially equitable and environmentally-sound development)

Indigenous *people peoples* and their communities have an historical relationship with their lands and are generally descendants of the original inhabitants of such lands. In the context of this chapter the term "lands" is understood to include the environment of the areas which the *people peoples* concerned traditionally occupy. Indigenous *people peoples* and their communities represent a significant percentage of the global population. They have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment. Indigenous *people peoples* and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. Their ability to participate fully in *sustainable development socially equitable and environmentally-sound* practices on their lands has tended to be limited as a result of factors of an economic, social and historical nature. In view of the interrelationship between the natural environment and its *sustainable development socially equitable and environmentally-sound development* and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement (socially equitable and environmentally-sound *and sustainable development should shall* recognize, accommodate, promote and strengthen the role of indigenous people and their communities. (26.1., Indigenous People(s), Agenda 21, 1992)

45.9. Fulfilling objectives (related to indigenous peoples) in full partnership with indigenous peoples

In full partnership with indigenous *people peoples* and their communities, Governments *and, where appropriate*, intergovernmental organizations

should shall aim at fulfilling the following objectives: (26.3., Indigenous People(s) Agenda 21, UNCED, 1992)

45.10. Establishing a process to empower indigenous (peoples)

Establishment of a process to empower indigenous *people peoples* and their communities through measures that include:

- Adoption or strengthening of (appropriate~) policies and/or legal instruments at the national level (26.3 i Indigenous Peoples, Agenda 21, UNCED, 1992)

45.11. Recognizing that the lands of indigenous peoples (shall) be protected from activities that are environmentally unsound or culturally inappropriate

(ii) Recognition that the lands of indigenous *people peoples* and their communities *should shall* be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally (inappropriate~) (26.3.a.ii, Indigenous People(s), Agenda 21, UNCED, 1992)

45.12. Recognizing and supporting the identity, culture and interests of indigenous peoples

45.13. Enabling their effective participation in the achievement of *sustainable development* (socially equitable and environmentally-sound development)

Indigenous *people peoples* and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States *should shall* recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of *sustainable development*. **Socially equitable and environmentally-sound development** (Principle 22., Rio Declaration, UNCED, 1992)

45.14

**WORLD CONFERENCE OF INDIGENOUS PEOPLES ON TERRITORY,
ENVIRONMENT, AND DEVELOPMENT. KARI-OCA VILLAGE
DECLARATION**

PREAMBLE:

**THE WORLD CONFERENCE OF INDIGENOUS PEOPLES ON TERRITORY,
ENVIRONMENT AND DEVELOPMENT (25-30 MAY, 1992)**

**THE INDIGENOUS PEOPLES OF THE AMERICAS, ASIA, AFRICA,
AUSTRALIA AND THE PACIFIC, UNITED IN ONE VOICE AT KARI-OCA
VILLAGE EXPRESS OUR COLLECTIVE GRATITUDE TO THE INDIGENOUS
PEOPLES OF BRAZIL.**

**INSPIRED BY THIS HISTORICAL MEETING, WE CELEBRATE THE
SPIRITUAL UNITY OF THE INDIGENOUS PEOPLES WITH THE LAND AND
OURSELVES**

**WE CONTINUE BUILDING AND FORMULATING OUR UNITED
COMMITMENT TO SAVE OUR MOTHER THE EARTH.**

**WE, THE INDIGENOUS PEOPLES, ENDORSE THE FOLLOWING
DECLARATION AS OUR COLLECTIVE RESPONSIBILITY TO CARRY OUR
INDIGENOUS MINDS AND VOICES INTO THE FUTURE.**

DECLARATION

**WE, THE INDIGENOUS PEOPLES, WALK TO THE FUTURE IN THE
FOOTPRINTS OF OUR ANCESTORS
FROM THE SMALLEST TO THE LARGEST LIVING BEING, FROM THE FOUR
DIRECTIONS, FROM THE AIR, THE LAND AND THE MOUNTAINS, THE CREATOR
HAS PLACED US, THE INDIGENOUS PEOPLES UPON OUR MOTHER THE EARTH
THE FOOTPRINTS OF OUR ANCESTORS ARE PERMANENTLY ETCHED
UPON THE LANDS OF OUR PEOPLES.**

**WE, THE INDIGENOUS PEOPLES, MAINTAIN OUR INHERENT RIGHTS TO
SELF-DETERMINATION. WE HAVE ALWAYS HAD THE RIGHT TO DECIDE OUR
OWN FORMS OF GOVERNMENT, TO USE OUR OWN LAWS. TO RAISE AND
EDUCATE OUR CHILDREN. TO OUR OWN CULTURAL IDENTITY WITHOUT
INTERFERENCE**

**WE CONTINUE TO MAINTAIN OUR RIGHTS AS PEOPLES DESPITE
CENTURIES OF DEPRIVATION, ASSIMILATION AND GENOCIDE.**

**WE MAINTAIN OUR INALIENABLE RIGHTS TO OUR LANDS AND
TERRITORIES, TO ALL OUR RESOURCES -- ABOVE AND BELOW-- AND TO
OUR WATERS. WE ASSERT OUR ONGOING RESPONSIBILITY TO PASS THESE
ONTO FUTURE GENERATIONS.**

**WE CANNOT BE REMOVED FROM OUR LANDS. WE, THE INDIGENOUS
PEOPLES, ARE CONNECTED BY THE CIRCLE OF LIFE TO OUR LANDS AND
ENVIRONMENTS.**

**WE, THE INDIGENOUS PEOPLES, WALK TO THE FUTURE IN THE
FOOTPRINTS OF OUR ANCESTORS.**

SIGNED AT KARI-OCA, BRAZIL ON THE 30TH DAY OF MAY, 1992

45.15. Indigenous peoples demand:

- (i) Their territory and lands be protected from external invasion and exploiters;
- (ii) Their air, water, and lands must remain free from pollutions and poisons and other contaminants;
- (iii) The freedom from being downwind of environmentally damaging, poisoning, activities of foreign individuals or corporations that impact the quality of air, water and lands (Document Regarding the Declaration of Indigenous Nations at Earth Summit (Rio de Janiero, Brazil, June 7, 1992)



OBLIGATIONS TO ADDRESS URGENCY:
AFFIRMING THE RIGHTS OF INDIGENOUS PEOPLES

OBLIGATIONS TO ADDRESS URGENCY:
RESPECT FOR CULTURAL INTEGRITY AND INDIGENOUS PRACTICES

45.13. Seeking) support from indigenous peoples

Governments... consistent with the requirements of international law *should shall, as appropriate* collect, assess and make available relevant and reliable information in a timely manner and in a form suitable for decision-making at all levels, with the full support and participation of local and indigenous people and their communities. (15.6 f Biodiversity., Agenda 21 UNCED 1992)

45.14. Mobilizing to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women such as... indigenous women

All parties involved in the development process, including academic institutions, non-governmental organizations and grass-roots and women's groups, should mobilize to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women, such as rural and indigenous women, female heads of households, young women and older women, refugees and migrant women and women with disabilities. However, Governments should not abrogate their responsibility for providing for social well-being by shifting social responsibility to non-governmental organizations and women (Art.62 a Advance draft, Platform of Action, UN Conference on Women, May 15)

45.15. (Recognizing) the additional barriers faced by indigenous women

Indigenous women often face barriers both as women and as members of indigenous communities (Art. 34 Advance draft, Platform of Action, UN Conference on Women, May 15)

45.16. Developing policies for indigenous women with their full participation

Develop policies and programmes for indigenous women with their full participation and respect of their cultural diversity, so that they have opportunities and possibilities of choice in the development processes in order to eradicate the poverty that affects them (Art.60s Advance draft, Platform of Action, UN Conference on Women, May 15)

45.17. Including indigenous women in the identification and planning of health care priorities and programmes

Design and implement gender sensitive health programmes including decentralized health services in cooperation with women and community-based organizations, to address the needs of women throughout their lives and that take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities, and the diversity of women's needs across age, socio- economic, and cultural differences among others,

and include women, especially local and indigenous women, in the identification and planning of health care priorities and programmes; (and remove all barriers to women's health services) (and provide the widest possible access to a broad range of health care services.) (Art 81 c Advance draft, Platform of Action, UN Conference on Women, May 15)

45.18. Ensuring full and equal access to health care

Ensure full and equal access to health care infrastructure and services for indigenous women (Art.107 y Advance draft, Platform of Action, UN Conference on Women, May 15)

45.19. Promoting gender sensitive and women-centred health research, treatment and technology, and link traditional and indigenous knowledge...

Promote gender sensitive and women-centred health research, treatment and technology, and link traditional and indigenous knowledge with modern medicine, making information available to women to enable them to make informed and responsible decisions (Art.107 (b) Advance draft, Platform of Action, UN Conference on Women, May 15)

45.20. Recognizing that some groups of women, such as...indigenous women are particularly vulnerable to violence

Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are also particularly vulnerable to violence (Art. 116. Advance draft, Platform of Action, UN Conference on Women, May 15)

45.21. Supporting the economic activities of indigenous women, taking into account their traditional knowledge

Support the economic activities of indigenous women, taking into account their traditional knowledge, so as to improve their conditions and development (Art.177 f Advance draft, Platform of Action, UN Conference on Women, May 15)

45.22. Encouraging greater involvement of indigenous women in decision-making

Encourage greater involvement of indigenous women in decision-making at all levels (Art.192 g Advance draft, Platform of Action, UN Conference on Women, May 15)

45.23. Ensuring full respect for the *human* rights of indigenous women

Taking into account the need to ensure full respect the *human* rights of indigenous women, consider and adopt a declaration on the rights of indigenous people by the General Assembly within the International

Decade of the World's Indigenous People; encourage the participation of indigenous women in the working group elaborating the draft declaration, in accordance with the provision set out for the participation of organizations of indigenous people (Art.231 p Advance draft, Platform of Action, UN Conference on Women, May 15)

45.24. Promoting the knowledge of and sponsor research on the role of indigenous women in food gathering, soil conservation...

Promote the knowledge of and sponsor research on the role of women, focusing particularly on rural and indigenous women in food gathering and production, soil conservation, irrigation, **ecologically sound practices in watersheds** *watershed management*, sanitation, coastal zone and **ecologically sound practices in marine environment** *marine resource management*, integrated pest management, land-use planning, forest conservation and community forestry, fisheries, natural disaster prevention and new and renewable sources of energy, focusing particularly on indigenous women's knowledge and experience (Art.256 f Advance draft, Platform of Action, UN Conference on Women, May 15)

45.25. Recognizing that women often play a leadership roles in promoting an environmental ethic

Women have often played leadership roles or taken the lead in promoting an environmental ethic, reducing resource use, and reusing and recycling resources to minimize waste and excessive consumption. Women can have a particularly powerful role in influencing sustainable consumption decisions. In addition, women's contributions to *environmental management* **socially equitable and environmentally sound development**, including through grass-roots and youth campaigns to protect the environment, have often taken place at the local level, where decentralized action on environmental issues is most needed and decisive... (Art.250 Advance draft, Platform of Action, UN Conference on Women, May 15)

45.26. (Recognizing the particular knowledge of ecological linkages by indigenous women

...Women, especially indigenous women, have particular knowledge of ecological linkages and *ecosystem management* **ecologically sound practices in a fragile ecosystem**. Women in many communities provide the main labour force for subsistence production, including production of seafood, hence, their role is crucial to the provision of food and nutrition, the enhancement of the subsistence and informal sectors and the preservation of the environment. In certain regions, women are generally the most stable members of the community, as men often pursue work in distant locations, leaving women to safeguard the natural environment and ensure adequate and sustainable resource allocation within the household and the community (Art.250 Advance draft, Platform of Action, UN Conference on Women, May 15)

45.27. Ensuring opportunities for indigenous women, to participate in environmental decision-making

(Ensure) opportunities for women, including indigenous women, to participate in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects (Art.253 a Advance draft, Platform of Action, UN Conference on Women, May 15)

45.28. Encouraging through national legislation...indigenous women's traditional knowledge

(Encourage, through national legislation and subject to it, indigenous women's traditional knowledge, innovations and practices and skills, including those concerning traditional medicines, biodiversity, and indigenous technologies, are protected and improved and are respected, preserved and maintained as envisaged by the Convention on Biological Diversity and safeguard their intellectual property rights and encourage the equitable sharing of the benefits arising from the utilization of such knowledge) (Art.253 c Advance draft, Platform of Action, UN Conference on Women, May 15)

45.29. Integrating the perspectives and knowledge of indigenous women

(Integrate the perspectives and knowledge of all women, including indigenous women, *on sustainable resource management in the development of policies and programmes for sustainable development on socially equitable and environmentally sound practices*, including in particular, those designed to address and prevent environmental degradation of the land (Art.256 (a) Advance draft, Platform of Action, UN Conference on Women, May 15)

45.30. Ensuring adequate research into susceptibility of.... indigenous women to environmental degradation

Ensure adequate research to assess how and to what extent women are particularly susceptible or exposed to environmental degradation and hazards, include, as necessary, research and data collection on specific groups of women, particularly women with low income, indigenous women and women belonging to minorities (Art.256 c Advance draft, Platform of Action, UN Conference on Women, May 15)

45.31. Publicizing and disseminating laws and information relating to equal status in...indigenous languages

Translate whenever possible, into the local and indigenous languages... publicize and disseminate laws and information relating to the equal status and human rights of all women including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the

Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Right to Development, the Declaration on the Elimination of Violence Against Women, as well as the outcomes of relevant United Nations Conferences and Summits and national reports to the Committee on the Elimination of Discrimination against Women (Art.233 a Advance draft, Platform of Action, UN Conference on Women, May 15)

45.32. Establishing pluricultural and plurilingual educational systems in countries with indigenous peoples

(Establish pluricultural and plurilingual educational systems in countries with indigenous (people) s, in particular with the participation of women, and provide financial resources and infrastructure for their development) (Art.85 p Advance draft, Platform of Action, UN Conference on Women, May 15)

45.33. Recognizing and supporting the right of indigenous women and girls to education in a manner that is responsive to their needs, aspirations and cultures

(Recognize and support the right of indigenous women and girls to education in a manner that is responsive to their needs, aspirations and cultures, including by efforts to develop appropriate educational programmes, curricula and teaching aids in the languages of indigenous peoples;) (Art.85 n Advance draft, Platform of Action, UN Conference on Women, May 15)

45.34. Acknowledging and respecting the artistic and cultural activities of indigenous women

Acknowledge and respect the artistic, (spiritual and religious) and cultural activities of indigenous women (Art.85 o Advance draft, Platform of Action, UN Conference on Women, May 15)

45.35. Encouraging the media to develop in appropriate languages, traditional, indigenous and other ethnic group forms of media

Encourage the media industry and education and media training institutions to develop in appropriate languages, traditional, indigenous and other ethnic group forms of media; such as story- telling, drama, poetry and song (reflecting their cultures) (reflecting their own cultural value) (reflecting their moral, ethical and religious values), and utilize these forms of communication to disseminate information on development and social issues (Art.182 d Advance draft, Platform of Action, UN Conference on Women, May 15)

45.36. Encouraging and providing the means for the creative use of programmes in the national media

Encourage and provide the means or incentives for the creative use of programmes in the national media for the dissemination of information on various cultural forms of the indigenous people(s) and the development of social and educational issues in this regard within the framework of national law (Art.239 g Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Photo: CIDA. Virginia Boyd



(46)
**OBLIGATIONS TO ADDRESS THE URGENCY
RESPECTING CULTURAL INTEGRITY AND CULTURAL
PROPERTY**

46.1. Recalling convention on the means of prohibiting and preventing illicit import, export and transfer of ownership of cultural property

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, General Assembly Resolution, Return or restitution of cultural property to the countries of origin, 1983)

46.2. Being aware of the importance attached by the countries of origin to cultural property

Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

46.3. Ensuring restitution of cultural property in case of illicit appropriation to a country of its cultural property to country of origin

46.4. Preparing of inventories of movable cultural property

Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

46.5. Ensuring Restitution to a country of its objets d'art...

Reaffirms that the restitution to a country of its objets d'art monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

(47)

**OBLIGATIONS TO ADDRESS URGENCY:
AFFIRMING THE RIGHTS OF PEOPLES TO SELF DETERMINATION**

47.1 Affirming that nothing shall justify the domination of a people by another people

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another people. (Article 19 African Charter of Rights)

47.2. Affirming the rights of self-determination

All peoples have the rights of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (Article 1, International Covenant on Economic, Social and Cultural Rights, 1966)

47.3. Affirming the inalienable right to self-determination

All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen. (Article 20, African Charter of Rights)

47.4. Reaffirming that economic or other activity which impedes independence is against the Charter of the United Nations

Reaffirming that any economic or other activity which impedes the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and obstructs efforts aimed at the elimination of colonialism,... is in direct violation of the rights of the inhabitants and of the principles of the Charter and all relevant resolutions of the United Nations (General Assembly Resolution A/RES/38/50, 1983)

47.5. Reaffirming that natural resources under colonial domination are the heritage of the peoples

Reaffirming that the natural resources of all Territories under colonial and racist domination are the heritage of the peoples of those Territories and that the exploitation and depletion of those resources by foreign economic interests, ... constitute a direct violation of the rights of the peoples and of the principles of the Charter and all relevant resolutions of the United Nations, (General Assembly Resolution A/RES/38/50, 1983)

47.6. Reaffirm the right of self-determination of all peoples

Reaffirm the right of self-determination of all peoples, in particular of peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of this right, as enunciated, inter alia, in the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights (147a Advance draft, Platform of Action, UN Conference on Women, May 15))

(48)
OBLIGATIONS TO ADDRESS THE URGENCY
RECOGNIZING THE NEED TO INTEGRATE PEACE, EQUALITY,
DEVELOPMENT AND HUMAN RIGHTS

48.1. Adopting measures to ensure right to peace

Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of (appropriate) measures at both the national and the international level. (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

48.2. Recognizing that peace and development are interrelated and mutually reinforcing

...(Peace) embraces the whole range of actions reflected in concerns for security and implicit assumptions of trust between nations, social groups and individuals. It represents goodwill toward others and promotes respect for life while protecting freedom, human rights and the dignity of peoples and of individuals. Peace cannot be realized under conditions of economic and sexual inequality, denial of basic human rights and fundamental freedoms, deliberate exploitation of large sectors of the population, unequal development of countries, and exploitative economic relations. Without peace and stability there can be no development. Peace and development are interrelated and mutually reinforcing. (Par 13, The Nairobi Forward Looking Strategy, 1985)

48.3. Recognizing that peace includes not only the absence of war but the enjoyment of economic and social justices and fulfillment of human rights and equality

Peace includes not only the absence of war, violence and hostilities at the national and international levels but also the enjoyment of economic and social justice, equality and the entire range of human rights and fundamental freedoms within society. It depends upon respect for the Charter of the United Nations and the Universal Declaration of Human Rights, as well as international covenants and the other relevant international instruments on human rights, upon mutual co-operation and understanding among all States irrespective of their social political and economic systems and upon the effective implementation by States of the fundamental human rights standards to which their citizens are entitled. (Par 13, Nairobi Forward Looking strategy for the Advancement of women, 1985)

48.4. Recognizing the impact on development of enormous amount of material and human resources expended on the arms race

...In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be

advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)



Photo: CIDA, Ellen Tolmie

(49)
**OBLIGATION TO ADDRESS THE URGENCY:
ELIMINATING THE ENVIRONMENTAL IMPACT OF MILITARY
ACTIVITY**

49.1. Preventing, eliminating and condemning the environmental impact of military activity

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women's Action Agenda, 1982)

49.2. Securing nature against degradation caused by warfare or other hostile activities

Nature shall be secured against degradation caused by warfare or other hostile activities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982)

49.3. Avoiding military activities damaging to nature

Military activities damaging to nature shall be avoided (Art. 22, UN Resolution, 37/7, World Charter of Nature, 1982)

49.4. Taking precautions to prevent discharge of radioactive or toxic wastes into natural systems

Special precautions shall be taken to prevent discharge (into natural systems) of radioactive or toxic wastes. (Art. 12 b UN Resolution, 37/7, World Charter of Nature, 1982)

49.5. Prohibiting the making of forests or other kinds of plant cover the object of attack by incendiary weapons

It is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons *except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives or are themselves military objectives* (Art. XI.1 Inhumane Weapon Convention of 1981, in force 1983)

49.6. Undertaking not to damage directly or indirectly any world heritage site

Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the...natural heritage ...situated on the territory of other States Parties to this Convention. (Art. VI.3 Convention of the Protection of Cultural and Natural Heritage of 1972, in force 1975)

(50)
**OBLIGATION TO ADDRESS THE URGENCY:
UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR
MILITARY PURPOSES**

50.1 Undertaking to not engage in military or any other hostile use of environmental modification techniques

Environmental Modification Convention of 1977 (in force 1978)

Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction damage or injury to any other State Party (Art. 1.1. Environmental Modification Convention of 1977, in force 1978)

(51)
**OBLIGATIONS TO ADDRESS THE URGENCY
CONTROLLING THE MILITARY BY GOVERNMENT, PROMOTING
CIVILIAN RULE**

51.1 Guarding against the encroachment on civilian functions of government by the armed forces

An essential ingredient of democracy is civilian rule and respect for civilian institutions and constitutional guidelines. It is critically important to guard against the encroachment on civilian functions of government by the armed forces -- both military and security forces. The armed forces must be subordinate to civilian institutions and must be subject to the same public scrutiny and accountability as the civilian government. In particular, military budgets and military involvement in the private sector must be subject to civilian control. External defense and internal security (police) functions must be clearly separated. Scarce public resources should not be devoted to excessive military expenditures and military involvement in the private sector should be curtailed. Cases of alleged violation of the law by military personnel should be investigated promptly in accordance with recognized legal procedures (Declaration, Summit of the Americas, 1994).

51.2. Preventing the causes of conflict

Peace is indivisible and security is the right of all and not the privilege of a few. Global security can only be achieved and maintained if just and lasting solutions are found to all conflicts. Global security *should shall*, however, be viewed in terms of its multidimensional aspects and be based *not only on military imperatives, but on a combination of political, economic and social factors* which together could eliminate the risks to global security caused by problems such as underdevelopment, poverty, environmental degradation (Group of Fifteen, Submission to UNCED 1992)

51.3. Affirming that military strength is no guarantee of security (International stability and security are prerequisites for economic growth and development. In the new international setting, military strength is no guarantee of security. The effects of mass migration, crime, the drug problem, disease, human rights violations, environmental degradation, pressures of population growth and underdevelopment transcend national borders. These new challenges to peace and security have implications at the local, regional and global levels) (Art. 140., Advance draft, Platform of Action, UN Conference on Women, May 15)



Photo: CIDA, Dilip Mehta

(52)

OBLIGATIONS TO ADDRESS THE URGENCY: RESPECTING HUMAN RIGHTS OF CIVILIANS

52.1. Undertaking to not make works or installations releasing dangerous forces (substances and activities) that could impact on civilians

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population. (Art. LVI.1 Bern (Geneva) Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

52.2. Protecting victims of International armed conflicts

- Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.
- Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

52.3. Prohibiting the starvation of civilians through attacking objects indispensable to the survival of civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern (Geneva) Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

(53)
**OBLIGATIONS TO ADDRESS URGENCY
PREVENTING OF GENOCIDE**

53.1. Declaring genocide to be a crime under international law contrary to the spirit and aims of the United Nations

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that

genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required (Preamble, Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.2. Undertaking to prevent and punish genocide

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish (Art. 1. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.3. Recognizing what constitutes genocide

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group

(Art. 2. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.4. Determining what is punishable

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide

(Art. 3. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.5. Establishing who is punishable: constitutionally responsible rulers, public officials or private individuals

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals (Art. 4. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.6. Undertaking to enact the necessary legislation to give effect to the provisions

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3. (Art. 5. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.7. Pledging to grant extradition

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force (Art. 7. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.8. Taking action under the Charter of United Nations to prevent acts of genocide

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3. (Art. 8. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

(54)
OBLIGATIONS TO ADDRESS URGENCY
SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS
PEACE WITH JUSTICE

54.1. Establish a new cooperative non-military preventive approach
A new cooperative non-military preventive approach is mandatory. This approach could be to have a peace force that is knowledgeable of the culture, and language etc. of different states, and that is capable at anticipating conflict.

54.2. Working with local groups to promote dialogue and nonviolent reconciliation in troubled places throughout the world
Promoting the widespread implementation of effective non-violent peacemaking in conflict areas around the world. To this end, Peaceworkers is recruiting, training, and organizing teams of international volunteers who will offer their services as non-violent peacemakers. (from Peaceworkers Brochure, 1995.)

54.3. Implementing cooperative approaches to peace and security issues

(In implementing cooperative approaches to peace and security issues, emphasis shall (should) (this requires that) be given to preventive strategies and to peace building as a particular prevention-oriented concept. The perspectives of women would provide a more constructive approach to the use of power and to the resolution of conflict) (Art. 135., Advance draft, Platform of Action, UN Conference on Women, May 15)

54.4. Ensuring Encouraging preventive diplomacy

(Encourage diplomacy, (preventive diplomacy,) negotiation and peaceful settlement of disputes in accordance with the Charter of the United Nations in particular Article 2, paragraphs 3 and 4) (Art. 147 b., Advance draft, Platform of Action, UN Conference on Women, May 15)

(55)
**OBLIGATIONS TO ADDRESS THE URGENCY
PROVIDING FOR AND PROTECTING CONSCIENTIOUS
OBJECTORS**

55.1. Protecting the rights of Conscientious objectors

(i) Conscience objection is exercised through a simple declaration that one is against military service on the grounds of conscience

(ii) With this public declaration, the objector releases himself or herself from the obligation to fulfill military service. This declaration is carried out before a civil court of the first instance.

(iii) In no way is the person who declares the objection obliged to compromise what he/she says, nor obliged to justify his/her ideas in front of a Tribunal of Conscience ∞∞ (4.2. Declaration of Conscientious objection, ∞)

(iv) Article 24 of the National Constitution prohibits the molesting of objectors, or does not require an investigation of the reasons for the beliefs or ideology. Article 33 of the Constitution prohibits that the personal or family details or the family life of the objector will be investigated.

(v) No one can negate or prevent the right of the person to declare conscientious objection

(4.2. Declaration of Conscientious objection, ∞) (translated from Spanish, from the Ecuadorian "La declaracion de objeccion de conciencia")

55.2. Enact legislation to allow conscientious objectors to redirect the military portion of the state budget to peaceful purposes

(Conscience Canada, Peace tax Campaign, War Resisters International)

55.3. Enact legislation to allow for taxpayers to direct military portion of taxes to socially equitable and environmentally sound development

55.4. Ensuring the right of freedom of conscience to non-cooperation with Military expenditure

(i) All persons have rights and duties, both as individuals and as members of their communities, and they also have the responsibility to hold those rights and duties in balance.

(ii) **The right to freedom of conscience is a fundamentally human right.** No person should be forced to violate a deeply-held conviction of conscience. Our concern is to contribute to the peaceful solution of conflicts; one aspect of this is our compelling concern for recognition of the right not to be involved, actively or passively, in the killing, **injuring, maiming** of our fellow human beings.

(iii) Most citizens are educated to believe that military measures are a necessary part of international relations. But we hold the strong conviction that nobody should support military preparations or actions, either by personal service, by contribution through taxation or by any other means. We also hold it to be a violation of conscience that anybody should be forced into giving such support.

(iv) We appeal to our fellow citizens and governments, **and to the United Nations** that they respect our conscientious objections to military expenditure by legal measures. Our final aim is to abolish all military expenditure and activity. We must work together with all people in building a society in which *armies the military is non-existent are not existing anymore* and in which all human rights are respected.

(Declaration made by participants in the 5th International Conference of Peace Tax Campaigners and War tax, 1994)



Photo: Kari Jones

(56)

**OBLIGATIONS TO ADDRESS URGENCY
ELIMINATING THE THREAT OF WAR AND PREVENTING CONFLICT**

56.1. Expressing will and the aspirations of all peoples to eradicate war

Expressing the will and the aspirations of all peoples to eradicate war from the life of mankind (humankind) and, above all, to avert a world-wide nuclear catastrophe (Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984).

56.2. Declaring that the preservation of the right of peoples to peace is a fundamental obligation of each state

Solemnly declares that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State (2. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

56.3. Eliminating the threat of war

Emphasizes that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations (3. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

56.4 Preventing the causes of conflict

Peace is indivisible and security is the right of all and not the privilege of a few. Global security can only be achieved and maintained if just and lasting solutions are found to all conflicts. Global security *should shall*, however, be viewed in terms of its multidimensional aspects and be based not only on military imperatives, but on a combination of political, economic and social factors which together could eliminate the risks to global security caused by problems such as underdevelopment, poverty, environmental degradation. (Group of Fifteen, Submission to UNCED, 1992)

56.5. Declaring the right of peoples to peace

Convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations (Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

56.6. Proclaiming the peoples sacred right to peace

Solemnly proclaims that the peoples of our planet have a sacred right to peace (1. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

56.7. Eliminating the threat of war

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and eliminating the threat of war, and agreed that in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among states.

56.8. Prohibiting any propaganda for war

Any propaganda for war shall be prohibited by law (Art. 20, International Covenant of Civil and Political Rights, 1966)

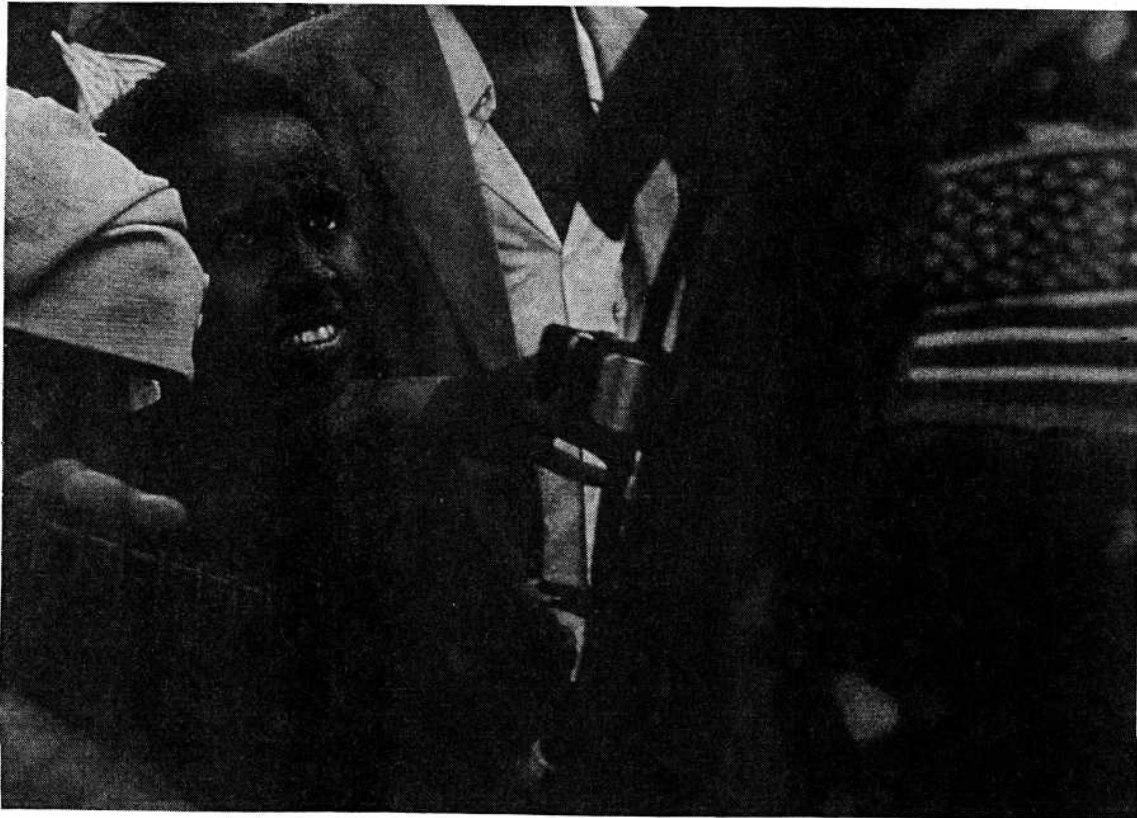


Photo: Paul Lowe

(57)

**OBLIGATIONS TO ADDRESS THE URGENCY:
ENSURING THE PEACEFUL USE OF COMMON HERITAGE**

57.1. Recognizing that the area (open sea) is the common heritage of mankind all humanity

Principles governing the Area Common heritage of *mankind all humanity* The Area and its resources are the common heritage of *mankind all humanity* (Article 136. Law of the Seas, 1982)

57.2. Undertaking to not implant or emplace on the seabed and the ocean any nuclear weapons or weapons of mass destruction

The States Parties to this Treaty undertake not to implant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a seabed zone (of 22 kilometre) any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using of such weapons (Art. 1.1. Seabed Treaty of 1971, in force 1972)

57.3. Prohibiting the establishment of military bases in Antarctica

Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons. (Antarctic Treaty of 1959, in force 1961)

57.4. Ensuring that the use of outer space is for the benefits of all mankind (humanity)

Outer Space Treaty of 1967 in force 1967

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all *mankind humanity*.... (Art. 1 Outer Space Treaty of 1967 in force 1967)

57.5. Forbidding the establishment of military bases, installations and fortifications and the testing of any type of weapon...

...the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden...(Art. IV Outer Space Treaty of 1967 in force 1967)

57.6. Reaffirming the importance of international co-operation in developing the rule of law in the peaceful use of outer space

Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of *mankind humanity* in promoting the exploration

and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point, Reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space, (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

57.7. (Affirming) that the moon shall be used for peaceful purposes

Moon Agreement of 1979, in force 1984

The moon shall be used by all States Parties exclusively for peaceful, **humanitarian and environmentally safe** purposes (Art.. III.1 Moon Agreement of 1979, in force 1984)

57.8. Declaring Moon to be common heritage

the moon and its natural resources are the common heritage of mankind (**humankind**)... (Art. XI.1. Moon Agreement of 1979, in force 1984)



Photo: Bernadetter Mertens

(58)
**OBLIGATIONS TO ADDRESS THE URGENCY
PREVENTING NUCLEAR CATASTROPHE**

58.1. Safeguarding world peace and averting a nuclear catastrophe

Safeguarding world peace and averting a nuclear catastrophe is one of the most important tasks today in which women have an essential role to play, especially by supporting actively the halting of the arms race followed by arms reduction and the attainment of a general and complete disarmament under effective international control...

(Par 250 Nairobi Forward Looking strategy for the Advancement of women, 1985) (§§ NOTE THERE IS NO MENTION OF "NUCLEAR CATASTROPHE IN THE MAY 15 DRAFT PLATFORM OF ACTION: NOTE BRACKETED SECTION BELOW)

58.2. Being convinced that the prevention of nuclear catastrophe is the most profound aspiration... of people

Convinced that the prevention of nuclear catastrophe is the most profound aspiration of billions of people on earth,(Condemnation of nuclear war General Assembly Resolution A/RES/38/75, 1983)

58.3. Recognizing the nature of a potential nuclear catastrophe

Worst case scenario would be the diversion of critical amounts of plutonium (even now there are materials unaccounted for MUF), the construction of even a crude atomic device, and the use or threat of use of this device by a terrorist group. In time this scenario would tend to become inevitable (Knelman, ERA Ecological Rights Association, 1995).

(59)
**OBLIGATIONS TO ADDRESS THE URGENCY
ELIMINATING WEAPONS OF MASS DESTRUCTION**

59.1. Eliminating weapons of mass destruction

Man (Humans) and their environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26)

58.2. Expressing alarm by the threat to the survival of humanity and to the life-sustaining system posed by nuclear weapons

Alarmed by the threat to the survival of *mankind* humanity and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence (Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

58.3. Promoting the elimination of (Eliminating) all weapons of mass destruction

(Promote the elimination Eliminate of all weapons of mass destruction, especially nuclear weapons) (Art. 145 f., Advance Draft Declaration and Platform for Action, May 15, 1995).

58.4. (Affirming that) peace depends on the prevention of the use or threat of the use of force...

Peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affair of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violation of human rights and fundamental freedoms (Par 13, Nairobi Forward Looking strategy for the Advancement of women, 1985)

58.5. Calling for the reduction of nuclear weapons until they are completely eliminated

Calls upon all States to unite and redouble their efforts aimed at removing the threat of nuclear war, halting the nuclear-arms race and reducing nuclear weapons until they are completely eliminated (3 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

58.6. Being convinced that nuclear disarmament is essential for the strengthening of international peace and security

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

58.7. Being convinced that prohibition of the use or threat of use of nuclear weapons would lead to complete elimination of nuclear weapons and to disarmament

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

58.8. Bringing about conditions among states in which a code of peaceful conduct would preclude the use or threat of use of nuclear weapons

Recalling its declaration, contained in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, that all States *should shall establish a actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and which would preclude the use or threat of use of nuclear weapons, the production and testing of nuclear weapons* (draft Convention on the prohibition of the use of nuclear weapons, A/RES/38/75, 1983)

58.9. Reaffirming that the use of nuclear weapons would be a crime against humanity

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

58.10. Reiterating the request to commence negotiations on a convention for the prohibiting the use or threat of use of nuclear weapons

Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, ∞)



(60)

OBLIGATIONS TO REMOVE THE THREAT OF NUCLEAR WAR AND CONDEMNING NUCLEAR WAR

60.1. Calling for the removing of the threat of nuclear war

Calls upon all States to unite and redouble their efforts aimed at removing the threat of nuclear war, halting the nuclear-arms race and reducing nuclear weapons until they are completely eliminated. (3 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

60.2. Condemning of nuclear war

Drawing the attention of all States and peoples to the conclusions arrived at by the most eminent scientists and military and civilian experts to the effect that it is impossible to limit the deadly consequences of nuclear war if it is ever begun and that in a nuclear war there can be no victors, (Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

60.3. Reaffirming call for a convention on the prohibition of the use of nuclear weapons

Reaffirming its call for the conclusion of an international convention on the prohibition of the use of nuclear weapons with the participation of all the nuclear-weapon States, (Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

60.4. Condemning of nuclear war as being contrary to human conscience and reason

60.5. Condemning of nuclear war as being the most monstrous crime against peoples

Resolutely, unconditionally and for all time condemns nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life (1 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

60.6. Condemning the formulation of propaganda of political and military doctrines intended to provide "legitimacy" for the first use of nuclear weapons

Condemns the formulation, propounding, dissemination and propaganda of political and military doctrines and concepts intended to provide 'legitimacy' for the first use of nuclear weapons and in general to justify the 'admissibility' of unleashing nuclear war (2 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

(61)
**OBLIGATIONS TO ADDRESS THE URGENCY
BANNING THE TESTING OF NUCLEAR WEAPONS**

61.1. Reaffirming urgent need for a comprehensive nuclear-test ban treaty

Reaffirming its conviction that an end to nuclear-weapon testing by all States in all environments would be a major step towards ending the ... improvement, development and proliferation of nuclear weapons, a means of relieving the deep apprehension concerning the harmful consequences of radioactive contamination for the health of present and future generations and a measure of the utmost importance in bringing the nuclear-arms race to an end. (General Assembly Resolution A/RES/38/63 Urgent need for a Comprehensive Nuclear-test-ban Treaty, 1983)

61.2. Condemning nuclear testing

vi against nuclear testing and in favor of the dismantlement of nuclear plants (Youth Treaty, UNCED, 1992)

61.3. Undertaking to prohibit and prevent *atmospheric* (all) nuclear weapons testing

Each of the Parties to this Treaty undertakes to prohibit, to prevent and not to carry out any nuclear weapon test explosion, or any other nuclear explosion * *at any place under its jurisdiction or control:*

- (i) *in the atmosphere; beyond its limits, including outer space; or under water including territorial waters or high seas (a); or*
- (ii) *in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted... (b)*

(Partial Test Ban Treaty of 1963 in force 1963)

* note the phrase "any other nuclear explosion" in article I.1. is interpreted to mean "any other non-hostile nuclear explosion")

Photo: Donald McCullin



(62)
**OBLIGATIONS TO ADDRESS THE URGENCY
RECOGNIZING THE LINKING BETWEEN CIVIL NUCLEAR ENERGY
AND NUCLEAR ARMS AND NEED TO PHASE OUT CIVIL NUCLEAR
POWER**

62.1. Recognizing the linking of civil nuclear energy and nuclear arms

There is a tragic link between civil nuclear power and nuclear weapons. Uranium is the starting material for both technologies. All major uranium mines in the world are civilian operated. Nevertheless military nuclear operations manage to secure the critical materials to produce nuclear weapons (Knelman, ERA Ecological Rights Association, 1995)

62.1. Phasing out the mining of uranium and civil nuclear power

We urge that All new nuclear research, development, production, and use be stopped, that uranium mining be halted, and that nuclear power production and use be phased out and replaced by environment-friendly energy sources. (Women's Action Agenda, 1992)

62.1. Phase out nuclear energy and fossil fuel

The phasing out of nuclear energy and fossil fuels was proposed in the 1992 Nobel Laureate Declaration for UNCED

62.1. Undertaking to not receive or transfer nuclear arms devices or information to other states

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. (Art. II, Nuclear-weapon Non-proliferation Treaty of 1968, in force 1970)

62.1.* Limiting of means of injuring belligerents

Annex Article XXII *the right of belligerents to adopt means of injuring the enemy is not unlimited* **A belligerent state has no right to injure another**
Annex Article LV The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct. (Hague Convention ii of 1899 with respect to the laws and customs of war on land and reaffirmed in Hague Convention IV of 1907, in force 1910 respecting the Laws and Customs of War on Land)

(63)
**OBLIGATIONS TO ADDRESS THE URGENCY
VIOLATING ARMS CONTROL**

COMMENT ON VIOLATION IN ARMS CONTROL

63.1. Non-Proliferation Treaty (NPT)

- Article I: prohibits the transfer of weapons directly or indirectly from states in possession of nuclear weapons to states not in possess
- Article II: disallows receipt or manufacture of nuclear weapons by non nuclear weapon states
- Article III: seeks to assure that materials and facilities in non-nuclear weapon states are used for peaceful purposes only by application of safeguards by the IAEA
- Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.

VIOLATION IN ARMS CONTROL

(F.H. Knelman Ph.D.)

63.2. Military Budgets and Strategic Policy

A dramatic rise in military budgets occurred during the eight years of the Reagan Administration. 1980-1988. For example, in 1981 the Global military budget stood at 580 Billion, while by 1991 it had just about doubled to approximately 1 trillion. The Reagan administration, through a group of secret presidential directives, had abandoned the strategy of deterrence or Mutual Assured Destruction i.e. MAD in favour of a clear nuclear war-fighting, war-winning strategy. The weapon systems and their delivery systems were re-designed for first strike and "decapitation" i.e. destruction of the Soviet's command and control installations. The above strategy has largely remained in place through the Bush and Clinton Administrations. First use/first strike options are operational even against non-nuclear weapon states.

63.3. Arms control

Two key treaties mark the most successful accomplishment of arms control. These are the non-proliferation Treaty NPT which came into force in 1970 and the anti- ballistic missile ABM treaty of 1972.

The essence of NPT was a treaty between two classes of adherents, the "nuclear weapon states" (NWS) i.e. those who had detonated nuclear weapons prior to 1967 i.e.. US, Britain, France, China, and USSR and the "Non nuclear weapon states" (NNWS) those who had not. The NNWS agreed not to manufacture or receive or acquire nuclear explosives of any kind including so-called peaceful nuclear explosives (PNEs) and to accept the role and safeguards of the international Atomic Energy Commission of Vienna (IAEA) as the Agency that would monitor through "Full-scope safeguards". All ratifiers agreed not to export nuclear equipment or materials to NNWSs except under IAEA safeguards and NWS agreed not to assist NNWSs to acquire nuclear weapons. All countries with knowledge of civil nuclear power pledged to assist those who wished to acquire it. Finally the NNWSs pledged to pursue negotiations in good faith to end the arms race and achieve nuclear disarmament under International control (Article VI) in practice this only applied to the US. and the USSR.

NPT also was to last 25 years with 5 year reviews, the last review being on May 12, 1995. The renewal period would then be subject to a vote based on whether the articles of the treaty had been fulfilled and pursued in good faith.

At the same time certain auxiliary arms control initiatives became informally attached to NPT and in particular to its post 1995 extension. These were broadly supported by the group on non-aligned NPT signatories. The first and perhaps most important of these was a call for the criminalization of nuclear weapons "by use or threat of use" (The World Court Project). This culminated in an UN General Assembly resolution passed in December 1994 requesting a judgment by the International Court of Justice on this matter. This initiative reflected the frustration over some two decades of violation of Article VI of NPT. Finally it should be noted that the "threat of use" was not in the original world Court Proposal and that this author played a role in its addition.

Further to the question of the violation of article VI, the total number of nuclear weapons in 1970, the date of the signing of NPT was 39,595. The total number as of late 1994 was 49,910. In other words not only was article VI completely violated but the number of nuclear weapons increased by some 25% in the 25 year period. But even if we go to the year 2003, when it is hoped START I and START II will have been completed, the US and Russia will still have some 10,000 each of which about 3500 will be strategic, the remainder tactical. At the same time the arsenals of China, France and the UK will continue to grow, let alone those of Israel, India and Pakistan (non- signatories of NPT). START II is in jeopardy. Both US and Russia (or former Soviet Union) are having second thoughts. But there is also an even greater deception regarding Article VI. While the actual number of strategic weapons will be reduced significantly in the two countries, the operational and force effectiveness of particularly the US arsenal will actually be superior than that of the pre-START period. This deception is a loophole not considered in the NPT article VI was also consistently violated by the other three weapons states. This continues to this day.

The other conditions that became attached to the renewal of NPT in 1995 are:

1. A comprehensive Test Ban Treaty (CTB).

The Atmospheric Test Ban Treaty (ATB) of 1967 was one of significant arms control initiatives and the result of a world-wide protest against the biological hazards of fall-out. However, the US followed by the USSR circumvented the full intent of this treaty by going underground. Despite this, there was much so-called accidentally venting from such tests, particularly high yield ones. Moreover there were serious geological hazards also involved. This led to the 1974 Threshold Test Ban Treaty (TTBT) which limited the yield of such tests to 150 kilotons (Hiroshima Bomb was 20 K). This was consistently violated by both superpowers. Despite the fact that the vast majority of independent scientists agreed that it was not necessary to explode nuclear devices either to test new warheads or maintain the reliability of the arsenal, the two superpowers conducted thousands of tests.

2. An immediate cut-off in the production of weapons grade fissionable materials and uranium 235 and Plutonium 239 i.e. a suffocation policy.

This was totally ignored by the weapon states. There is a serious loophole in the entire NPT safeguards regime which has been completely ignored by uranium exporters such as Canada and by IAEA. It has to do with "depleted uranium" i.e. uranium 238 which is left over from the enrichment process. It also should be noted that the NWS are not subject to any IAEA monitoring, a serious flaw in NPT, (eg. Canada's sale of a CANDU to China).

3. An agreement to never use nuclear weapons first against any NNWS that signed NPT, later extended to a general "No first Use" pledge. We know for certain that the US and NATO have a "first use" policy against any state they define as an enemy or threatening their security or extra-sovereign interests.

4. To abide strictly to the Anti Ballistic Missile (ABM) Treaty of 1972.

This is one of the most important arms control treaties. It limits anti-missile sites to only two in the US and now Russia. It was an agreement not to attempt to create invulnerability, by one of the superpowers thereby violating the basic deterrent principle of MAD. The Reagan initiative "Star Wars" was considered by almost all experts as a clear violation of ABM. Unfortunately the Clinton administration has decided to develop such a system but to delay deploying it. The Republican majority are in favour of deployment.

In general all of the above conditions have been thwarted while Article VI continues to be violated in multiple ways including a lack of being comprehensive i.e. involving all NWSs. Qualitative developments in all aspects of the nuclear weapons systems continues unabated. By agreeing to an indefinite extension of NPT on May 12 1995, the signatories have become a party to past and future violations, having given the NWSs, a blank cheque.

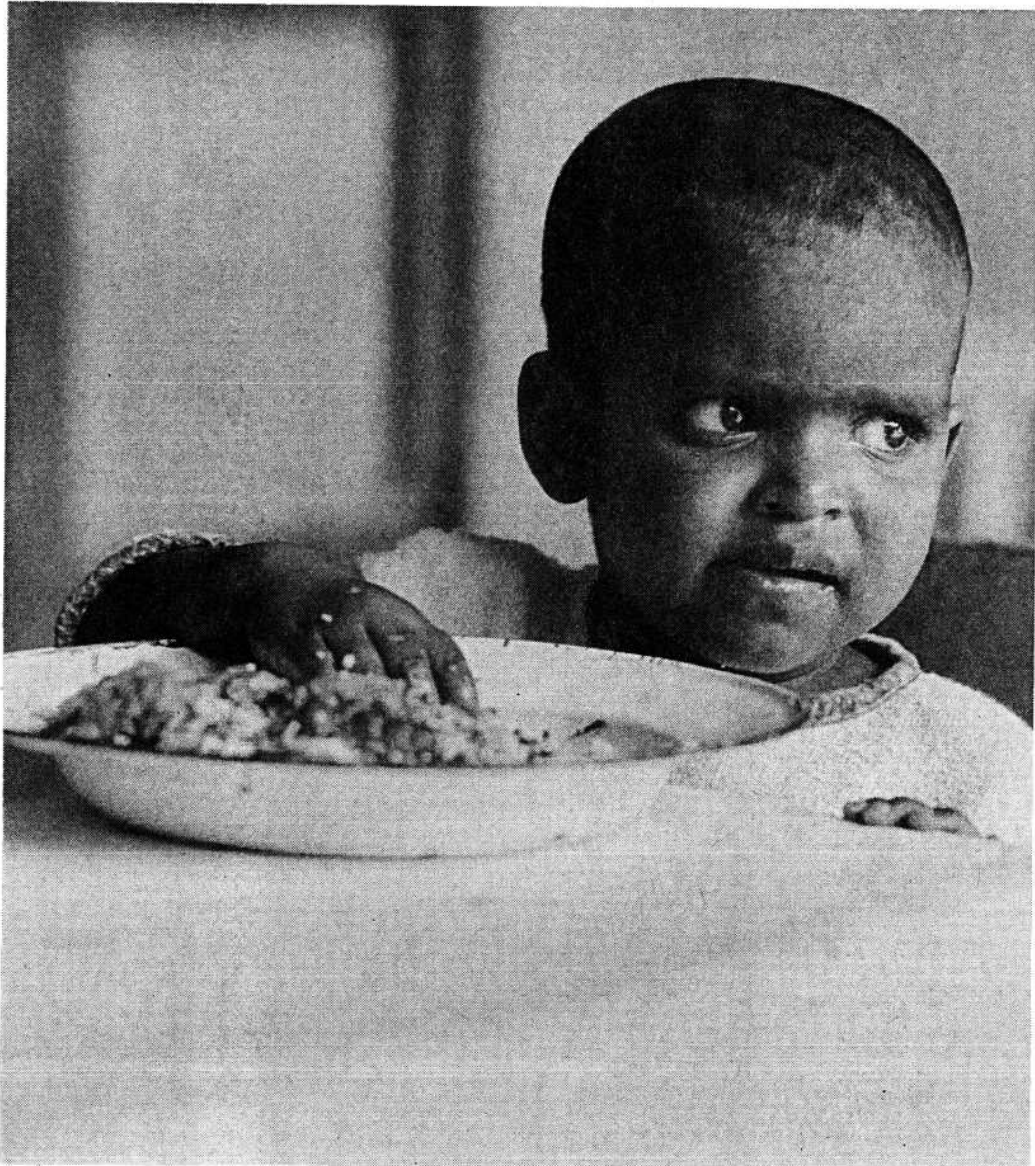


Photo: CID, Dilip Mehta

(64)

**OBLIGATIONS TO ADDRESS THE URGENCY
ELIMINATING THE PRODUCTION, SALE, AND USE OF LAND MINES**

- 64.1. Banning the production, sale and use of land mines**
- 64.2. Dismantling of existing antipersonnel land mines.**
- 64.3. Imposing conflict damage reparation against nations and private corporate equipment**

Ban the production, sale and use of land mines and
Dismantling of existing antipersonnel land mines.
Impose conflict damage reparation against nations and private or
corporate equipment; (Anti-Land Mines... publication, 1995)



Photo: Jim White

(65)
**OBLIGATIONS TO ADDRESS THE URGENCY
PROHIBITING DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY
WEAPONS AND DEVICES**

65.1. **Ban all trade fairs for weapons and military equipment;**
Ban all trade fairs for weapons and military equipment (Voice of Women, 1995)

65.2. **Eliminate all subsidies to military research, production, marketing and trade**
All subsidies to military research, production, marketing and trade shall be eliminated (Voice of Women, 1995)

65.3. **Recognizing that women's NGO have called for reduction.. of international trade, trafficking and proliferation of weapons**
Many women's non-governmental organizations have called for reductions in military expenditures world wide, as well as international trade, trafficking and proliferation of weapons... (139, May 15 draft of the Platform of Action)

65.4. **Supporting the international campaign to ban Land mines**
States and all citizens shall support the international campaign to ban land mines and demand that countries responsible for laying mines, and countries which have profited from the sale of land mines contribute to the costs of the demining process (Drawn from Land mine Abolition, A Background Report on Cambodia, 1995)

65.5. **Prohibiting the use in war of poison gas and biological warfare**
(the parties accept a prohibition of) the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices (and) agree to extend this prohibition to the use of bacteriological methods of warfare (Geneva Protocol of 1925 on Chemical and Bacteriological Warfare, in force, 1928)

65.6. **Undertaking to never develop, produce or stockpile biological toxins for purpose of warfare**
Bacteriological and Toxin Weapon Convention of 1972 in force 1975
Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile, or otherwise acquire or retain: 1. Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic protective or other peaceful purposes; 2. Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. (Article 1, Bacteriological and Toxin Weapon Convention of 1972 in force 1975)

65.7. Prohibiting or restricting use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

65.8. Disarming and the terminating of weapon production

The promotion of complete disarmament, the termination of all weapon production and trade, and the ending of military technology transfer (Interfaith Charter response through the Internet, 1994)



Photo: Donald McCullin

(66)
**OBLIGATIONS TO ADDRESS URGENCY:
REDUCING, FREEZING OF THE MILITARY BUDGET**

(Note that it is not only women's NGOs that have called for the reduction of the military expenditures; several General Assembly resolutions have also called for not only the reduction of military budget but the freezing of the military budget at 1981 levels)

66.1. Recognizing that women's NGOs have called for reductions in military budget

Many women's non-governmental organizations have called for reductions in military expenditures world wide, as well as international trade, trafficking and proliferation of weapons. Those affected most negatively by (conflict) (excessive military spending) are people living in poverty, who are deprived because of the lack of investment in basic services. Women living in poverty, and particularly rural women, also suffer from the effects of the use of arms that are particularly injurious or have indiscriminate effects. There are more than one hundred million anti-personnel land-mines scattered in 64 countries globally. (Excessive military spending is one of the main constraints for development.) (At the same time, maintenance of national security and peace (is an important factor) (is essential) for economic growth and development and the empowerment of women) (Art. 139 Advance draft, Platform of Action, UN Conference on Women, May 15)



Photo: CIDA, Dilip Mehta

66.2. Expressing concern about military expenditures and the consequent waste of human and economic resources

- Deeply concerned by the arms buildup and trends in military expenditures, the consequent waste of human and economic resources and the resulting risks for world peace and security
- Also concerned by the extent of the crisis affecting the world economy, particularly the developing countries (Relationship between Disarmament and Development, UN resolution 38/71, 1983)

66.3. Considering the magnitude of military expenditures and the implications can not be ignored

Considering that the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order (Relationship between Disarmament and Development, UN resolution 38/71, 1983)

66.4. Reducing... excessive military expenditures

*To facilitate the implementation of the Platform for Action, Governments should **shall** reduce, as appropriate, excessive military expenditures and investments for arms production and acquisition, to 1982 levels as agreed in UN resolution 36/82 consistent with national security requirements* (Art. 350. Advance draft, Platform of Action, UN Conference on Women, May 15)

66.5. Reinforcing the need to reduce the military budget with a view to freeze, reduce or otherwise restrain military expenditures

Reaffirms the urgent need to reinforce the endeavours of all States and international action in the area of the reduction of military budgets, with a view to reaching international agreements to freeze, reduce or otherwise restrain military expenditures (A. 1 Resolution 36/82 1981, Reduction of Military Budgets. 1981)

66.6. Exercising self-restraint in military expenditures with view to reallocating funds to benefit developing countries

Reiterates the appeal to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981)

66.7. Achieving agreement to freeze, reduce or otherwise restrain

Recalling its resolution 34/83 F of 11 December 1979, in which it considered that a new impetus should be given to endeavours to achieve agreements to freeze, reduce or otherwise restrain, in a balanced manner, military expenditures, including adequate measures

of verification satisfactory to all parties concerned (Preamble, UN Resolution 36/82 Reduction of Military Budgets, 1981)

66.8. Reaffirming possibility of continued and systematic reductions in military budget without detriment to national security

Reaffirming that it is possible to achieve continued and systematic reductions in military budgets without affecting the military balance to the detriment of the national security of any State, (Preamble, UN Resolution 36/82 1981, Reduction of Military Budgets. 1981)

66.9. Renewing efforts to reach agreement on the reduction of military expenditures

Recalling the Declaration of the 1980s as the Second Disarmament Decade, which provides that during this period renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation of resources thus saved to economic and social development, especially for the benefit of developing countries, (Preamble, UN Resolution 36/82 1981, Reduction of Military Budgets)



Photo: United Nations, J.K. Isaac

(67)

**OBLIGATIONS TO ADDRESS URGENCY:
TRANSFERRING THE MILITARY BUDGET TO SOCIALLY EQUITABLE
AND ECOLOGICALLY SOUND DEVELOPMENT**

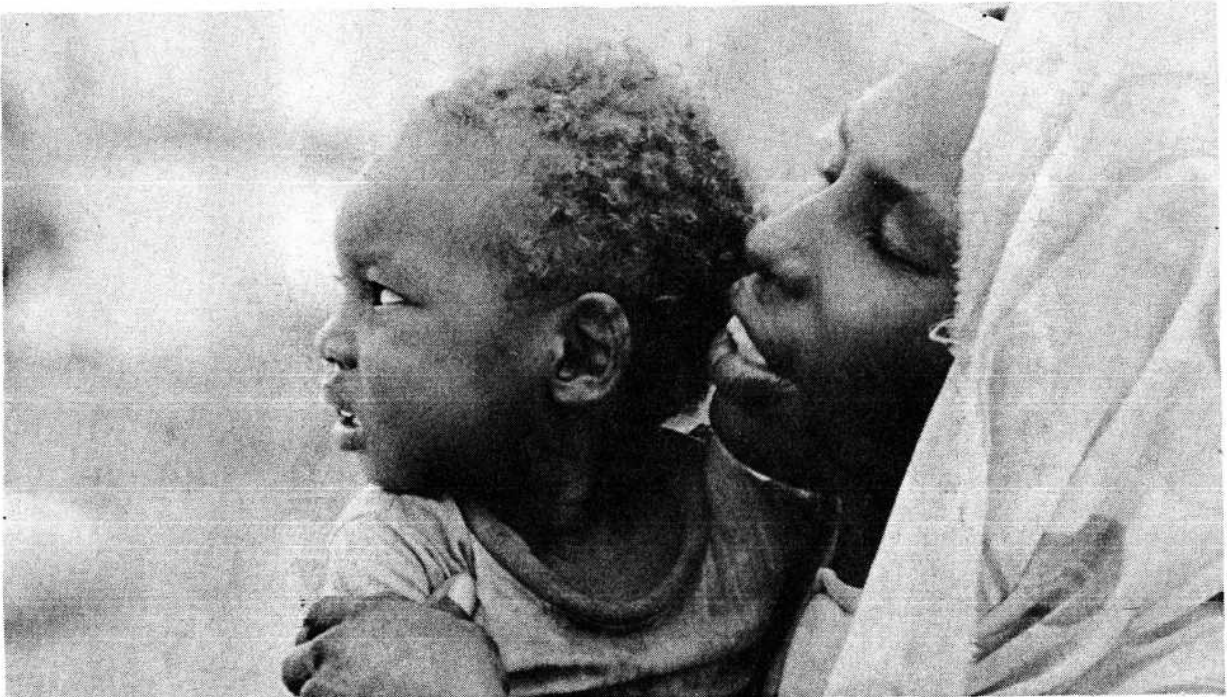
67.1. Canceling debt burden by multilateral financial and development institutions

By multilateral financial and development institutions, including the World Bank, the International Monetary Fund and regional development institutions, and through bilateral development cooperation:

(Cancel or substantially reduce the debt burden, or convert debt services of developing countries, in particular the highly indebted low-income countries, in order to help them to finance programmes and projects targeted at development, including the advancement of women, and to achieve sustained economic growth and sustainable development without falling into a new debt crisis) (61 c Advance draft, Platform of Action, UN Conference on Women, May 15)

67.2. Restricting of "military charges" for the increase of material and moral welfare of *mankind* humanity

The conference is of the opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of *mankind*." **humanity** (Preamble of resolution Final Act Hague Peace Conference 1899)



67.3. Limiting of armed forces by land and sea and of war budgets
The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea and of war budgets. (4 Final Act Hague Peace Conference 1899)

67.4. Transferring money from weapons to food
The money spent by the world on weapons in one week is enough to feed all the people on Earth for a year. When millions of people go hungry each day how can we spend another dollar on war? (statement from "Food not Bombs", 1995)

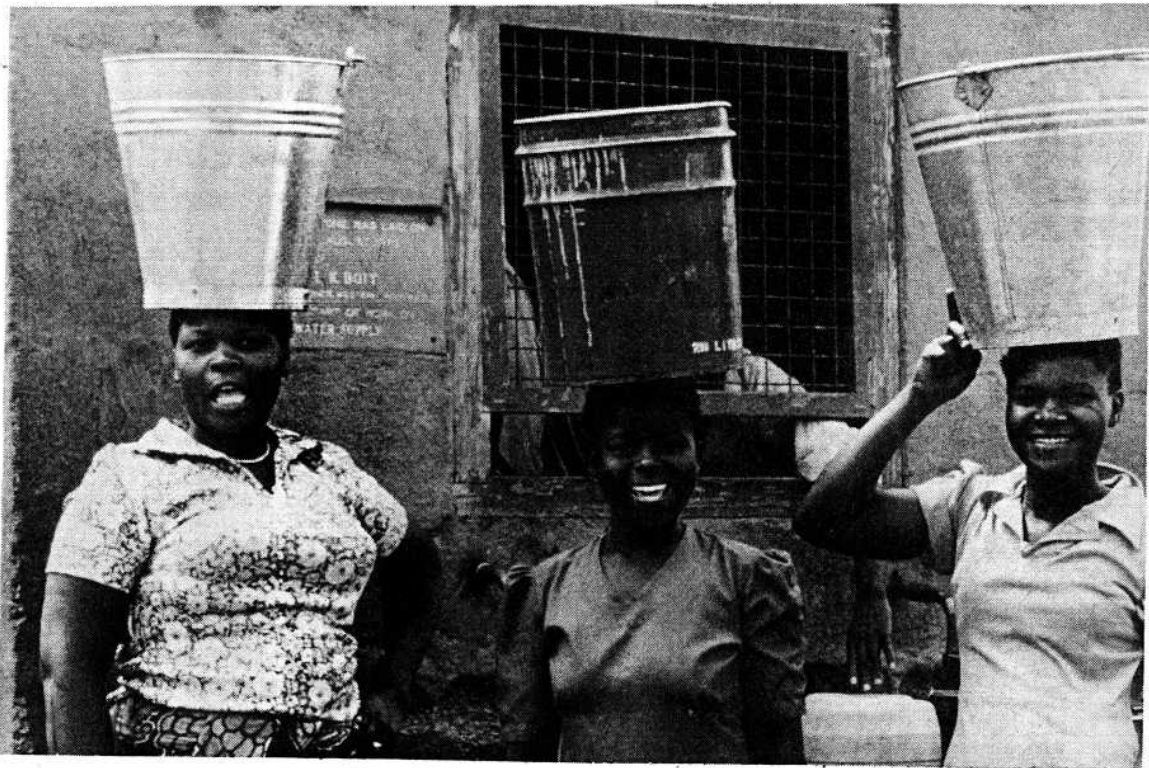


Photo: Canadian International Development Agency (CIDA)

67.5. Reaffirming a close relationship between disarmament and development

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures *should shall* be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries, Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986

67.6. Reallocating resources released by effective disarmament measures...to...development particularly for the benefit of developing countries

Reaffirming the provisions of the Final Document of the Tenth Special Session of the General Assembly, according to which gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage, particularly by nuclear-weapon States and other militarily significant States, would contribute to curbing the arms race and would increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries (Resolution 36/82 1981, Reduction of Military Budgets. 1981)

67.7. Exercising self-restraint pending the conclusion of agreements on the reduction of military expenditures

Reiterates the appeal to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981)

67.8. Reallocation of resources saved by reduction of military budget to...benefit of developing countries

Recalling the Declaration of the 1980s as the Second Disarmament Decade, which provides that during this period renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation of resources thus saved to economic and social development, especially for the benefit of developing countries, (Preamble, UN Resolution 36/82 1981, Reduction of Military Budgets)

67.9. Releasing additional resources especially from nuclear weapon and other militarily important states for benefit of the developing states

Also considering that a reduction of arms expenditures, especially by nuclear-weapon States and other militarily important States, on a mutually agreed basis would be a measure that would curb the arms buildup and would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries (Relationship between disarmament and development, UN resolution 38/71, 1983)

67.10. Ensuring that the resources released by effective disarmament measures used for development by developing countries

All States *should shall* promote the establishment, maintenance and strengthening of international peace and security and, to that end, *should do their utmost to shall* achieve general and complete disarmament under effective international control, as well as to ensure

that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries. (Declaration on the Right to Development Adopted by General Assembly resolution 41/128 of 4 December 1986)

67.11. Transferring of the global military budget

The global military budget shall be transferred to achieve social justice, to protect human rights, to preserve ecological heritage, to create ecologically safe and sound employment. (ERA Ecological Rights Association UN Proclamation for Translating Rhetoric into Action, 1992)



Photo: Cam Cooper

COMMENT: REDIRECTING THE GLOBAL MILITARY BUDGET

67.12. Reducing of global military budget immediately to 1981 as agreed to through UN General Assembly resolutions

Reducing of global military budget to 1981 levels, and transferring of funds to socially equitable and environmentally sound development. In 1981 the General Assembly undertook to freeze the global military budget which was 50% of the current military budget in 1995. There must be an immediate 50% reduction of the global military budget, with an undertaking to reduce the budget by an additional 5% each year, and an immediate transfer of this budget to socially equitable and environmentally sound development. The \$400 billion, approximately 50% of the current global 1995 military budget, could be spent in the following way:

67.13. Proposing socially equitable and environmentally sound use of global military budget

Socially equitable and environmentally sound development	Cost per annum in billions.
Safe, clean water	\$ 50
Shelter for all	\$ 21
Food for all and end to hunger	\$ 19
Health care for all	\$ 15
End of illiteracy	\$ 5
Education to stabilize population	\$ 10.5
Clean, safe renewable energy	\$ 17
Prevention of soil erosion	\$ 24
Prevent acid rain	\$ 8
Prevent climate change	\$ 8
Stop ozone depletion	\$ 5
Stop deforestation	\$ 7
TOTAL	\$189.5
(Source: 1991 W.C. Institute)	
US nuclear and toxic sites (no technically feasible way of cleaning up nuclear sites; thus need for a phasing out of use of nuclear)	\$500+
Former Soviet Union nuclear and toxic sites	\$500+
Contingency	\$ 10.5
TOTAL	\$400

PROPOSAL BY THE ERA ECOLOGICAL RIGHTS ASSOCIATIONS

67.14. Reallocation of military spending to ensure a greater resource for public services

Access to public services calls for the reallocation of military spending to ensure a greater pocket of resources to expand public services (Prep Com ii UN Secretariat plan of Action, World Summit for Social Development, 1995)

67.15. Increasing the conversion of military resources and related industries to (socially equitable and environmentally sound) development /peaceful

Increase and hasten, as appropriate, to national security considerations, the conversion of military resources and related industries to (development/peaceful) purposes (145 a Advance draft, Platform of Action, UN Conference on Women, May 15)

67.16. Conversion of all Military training facilities

Convert all military training facilities into civilian institutions • Undertake a time-bound program for conversion of military structures. (Voice of Women, 1995)

67.17. Reordering of priorities: not expensive in context of military expenditures

Many of the quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required—nor all of them combined— is expensive in the context of either current global development or military expenditures.(1.19 1994 International Conference on Population and Development, 1994)

67.18. Redirecting of military spending towards social and environmental ends

Against militarism, demanding that military spending be re-directed towards social and environmental ends (ii. Youth Treaty, UNCED, 1992)

67.19. Redirecting of monies from military expenditures to socially equitable and environmentally sound development

The monies derived from military expenditures shall be transferred into socially equitable and environmentally-sound development, and in particular to the fulfillment of basic human needs.

67.20. Increasing and hastening conversion of military resources and related industries

Increase and hasten, as appropriate, to national security considerations, the conversion of military resources and related industries to (development/peaceful) purposes (Art. 145 a, Advance draft, Platform of Action, UN Conference on Women, May 15)

(68)
**OBLIGATIONS TO ADDRESS URGENCY:
CANCELING DEBT FROM POOR NATIONS**

68.1. Canceling of debt from poor nations

(Cancel or substantially reduce the debt burden, or convert debt services of developing countries, in particular the highly indebted low-income countries, in order to help them to finance programmes and projects targeted at development, including the advancement of women, and to achieve sustained economic growth and sustainable development without falling into a new debt crisis) (61 c Advance draft, Platform of Action, UN Conference on Women, May 15)

68.2. Demanding Cancellation of Foreign Debt

- (i) In full knowledge that the industrialized nations have been the net beneficiaries of exploitation of the abundant natural resources of poor nations.
- (ii) Observing the disastrous social, environmental, and economic consequences of international lending practices and current terms of trade between industrialized and non-industrialized nations,
- (iii) Concerned about the negative impact on the poor, especially women and children, of the International Monetary Fund and World Bank structural adjustment polices
- (iv) Appalled by the flow of capital from poor nations to the banking systems of rich nations, depriving them of funds for needed domestic, social, economic, health and education programs
- (v) Recognizing the grievous consequences of this practice for poor families in the developing countries and for the natural resources upon which we all depend,
- (vi) We demand immediate official foreign debt cancellation..
- (vii) We will oppose those debt for nature exchanges (swaps) that are not subject to wide public debate and that threaten sovereignty and indigenous peoples' rights to land and self-determination
- (viii) We will hold personally accountable corrupt officials, who borrow in the name of their people, for the social and environmental consequences of those loans and for personal misuse of such funds.

- (ix) We demand a total ban on the export of goods rejected for local consumption in or by the country of origin
- (x) We suggest that historic audits of nation states (from 1945 onward) be conducted to determine the net beneficiary of natural resources exploitation, an assessment that would serve as the basis to cancel current foreign debt (Women's Action Agenda, 1992)

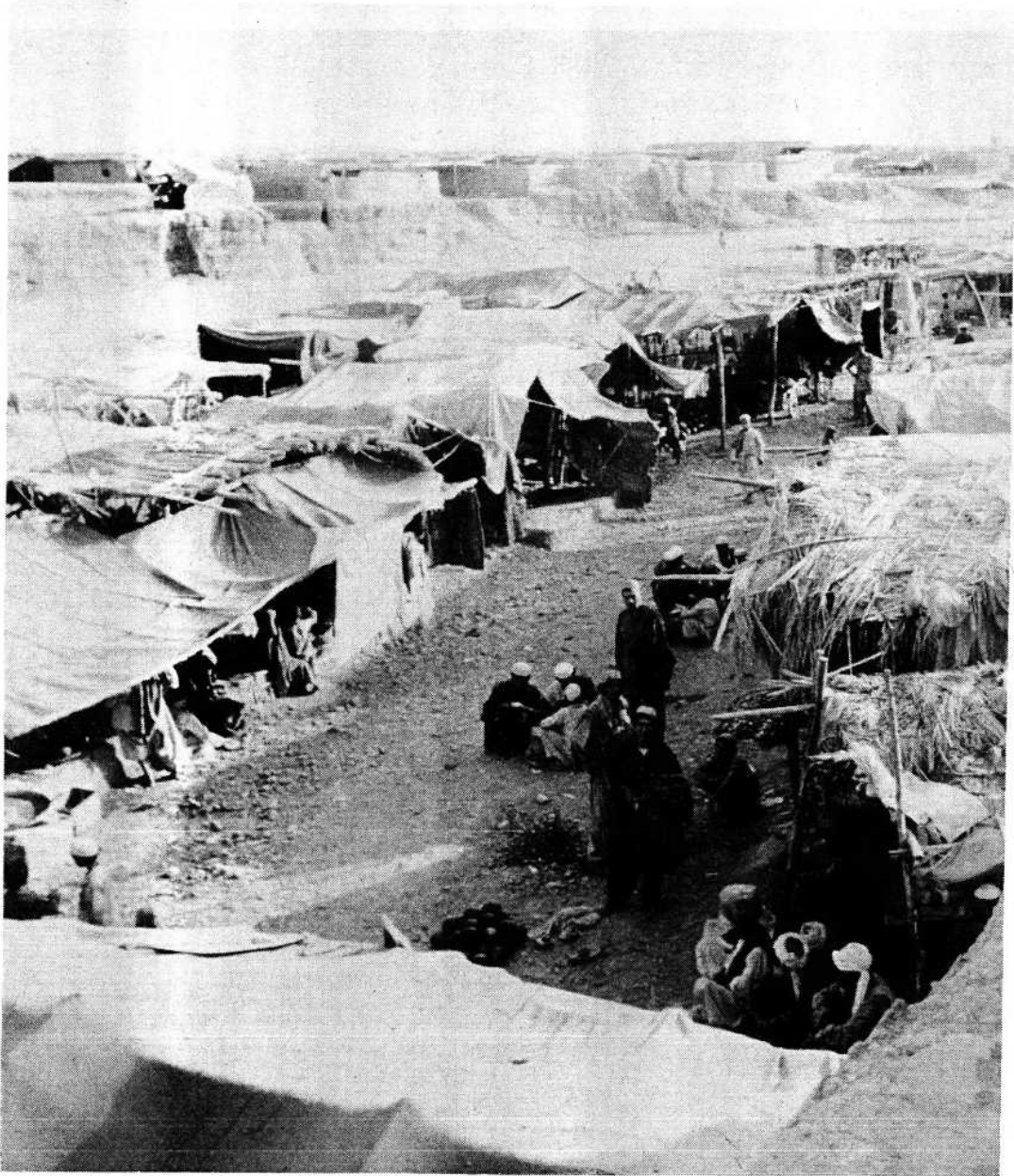


Photo: CIDA, Dilip Mehta

(69)
**OBLIGATIONS TO ADDRESS THE URGENCY
ENSURING EQUALITY AND PEACE**

69.1. Ensuring gender Equality/equity in promoting international peace

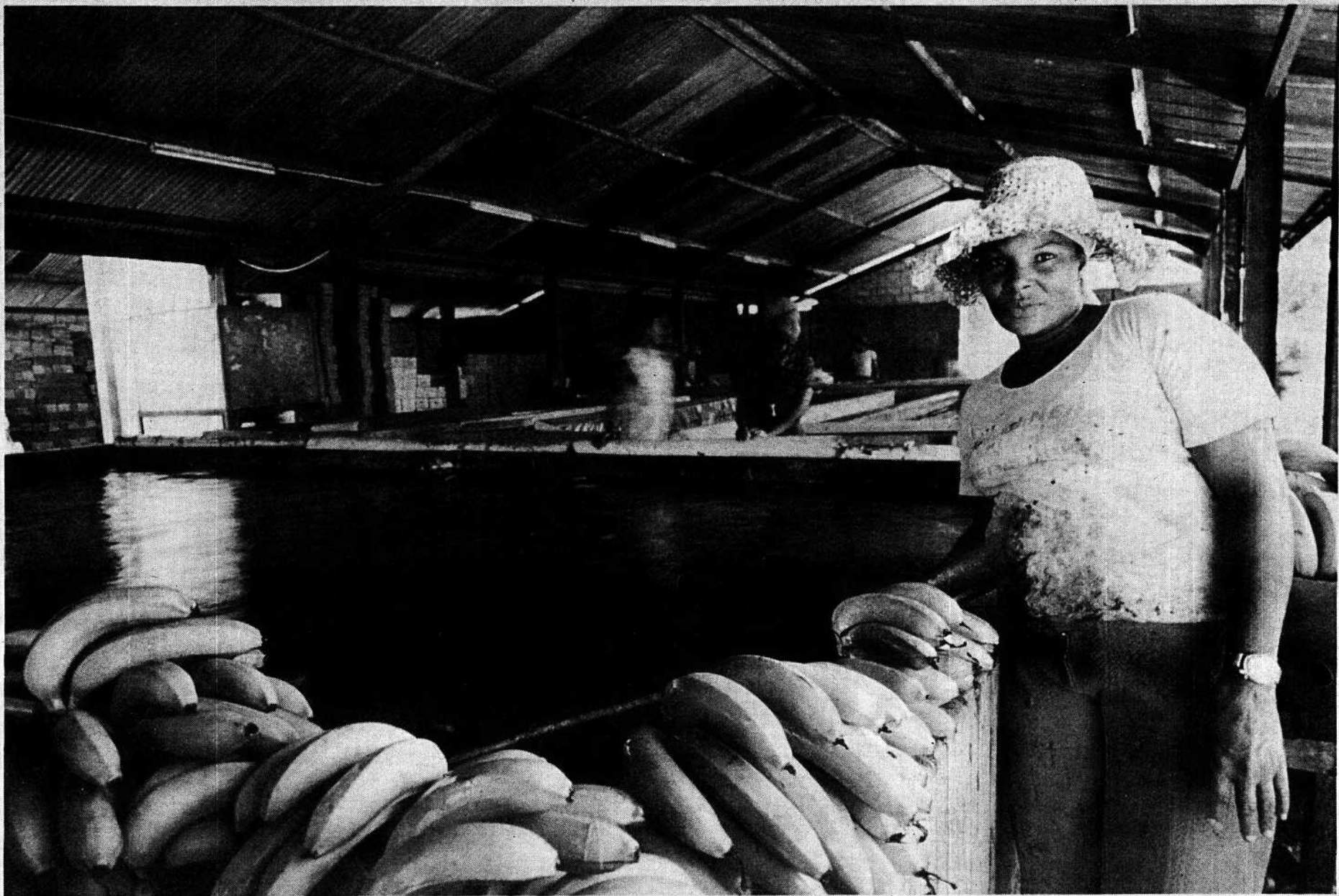
Women and men have an equal right and the same vital interest in contributing to international peace and co-operation. Women *should* **{shall}** participate fully in all efforts to strengthen and maintain international peace and security and to promote international co-operation, diplomacy, the process of detente, disarmament the nuclear field in particular, and respect for the principle of the Charter of the United Nations, *including respect for the sovereign rights of States, guarantees of fundamental freedoms and human rights, such as recognition of the dignity of the individual and self-determination, and freedom of thought, conscience, expression, association, assembly, communication and movement without distinction as to race, sex, political and religious beliefs, language or ethnic origin, as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin property, birth, sexual orientation, family structure, or other status* (Principle 1, International Conference on Population and Development, 1994)

69.2. Removing the obstacles for women's participation in the promotion of peace

The commitment to remove the **structural** obstacles to women's participation in the promotion of peace *should shall* be strengthened. (Par 240, Nairobi Forward looking strategy, 1985)



Photo: Kari Jones



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Grenada

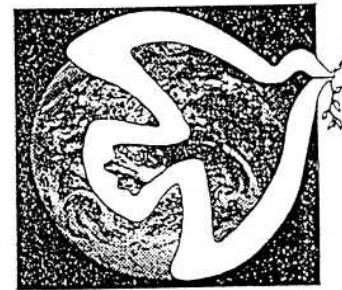
Bruce Paton

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(12)

NUCLEAR AGE PEACE FOUNDATION AND WHISTLER FOUNDATION FOR A SUSTAINABLE ENVIRONMENT

"The primary goal of the summit will be to lay the foundation for a global partnership between developing and developed countries based on mutual need and common interest, to ensure the future of the planet. This partnership will undoubtedly require the mutual solution of the population and over consumption issues. Equity and environment problems are linked and must be solved together. Further, the only major source of the discretionary funds necessary for addressing these issues rests in the radical reduction of the military budgets of the Nations of the World" – Dr Fred Kneiman, Vice President of the Whistler Foundation For a Sustainable Environment; and Dr David Krieger, President of the Nuclear Age Peace Foundation.



NOBEL LAUREATE STATEMENT TO UNCED 92

We, the undersigned Nobel Laureates, urge all nations and peoples to unite in the great cause of creating a secure and sustainable Earth.

This important conference, Earth Summit, links two key issues of sustainability – environment and development – and offers a unique opportunity to find global solutions to problems threatening our common future.

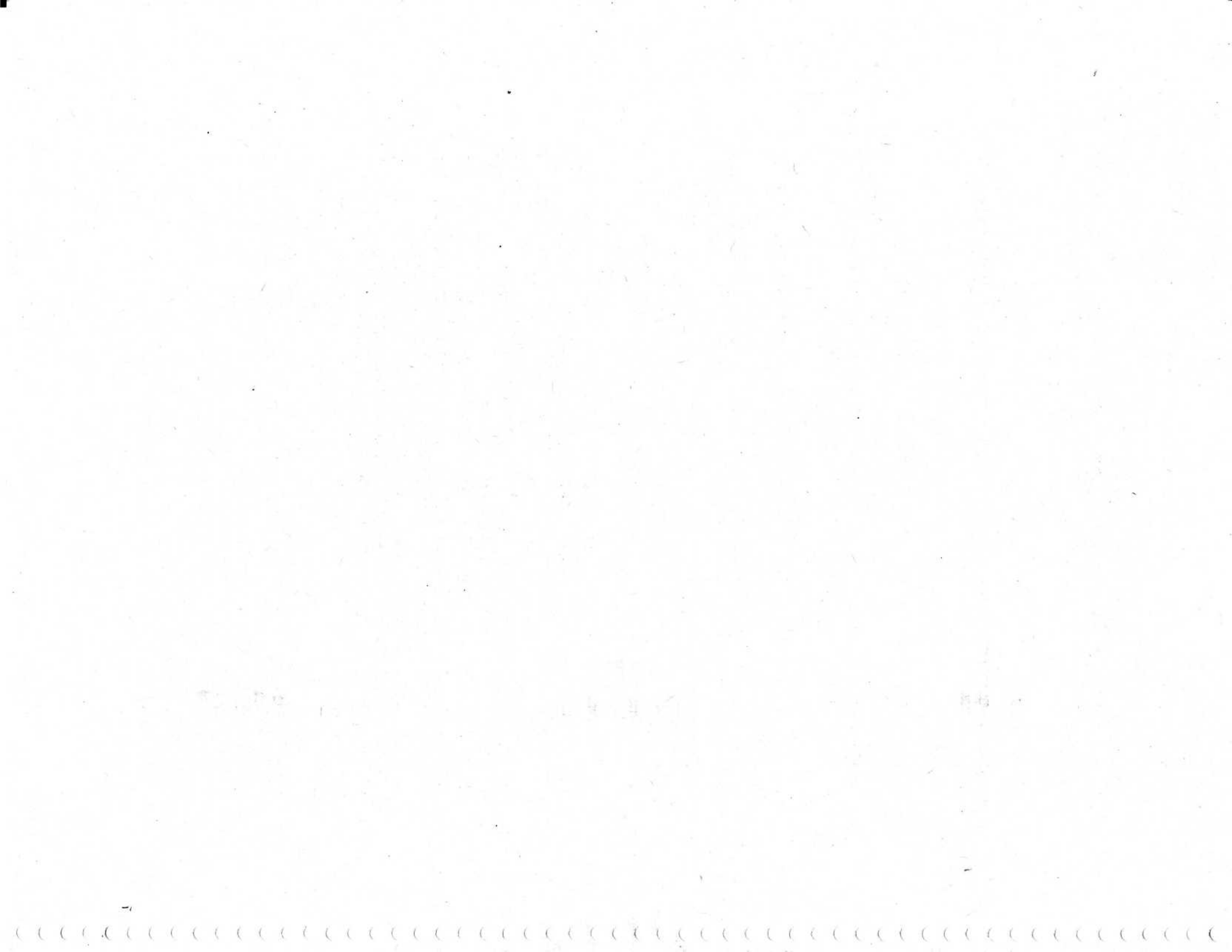
Recognizing that we all inhabit one Earth and share a common responsibility to posterity, we urge you to act decisively

- to protect and preserve the integrity of the biosphere that sustains all life by establishing adequate global regulations, penalties and enforcement mechanisms to prevent human induced global warming, depletion of the ozone layer, destruction of forests and fisheries, pollution of air and water, irreversible loss of species, and release of hazardous substances into the environment;
- to establish a time-table for phasing out fossil fuel and nuclear energy and for the rapid development of solar and other forms of non-polluting energy, and for more efficient energy use;
- to end hunger and poverty in the world by the transfer of adequate resources and environmentally sound technologies required for this task;
- to demand an immediate end to all nuclear weapons tests;
- to prevent further proliferation of nuclear weapons and other weapons of mass destruction by establishing effective international controls;
- to develop international regulations regarding nuclear waste disposal and nuclear power plant operations;
- to initiate a global program of population stabilization;
- to promote a global educational campaign to encourage resource conservation, recycling and environmental protection; and
- to bring protection of the environment under the rule of international law, establishing appropriate regulations, criminal penalties and methods of enforcement, within the structure of the United Nations and other international organizations.

Signed:

Gerd Binnig, The XIV Dalai Lama, Leo Esaki, Val L. Fitch, Herbert A. Hauptman, Dudley Herschbach, Gerhard Herzberg, David H. Hubel, Jerome Karle, Gregory S Kavka, Klaus von Klitzing, Leon M. Lederman, Yuan T. Lee, Wassily Leontief, Bernard Lown, Mairead Corrigan Maguire, Barbara McClintock, J. E. Meade, Simon van der Meer, Bruce Merrifield, Marshall W. Nirenberg, Linus Pauling, John Polanyi, Carlo Rubbia, Abdus Salam, Claude Simon, Herbert A. Simon, George D. Snell, Roger W. Sperry, Henry Taube, Jan Tinbergen, Archbishop Desmond Tutu, George Wald, Elie Wiesel, Robert W. Wilson.

Prepared by:



PART IV
INFORMATION DISSEMINATION, RESEARCH, AND
DECISION MAKING,

A. CODES OF FOR THE DISSEMINATION OF INFORMATION
CONDUCT UNDERLYING THE DESIMINATION OF INFORMATION,

(1)

OBLIGATION TO REFORM THE MEDIA
PROVIDING A MEDIA THAT RECOGNIZES ITS RESPONSIBILITY TO
PUBLIC TRUST PROMOTING HUMAN VALUES AND DIGNITY ON
THE PART OF THE MEDIA

1.1. Encouraging the participation of women in the development of professional guidelines

Encourage the participation of women in the development of (professional guidelines and codes of conduct) (appropriate regulatory mechanisms) to promote balanced and (non-stereotyped) portrayals of women by the media (241 (d)

Advanced Draft Platform of Action, UN Conference on Women, May 15, 1995)

1.2. (Promoting human values and dignity on the part of the media)

In the past 20 years, the world has seen an explosion in the field of communications. With advances in computer technology and satellite and cable television, global access to information continues to increase and expand, creating new opportunities for the participation of women in communications and the mass media and for the dissemination of information about women. On the other hand, the global communication networks have been used to proliferate stereotyped and demeaning images of women for narrow commercial and consumerist purposes. Until women participate equally in both the technical and decision-making areas of communications and media, including the arts, they will continue to be misrepresented and awareness of the reality of women's lives will continue to be lacking.

(The commitment to promoting human values and dignity on the part of the media is seriously lacking) (Art. 35. Advance draft, Platform of Action, UN Conference on Women, May 15)

1.3. Giving expression to oppressed people

With a view to the strengthening of peace and international understanding, to promoting human rights and to countering racialism, apartheid, and incitement to war, the mass media throughout the world, by reason of their role, contribute to promoting human rights, in particular by giving expression to oppressed peoples who struggle against colonialism, neocolonialism, foreign occupation and all forms of racial discrimination and oppression and who are unable to make their voices heard within their own territories (Art. 1.3. Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, apartheid and Incitement to war, 1978)

1.4. (Acknowledging) responsibility as a public trust

III RESPONSIBILITY

The newspaper has responsibilities to its readers.....But the operation of a newspaper is in effect a public trust, no less binding because it is not formally conferred, and its overriding responsibility is to the society which protects and provides its freedom (A Statement of Principles for Canadian daily newspapers, 1977)

1.5. Serving the general welfare

1.6. (Recognizing that those who abuse power through selfish motives are faithless to that public trust

The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government (Art. 1 Responsibility, Statement of Principles. American Society of Newspaper Editors, 1975)

1.7. Preserving...bond of trust between journalists and...people

These principles are intended to preserve, protect and strengthen the bond of trust and respect between American journalists and the American people, a bond that is essential to sustain the grant of freedom, entrusted to both by the nation's founders (Article II Freedom of the Press Statement of Principles. American Society of Newspaper Editors, 1975).

1.8. (Affirming) elements of the public interest

The public interest would

- (a) Detecting or exposing crime or serious misdemeanour
- (b) Detecting or exposing anti-social conduct.
- (c) Protecting public health and safety.

- **Undertaking of research into links among aspects of the problem**

Research *should shall* be undertaken on the linkages among population, consumption and production, the environment and natural resources and human health as a guide to effective (socially equitable and environmentally-sound) *sustainable* development policies (3.31 International Conference on Population and Development).

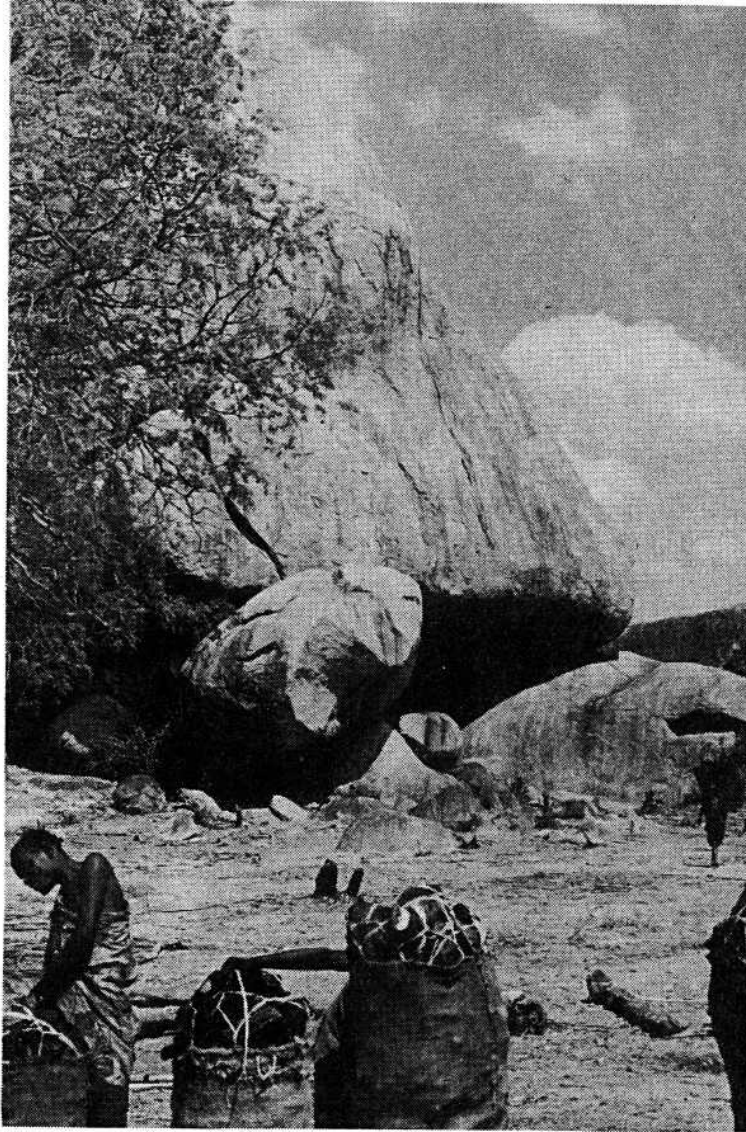


Photo: Kari Jones

(d) Preventing the public from being misled by some statement or action of an individual or organisation (Codes of Ethics, Great Britain, May 1993 Report No. 18).

1.9. Serving as a constructive critic of all segments of society

• Advocating needed reform and innovation in the public interest

The newspaper should serve as a constructive critic of all segments of society. It should reasonably reflect, in staffing and coverage, its diverse constituencies. It should vigorously expose wrongdoing duplicity or misuse of power, public or private.

Editorially, it should advocate needed reform and innovation in the public interest. (Associated Press managing editors proposed statement of Ethical principles, For submission for adoption, 1994)

1.10. Disallowing advertising or commercial considerations to influence...professional duties

They shall not allow advertising or commercial considerations to influence them in their professional duties (Code of Ethics of the Australian Journalists' Association,)

1.11. Disallowing personal interests to influence them in their professional duties

They shall not allow personal interests to influence them in their professional duties (Code of Ethics of the Australian Journalists' Association, no date)

1.12. Recognizing that protecting freedom of expression...places a particular responsibility

The First Amendment, protecting freedom of expression from abridgment by any law, guarantees to the people through their press a constitutional right, and thereby places on newspaper people a particular responsibility (Preamble, Statement of Principles. American Society of Newspaper Editors, 1975).

1.13. Demanding pursuit of standards of integrity

Thus journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standards of integrity proportionate to the journalist's singular obligations (Preamble, Statement of Principles. American Society of Newspaper Editors, 1975).

1.14. Earning public trust through accuracy, honesty, promise-keeping and independence

Newspapers earn the public's trust through accuracy, honesty, promise-keeping and independence (I. Applying the core values, The Associated Press managing Editors Ethics Drafting Committee Report proposed, 1994)

1.15. Maintaining credibility through keeping promises

Promise-Keeping. Trustworthy organizations and individuals can be relied upon to keep their promises. Broken commitments undermine credibility and threaten trusting relationships in the future (I. Applying the core values, The Associated Press managing Editors Ethics Drafting Committee Report proposed, 1994)



Photo: CIDA, Ellen Tolmie

(2)
OBLIGATIONS TO REFORM THE MEDIA
PROVIDING A MEDIA THAT RESPECTS HUMAN RIGHTS

2.1. (Recognizing images in the media of violence... are contributing factors to the continued prevalence of such violence

... Images in the media of violence against women, in particular those that depict rape, **sexual assault** or sexual slavery as well as the use of women and girls as sex objects, including pornography, (are) contributing factors to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people (119 Advanced Draft Platform of Action, UN Conference on Women, May 15, 1995)

2.2. Encouraging media to examine the impact of gender role stereotypes

Encourage the media to examine the impact of gender role stereotypes, including those perpetuated by commercial advertisements (which foster) gender-based violence and inequalities, and how they are transmitted during the life cycle, and take measures to eliminate these negative images with a view to promoting a violence-free society (131d Advanced Draft Platform of Action, UN Conference on Women, May 15, 1995)

2.3. Establishing professional guidelines and codes of conduct that address violent, degrading or pornographic materials

(Establish professional guidelines and codes of conduct that address violent, degrading or pornographic materials concerning women in the media, including advertising (244 (b) Advance draft, Platform of Action, UN Conference on Women, May 15)

Strategic objective J.2. Promote a (positive) (balanced and non-stereotyped) portrayal of women in the media (Advance draft, Platform of Action, UN Conference on Women, May 15)

2.4. Continued projection of negative and degrading images of women in media communication

The continued projection of negative and degrading images of women in media communications - electronic, print, visual and audio - must be changed. Print and electronic media in most countries do not provide a balanced picture of women's diverse lives and contributions to society in a changing world. In addition, violent and degrading or pornographic media products (are also negatively affecting) (can also negatively affect) women and their participation in society. Programming that reinforces women's traditional roles can be equally limiting. The world-wide trend towards consumerism has created a climate in which advertisements and commercial messages often

portray women primarily as consumers and target girls and women of all ages inappropriately (Ar. 236. Advance draft, Platform of Action, UN Conference on Women, May 15)

2.6. Enhancing the role of mass communication media to promote equality

(Enhance the role of traditional and modern mass communications media to promote awareness of equality between women and men effectively) (Art. 238 Advance draft, Platform of Action, UN Conference on Women, May 15)

2.7. Promoting equal sharing of gender equality and non-stereotyped gender roles

Promote the equal sharing of family responsibilities through media campaigns, (which emphasize gender equality and non-stereotyped gender roles of women and men within the family), and which disseminate information aimed at eliminating spousal and child abuse and all forms of violence against women, including domestic violence (245 a Advance draft, Platform of Action, UN Conference on Women, May 15)

2.8. (undertaking) to not place unnecessary emphasis on gender, race, sexual preference...

They shall not place unnecessary emphasis on gender, race, sexual preference, religious belief, marital status or physical or mental disability (Code of Ethics of the Australian Journalists' Association)

2.9. Avoiding prejudicial or perjorative reference to a person's race, colour, religion, sex or sexual orientation...

The Press should avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or sexual orientation or to any physical or mental illness or handicap (15 (i) Discrimination. Codes of Ethics, Great Britain, May 1993 Report No. 18).

2.10. Avoiding publishing details of a person's race, colour, religion, sex or sexual orientation unless directly relevant

it should avoid publishing details of a person's race, colour, religion, sex or sexual orientation, unless these are directly relevant to the story (15 (ii) Discrimination. Codes of Ethics, Great Britain, May 1993 Report No. 18).

(3)
**OBLIGATIONS TO REFORM THE MEDIA
PROVIDING AN INFORMATIONAL, EDUCATIONAL AND
ADVOCACY ROLE**

3.1. Raising awareness on important role of the media to inform

(Raise awareness on the responsibility of the media in promoting non- ed images of women and men, as well as in eliminating patterns of media presentation that generate violence, and encourage those responsible for media content to establish professional guidelines and codes of conduct; also raise awareness on the important role of the media to inform and educate people about the causes and effects of violence against women and in stimulating public debate on the topic.) (126. j Advanced Draft Platform of Action, UN Conference on Women, May 15, 1995)

3.2. (Promoting) educational programs

By governments, in cooperation with non-governmental organizations, the media, the private sector and relevant international organizations, including United Nations bodies, as appropriate:

(Give priority to both formal and informal educational programmes that support and enable women to develop self-esteem, acquire knowledge, make decisions on and take responsibility for their own health,(achieve mutual respect in matters concerning) sexuality and fertility, and educate men regarding the importance of women's health and well-being, placing special focus on programmes for both men and women that emphasize the elimination of harmful attitudes and practices, including inter alia female genital mutilation, son preference which results in female infanticide and prenatal sex selection, early marriage, violence against women, (prostitution), sexual abuse, which at times is conducive to HIV/AIDS and STDs infections, drug abuse, discrimination against girls and women in food allocation and others related to the life, health and well being of women; recognizing that some of these harmful practices can be violations of human rights and ethical medical principles); (108 (a)Advance draft, Platform of Action, UN Conference on Women, May 15)

3.3. Preparing and disseminating accessible information through public health campaigns

(Prepare and disseminate accessible information, through public health campaigns, media, reliable counseling and the education system, designed to ensure that women and men, particularly young people, can acquire knowledge about their health, especially information on sexuality and reproduction, (taking into account the rights and duties and responsibilities of parents and other persons legally responsible for children and consistent with the Convention on the Rights of the Child) (as agreed in the Programme of Action of the ICPD) and (as contained in the ICPD Report of Cairo)) (108 e Advance draft, Platform of Action, UN Conference on Women, May 15)

3.4. Advocating the public interest including needed reform

Advocate the public interest, including needed reform (Mission of Journalism The Associated Press managing Editors Ethics Drafting Committee Report proposed 1994).

3.5. Advocating the public interest including needed reform

Advocate the public interest, including needed reform (Mission of Journalism The Associated Press managing Editors Ethics Drafting Committee Report proposed 1994).

"Yes, His Excellency the Grand Duke agrees it was all a big mistake and he is also as concerned as your good selves at the inconvenience to everybody and would you care to dine at his palace tonight?"



McLachlan/Punch

B. ROLE OF SCIENTISTS IN THE USE OF SCIENTIFIC AND TECHNOLOGY

(1) OBLIGATIONS OF SCIENTISTS SERVING PEACE AND HUMAN RIGHTS

1.1. Recognizing that scientific and technological developments can give rise to social problems, as well as threaten human rights

Taking into consideration that, while scientific and technological developments provide ever-increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individuals (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.2. Noting that scientific and technological achievements can be used to intensify the arms race production

Noting with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamental freedoms (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.3. Noting that scientific and technological achievement could entail dangers for civil and political rights

Also noting with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or of the group and for human dignity (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.4. Noting the urgent need to neutralize the possible future harmful consequences of certain scientific developments

Noting the urgent need to make full use of scientific and technological developments for the welfare of *man* **humanity** and to neutralize the present and possible future harmful consequences of certain scientific and technological achievements (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.5. Promoting and ensuring that the results of scientific and technological developments are used in the interests of strengthening international peace and security...

1.6. Promoting and ensuring that the results of scientific and technological developments are for the purpose of the economic and social development of peoples and the realization of human rights

All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization human rights and freedoms in accordance with the Charter of the United Nations (Art. 1. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.7. Preventing the use of scientific and technological developments, particularly to limit or interfere with the enjoyment of the human rights

All States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights the International Covenants on Human rights and other relevant international instruments (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.8. Ensuring scientific and technological achievements satisfy the material and spiritual needs for all sectors of the population

All states shall take measures to ensure that scientific and technological achievements satisfy the material and spiritual needs for all sectors of the population (Art. 3. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.9. Refraining from any acts involving the use of scientific and technological achievements for the purposes of waging aggressive wars,

1.10. Refraining from any acts involving the use of scientific and technological achievements for the purposes of suppressing national liberation movements

1.11. Refraining from any acts involving the use of scientific and technological for the purposes of pursuing a policy of racial discrimination.

All States shall refrain from any acts involving the use of scientific and technological achievements for the purposes ... waging aggressive wars, suppressing national liberation movements or pursuing a policy of racial discrimination. Such acts are not only a flagrant violation of the Charter of the United Nations and principles of international law but constitute an inadmissible distortion of the purpose that should guide scientific and technological developments for the benefit of mankind (Art. 4. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.12. Co-operating in the establishment, strengthening and development of the scientific and technological capacity of developing countries

All states shall co-operate in the establishment, strengthening and development of the scientific and technological capacity of developing countries with a view to accelerating the realization of the social and economic rights of the peoples of those countries (Art. 5. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.13. Taking the necessary measures, including legislative measures to ensure that the utilization of scientific and technological achievements promotes the fullest realization of human right sand fundamental freedoms

All states shall take the necessary measures, including legislative measures to ensure that the utilization of scientific and technological achievements promotes the fullest realization of human right sand fundamental freedoms without any discrimination; whatsoever on grounds of race, sex, language or religious beliefs (Art. 7. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.16. Ensuring long-term monitoring efforts and determining environmental indicators

Long-term monitoring efforts are commonly abandoned as a result of short-term financial and administrative considerations. Irreplaceable information is also being lost because monitoring programs are not in place....(various Examples) underscore the need to select (appropriate~) indicators and begin monitoring immediately so that baselines can be established, and so that the links between natural and human impacts on the environment can be assessed. (International Union of Geological Sciences, 1994)

1.17. Undertaking of research into links among aspects of the problem

Research *should* **shall** be undertaken on the linkages among population, consumption and production, the environment and natural resources and human health as a guide to effective (socially equitable and environmentally-sound) *sustainable* development policies (3.31 International Conference on Population and Development).

1.14. Providing arms length research

Arm-length testing, and monitoring, by the scientific community and with an analysis by a range of government and non-governmental organizations

PART V

INTERNATIONAL INSTRUMENTS THAT HAVE BEEN EXAMINED FOR THE GLOBAL COMPLIANCE PROJECT

Note: that the instruments in italics have not yet been examined.

VIENNA CONVENTION ON THE LAW OF TREATIES

The Vienna Convention on the Law of Treaties 1968

NOTE: Article 18 of the Vienna Convention Treaty stipulates that if a state has signed a treaty there is an "obligation not to defeat the object and purpose of a treaty prior to the entry into force; thus an obligations could be placed on states that have signed but not ratified international Conventions and Treaties.

HUMAN RIGHTS INSTRUMENTS:

- Convention Concerning Employment Promotion and Protection against Unemployment, 1988
- Convention Concerning Indigenous and Tribal Peoples in Independent Countries, 1990
- Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972
- Convention on the Elimination of all Forms of Discrimination against Women, 1979
- Convention on the Law of Treaties, 1968
- Convention on Consent to Marriage, 1962
- Convention on the Political Rights of Women, 1953 ,
- Convention on the Prevention and Punishment of the Crime of Genocide, 1948
- Convention Relating to the Status of Refugees, 1951
- Declaration on the Rights of Disabled Persons, 1991 Proclaimed by General Assembly Resolution, 1975
- Declaration on the Rights of Mentally Retarded Persons, 1971
- International Cooperation in the fight against all Forms of Religious intolerance and extremism Regional Meeting for Africa of the World Conference on Human Rights
- International Covenant of Civil and Political Rights 1966 ,
- International Covenant of Economic, Social and Cultural Rights 1966 ,
- International Convention on the Elimination of All forms of Racial Discrimination, 1965 ;
- International Convention on the Protection of the Rights of all Migrant Workers and members of their families, 1983
- International Declaration of Human Rights, 1948
- Measures to Improve the Situation and Ensure the Human Rights and Dignity of all Migrant Workers, 1982
- Ombudsman Annual Report, 1991
- Prep Com II Reduction and Elimination of Widespread Poverty,

Return or Restitution of Cultural Property to the Countries of Origin, 1983
Slavery Convention signed at Geneva, 1926 and amended by the Protocol,
1953,

UN Convention on the Rights of the Child, 1989

Universal Declaration of Human Rights, 1948

World Conference on human rights, 1993

ENVIRONMENTAL RIGHTS INSTRUMENTS:

ASEAN Agreement on the Conservation of Nature and Natural Resources
(Kuala Lumpur), 1985

Canadian Government submission to Prep Com 1, for the World Summit for
Social Development, 1995

Convention for the Control of Transboundary Movements of Hazardous
Wastes (Basel Convention), 1989

Convention for the Combating of Desertification, 1994

Convention on Biological Diversity, 1992

Convention on Environmental Impact Assessment of Transboundary,
1991

Environmental Modification Convention of 1977

Group of Fifteen, Submission to UNCED, 1992

Law of the Seas, 1982

Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
(including London and Copenhagen Protocols)

Rio Declaration and Agenda 21 UNCED, 1992

Seabed Treaty, 1971,

The World Conference on Natural Disaster Reduction, 1994

Tunis Declaration, 1993, Report of the Regional Meeting for Africa of the
World Conference on Human rights

UN Convention for the Protection of Cultural and Natural Heritage, 1972

UN Convention on International Trade in Endangered Species of Wild
Fauna and Flora, 1973

UN Framework Convention on Climate Change, 1992

UN Conference on Environment and Development (UNCED), 1992

UN Conference on Humans and Environment (UNCHE), 1972

Vienna Convention for the Protection of the Ozone, 1985

World Charter of Nature, 1982

PEACE INSTRUMENTS:

Antarctic Treaty 1959, in force 1961

Bacteriological and Toxin Weapon Convention, 1972 i

Bern (Geneva) Protocol II of 1977 on the Protection of Victims of Non-
international Armed Conflicts in force, 1978

Convention IV of 1907, in force 1910 respecting the Geneva Conventions
Relating to Protection of Victims of Armed Conflicts, 1949

Convention Relative to the Protection of Civilian Persons in Time of War,
1949

Declaration on the Use of Scientific and Technological progress in the
interests of peace, General Assembly Resolution, 1975

Environmental Modification Convention, 1977

Geneva Protocol of 1925 on Chemical and Bacteriological
Warfare, in force, 1928

Hague Convention II of 1899 with Respect to the Laws and Customs of War on Land and reaffirmed in Hague in 1910
Inhumane weapon Convention, 1981,
Interfaith Charter through the Internet, 1995
Moon Agreement, 1979
Nuclear-weapon Non-proliferation Treaty, 1968
Outer Space Treaty, 1967
Seabed Treaty, 1971, in force
The Atmospheric Test Ban Treaty : Prohibiting the testing of Nuclear weapons in the Atmosphere, 1963 Treaty of Tlatco (declaring South America as a nuclear Free weapons zone.)

SOCIALLY EQUITABLE AND ENVIRONMENTALLY-SOUND DEVELOPMENT

Conference on Population and Development, 1994 (unofficial document)
Declaration on the Establishment of a new International Economic Order 1974
Programme of Action of the United Nations International Mission Nairobi Forward Looking Strategies, 1985
Social Development Summit (Draft submissions)
UN Secretariat Plan of Action World Summit for Social Development, March, 1995
Universal Declaration on the Eradication of hunger and malnutrition, 1974

UN GENERAL ASSEMBLY RESOLUTIONS

Resolution 37/137 Protection against Products Harmful to Health and the Environment, 1982
United Nations Declaration on the Right of Peoples to Peace, 1984
Peaceful settlement of disputes between states, UN resolution 36/110, 1981
Resolution 36/82 1981, Reduction of Military Budgets. 1981
General Assembly Resolution A/RES/38/63 ,1983
United Nations Resolution 36/14 , 1981
General Resolution 3180 (XXVIII) of 17 December 1973; and General Assembly resolution 3348 (XXIX) of 17 December. 1974
Crime Prevention and Criminal Justice and development, the General Assembly Resolution, 1981
The General Assembly Global Strategy for Health for All by the Year 2000, 1981
UN General Assembly Resolution 36/43, 1981
The General Assembly Resolution 36/28
General Assembly Resolution A/RES/38/87, 1983
General Assembly Resolution A/RES/38/50, 1983
Declaration on the Right of Peoples to Peace General Assembly resolution 39/11 of 12 November 1984
Condemnation of nuclear war General Assembly Resolution A/RES/38/75, 1983
Condemnation of nuclear war General Assembly Resolution A/RES/38/75, 1983
United Nations Resolution, 38/71, 1993
Condemnation of nuclear war General Assembly Resolution

A/RES/38/75, 1983

GA Resolution The right to education 37/178 17 December, 1982
Relationship between disarmament and development, UN resolution
38/71, 1983

Resolution 36/82 1981, Reduction of Military Budgets. 1981

Declaration on the Right to Development Adopted by General Assembly
resolution 41/128 of 4 December 1986

*UN General Assembly Resolution 35/8 Historical Responsibility of States
for the Preservation of Nature for Present and Future Generations
1980*

INTERNATIONAL NGO RESOLUTIONS AND DOCUMENTS:

Advanced Unedited Draft Declaration and Platform for Action, May, 15,
1995

Alternative Earth Charter, ERA Ecological Rights Association, 1991

Citizens Association to Save the Environment- CASE, 1995

Declaration of Conscientious objection, 1994

Declaration, Summit of the Americas, 1994

Declaration made by participants in the 5th International Conference of
Pace Tax Campaigners and War tax, 1994

Earth Charter, Global Forum, 1992

First study Conference on Genital mutilation of girls in Europe, 1992

ERA Ecological Rights Association UN Declaration for Translating Rhetoric
into Action, 1992

International Union of Geological Sciences, 1994

IUCN, 1994

*NGO Treaty on Militarism, Environment and Development (Global
Forum, 1992 ,*

NGO Treaty on "Overconsumption", 1992

*NGO Treaty on Population, Environment and Development
(Global Forum, 199*

PAN International by PAN North America Regional Center, 1993

PROMISES TO KEEP The Unfinished Agenda

for Human Rights and Economic Justice in the Americas, 1994

The Imperative of Equity: the Missing Dimension of UNCED: Statement of
the South Asia NGO Summit, New Delhi, February 17-19, 1992

Women's Health in Women's Hands, 1995

Women's Action AGENDA, 1992

OTHER

Grossman, R., Taking Care of Business: Citizenship and the Charter of
Incorporation

Peaceworkers Brochure, 1995.

Responsibility. a Statement of Principles for Canadian daily newspapers,
1977

CHAPTER 3

SYSTEMIC CONSTRAINTS AND OBSTACLES THAT MUST BE OVERCOME IF THERE IS TO BE SUBSTANTIAL SOCIO-POLITICAL GLOBAL CHANGE

International documents acknowledge the urgency of the global situation. Nevertheless, systemic constraints often prevent the global community from implementing change. The term "Systemic constraints" in this document refers to patterns of behavior, of International bodies, states, the market and "civil society", which have become obstacles to change.

The following represents a range of "systemic constraints:

RECOGNITION OF URGENCY YET
FAILURE TO RECOGNIZE THAT INACTION IS NEGLIGENCE

PART 1 GENERAL SYSTEMIC CONSTRAINTS: PRACTICES AND BEHAVIOURS

practices

- Persistence of the situation where those who should be speaking out are constrained because of professional commitments, and where those who are willing to speak out are not heard because the media fails to report their statements
- Persistence of the situation whereby the power to prevent environmental harm or to preserve environmental heritage resides in those whose interest it is to benefit economically from the environment.
- Willingness to take unacceptable risks, endangering human health and causing irreparable damage to the environment for the sake of short-term economic interests
- Willingness to enunciate, and undertake principles and action plans without enacting the necessary legislation to ensure compliance

- Condoning of "solutions" which could have more disastrous or equally disastrous consequences as the original problem (nuclear as solution to climate change)
- Persistence in international and national policy-making of self regulation of the environment thus firmly entrenching the power of decision making in those that are financially benefiting from its destruction
- Continuation of the practice of transferring substances that are restricted or banned in state of origin to recipient states under the guise of refusal to apply the principle of extra territoriality

behaviours

- Condoning of corruption in all types of international, national and local transactions
- Condoning of institutional collusion between perpetrator and enforcer
- Confounding of role of regulator and promoter
-



PART II

SYSTEMIC CONSTRAINTS — OBSTACLES TO URGENT PRINCIPLED ACTION

Definition:

- the term "Civil society" shall be redefined to include citizens who have demonstrated a commitment to preserving the environment and to preventing environmental degradation, to guaranteeing the protection of human rights, to ensuring social justice and to promoting socially equitable and environmentally sound development. The term "market" shall include all those that have a vested economic interest in the outcome of deliberations.

UNITED NATIONS, STATES AND CIVIL SOCIETY

- Failure of International institutions, Governments, civil society and the market to recognize that the global situation is so urgent that immediate action is necessary
- Reluctance of the United Nations, international institutions and states to establish stringent and mandatory international standards and technological regulations to drive the market
- Willingness of States, international institutions and civil society to condone giving primacy to short term economic interests over long term socially equitable and environmentally sound concerns
- Unwillingness of the United Nations, international institutions, and states to ensure that trade agreements will not include measures that will strengthen the international power of capital at the expense of the international power of labour
- Failure of the United Nations, and its institutional bodies, states and civil society to examine the interdependence of the escalation of conflict and war, of the violation of human rights and of the degradation of the environment, and propose solution that reflect the addressing of this interdependence.
- Willingness of the United Nations, states, and civil society to condone "solutions" which could have more disastrous or equally disastrous consequences as the original problem (e.g. nuclear energy as solution to climate change)
- Reluctance of the United Nations, States and civil society to deal with essential issues such as the link between "nuclear civil reactors and the nuclear arms industry" or the link between poverty and the lack of a universal "secondary" as well as "primary" health care system UNCED, Agenda 21, 3.6. e Combating Poverty) the reluctance to recognize the interconnectedness of many forms of oppression and domination

UNITED NATIONS AND STATES

- Failure of the United Nations, its international institutions and States to abide by the common law "doctrine of legitimate expectation", and thus, when they have undertaken an obligations, civil society can expect that the obligation will be discharged
- Failure of the United Nations, international institutions and States shall move from a consensus-like process which often leads to the lowest common denominator to a principled based decision making process drawing upon the highest tenable principles
- Willingness of the United Nations and states to condone research and development into rectifying the harm done through ecologically unsound practices (mitigation through the market "environment industry") rather than discontinuing ecologically unsound practices (prevention through Best Ecologically Sound Techniques (BEST) The United Nations and its international institutions, and states shall the shift from supporting ecologically unsound technology to "promoting prevention technology" — Best Ecologically Sound Techniques (BEST)
- Reluctance of the United Nations or its relevant international institutions, shall endorse standards and states shall enact legislation that would provide for the revoking of the charters of all the transnationals that have contributed to conflict, to the escalation of war, to the violation of human rights and to the degradation of the environment.
- Reluctance of the United Nations, international institutions and States to exclude market interests (i.e. conflict of interest with "multistakeholder") in the decision making process and thus no longer condone vested interests as a legitimate part of the decision making process
- Unwillingness of the United Nations, its international institutions and states to prevent the monopolization and influence of economic interest groups such as transnational corporations in the global, national and regional decision making process
- Failure of the United Nations to call upon States to fulfill previous obligations to reduce the global military budget and transfer funds to socially equitable and environmentally sound development, and failure of states to reduce the military budget and transfer funds socially equitable and environmentally sound development,

UNITED NATIONS

- Failure of the United Nations to draft a protocol of Compliance for the Vienna Convention on the Law of Treaties
- Failure of the United Nations to establish an International Court before which civil society could present evidence of state non-compliance to international obligations

- Failure of the United Nations to ensure that General Assembly resolutions as an expression of the majority of state opinion are implemented, by using the doctrine of legitimate expectation
- Reluctance of the United Nations, to demonstrate that all nations are equal ("sovereign equality," Charter of the United Nations), by ensuring that no states shall be perceived to be less equal than others and by discontinuing a structure— the Security Council which supports a state hierarchical system
- Reluctance of the United Nations to cease giving special status to the nuclear powers, and to eliminate the Security Council which creates a two tier system in an organization that purports to support sovereign equality
- Unwillingness of the United Nations to discourage the continued financial support for the promotion of the Western model of socially inequitable, and environmentally unsound development
- Failure of the United Nations to ensure that states no longer feign sanctimonious respect for developing states or disenfranchised communities to have the democratic right to accept activities or substances that may be harmful to the environment or to human health
- Failure of the United Nations to discourage the stereotyping of countries into categories of "developed, underdeveloped, and developing" rather than designating behaviours and attitudes as being "developed, underdeveloped and developing"
- Failure of the United Nations and other international bodies to discontinue the division of countries into developed, developing and underdeveloped which indicates that the present patterns of development in "developed" countries is attainable or desirable as the ultimate goal for developing and "underdeveloped" countries
- Reluctance of the United Nations and other international bodies to discontinue the simplistic distinction between North (environment) and South (development)
- Unwillingness of the United Nations to discard the presumption that technological transfers should always pass from "North" to "South"
the presumption that it is desirable that the practices that the "North" utilizes for its technological fix to environmental problems should be transferred to the "South." This technological transfer often results in supporting mitigative strategies toward environmental destruction that is employed by the "North" instead of encouraging endogenous preventive strategies
- Failure of the United Nations and other international bodies to redefine "development" in equitable and ecological terms

STATES

- Reluctance of States to look beyond national sovereignty to global governance at the international level guided by fundamental principles related to the preserving the environment and to preventing environmental degradation, to guaranteeing the protection of human rights, to ensuring social justice and to promoting socially equitable and environmentally sound development and to attaining peace with justice
- Willingness of states to use the claim of "sovereign rights" as a means of justifying environmental degradation, violation of human rights, escalating conflict and war, and condoning inequity
- Reluctance of States to accept the jurisdiction of the International Court of Justice, and the rule of international law, and to "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained" (UN. Charter)
- Unwillingness of states to enact the necessary national legislation to ensure compliance with international obligations, or regional obligations whichever is based on the higher ground
- Reluctance of many States to involve "civil society", with the relevant expertise and experience, in the decision-making process, at the formulation of the terms of reference, and throughout the decision-making process
- Reluctance of States to respect Civil society's interpretation of what would constitute compliance with international, national, regional and local obligations.
- Reluctance of States to establish stringent and mandatory international standards and technological regulations to protect the environment, guarantee human rights and equity and attain peace with justice
- Failure of States to seek full compensation from the transnationals, and other members of the "market" for causing environment degradation, for violation of human rights, for the escalation of conflict or war. These funds shall be transferred to the member states of the United Nations to promote and fully guarantee respect for human rights, to ensure the preservation and protection of the environment, to create a global structure that respects the rule of law, to achieve a state of peace, justice and security, and to participate in socially equitable/equal and environmentally sound development;

"CIVIL SOCIETY"

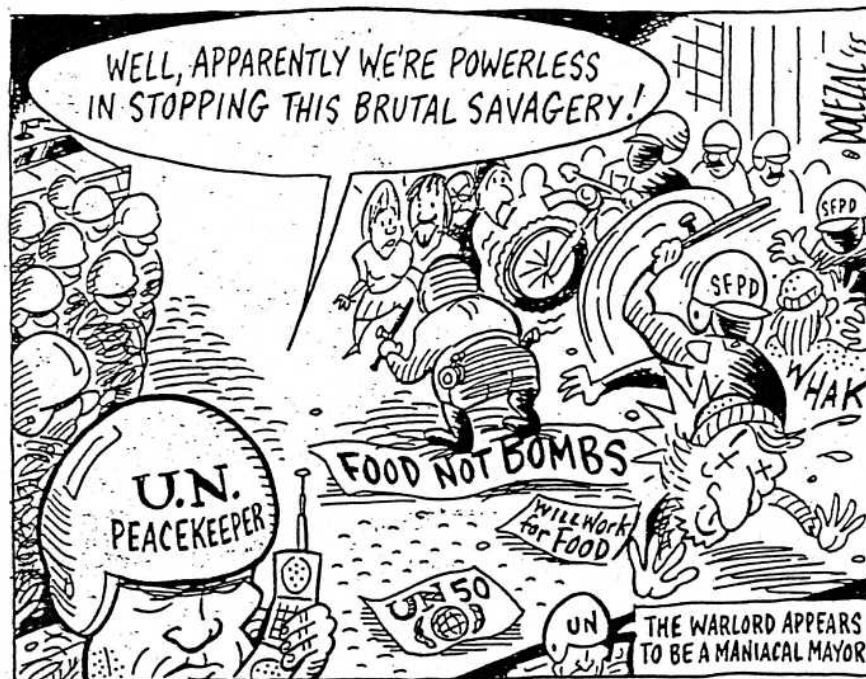
- Failure of "Civil society" to be involved in the determination of what would constitute compliance with international, national, regional and local obligations.

- Failure of "Civil society" to sufficiently lobby states to discharge international obligations, and to demand that the "market" to conform to principles of socially equitable and environmentally sound development
- Willingness of Civil society, whose role should be to act as the conscience of the official decision makers, to be co-opted through government or "market" funding
- Willingness to link up with groups with whom one does not share a complex of principles

MARKET

- Reluctance to advocate high standards, and technical regulations in a globally equal playing field so that principle will drive industry rather than industry driving principle
- Reorienting the concern about the environment to be a concern not about the cost of environmental degradation but the cost of the environmental regulations that are set up to prevent the environmental degradation
- Adoption of the practice of setting up societies so that it is possible to enter into the decision making process as an NGO or as a member of civil society
- Adoption of the practice of co-opting terms of change and redefining these terms to prevent change

(adapted from Russow, J. and T. Boston, F. Knelman, D. White, and T. Russow, "Systemic Constraints Preventing Change" 1992, update 1995)



CHAPTER 4.

DISCUSSION OF USE OF CHARTER OF OBLIGATIONS

PART 1:

GENERAL USE FOR THE CHARTER OF OBLIGATIONS

At the co-occurrence of the 4th World conference on Women in Beijing and the celebration of the 50th anniversary of the United Nations, The Global Compliance Research Project has prepared this draft Charter of Obligations. This Charter of Obligations has compiled statements of obligations undertaken by states through legally binding treaties, conventions and covenants; through globally adopted conference action plans and platforms of action; and through majority-passed General Assembly Resolutions and Declarations. In addition, the Charter of Obligations contains statements from individuals and NGOs in areas where state obligations have not yet been undertaken.

If the fifty years of obligations, compiled in the draft Charter of Obligations, had been honored and acted upon, respect for human rights could have been guaranteed, gender equality attained, preservation and protection of the environment could have been ensured, the threat of war eliminated, disarmament achieved, and socially equitable and environmentally sound development could have been enabled.

The Draft Charter of Obligations — a compilation of the strongest, enunciation of obligations that States have undertaken through the 50 years of existence of the United Nations, has been designed to serve a number of purposes:

1. to establish a basis for determining the nature and development of international customary law through the Doctrine of Legitimate Expectations.
2. to provide a framework of past precedents related to obligations undertaken in the areas of social equity, environment, human rights and peace. This framework could serve as a context within which to place current deliberations about conference documents. For example, the contribution of the present draft Charter of Obligations to the 4th World Conference on Women in Beijing in September, 1995 is in the establishing of a framework of international obligations, and past international precedents within which to examine the, "The Beijing Declaration" and the "Platform of Action".
3. to serve as a backdrop against which it is possible to assess what obligations still have to be undertaken

4. to be a foundation for principle-based education, and for a principle-based decision making process (see Chapter 5)
5. to support the redefinition of what would constitute "civil society", the laying out of principles to undergird "global governance", and the role "civil society" could play in the international decision making process

The first four purposes are examined either in the introduction to the project or in subsequent chapters. The fifth purpose will be discussed in this chapter. "Civil society" — a term that has recently reemerged and is being widely used in socio-political discourse. At the recent conference entitled "We the People: the role of Civil Society in the History and Future of the United Nations, there was a recognition of the historical and well as future role of civil society in the United Nations. If "civil society has had an historic role in the United Nations, then perhaps it has been in the establishing the first level of obligations— the undertaking of obligations. Civil society's future role must be to move to the second level of obligations: the necessary structural global socio-political change to ensure the discharging of these obligations. This future role of civil society could only be accomplished if the term "civil society" could be redefined to include citizens who have demonstrated a commitment to preserving the environment and to preventing environmental degradation, to guaranteeing the protection of human rights, to ensuring social justice and to promoting socially equitable and environmentally sound development. The term "market" shall include all those that have a vested economic interest in the outcome of deliberations.

Civil society could thus be defined to include those members of society that agree with and adhere to fundamental principles enunciated in international document: legal binding documents (conventions, Treaties, Covenants) ; globally adopted Convention Platforms of Action, and Action plans, and passed General Assembly Resolutions. This emerging concept of civil society has to be distinguished from the (a) historical perspective as used in Western thought, including Hobbes, Locke, Paine, Tocqueville and Marx and Gramsci Hegel,... and Marx; (b) *Reemerged* vision as used by former socialists societies (and by extension in the "roundtable movement) (c) Feigned altruismused by industry; (d) Ambivalent version as used by NGOs.

The Chapter will conclude with a redefinition of "civil society" as the segment of society that would adhere to the principles enunciated in the draft "Charter of Obligations" .

A. ESTABLISHING FOUNDATION FOR DETERMINING WHAT CONSTITUTES "CIVIL SOCIETY"

Dr. Lanyan Chen (Visiting Assistant Professor, Department of Sociology, University of Victoria, British Columbia, Canada)

(1) HISTORICAL AND THEORETICAL PERSPECTIVES OF A CHARTER OF OBLIGATIONS

At the time of the 4th World Conference on Women in Beijing and the celebration of the 50th anniversary of the United Nations, the Global Compliance Research Project presents this draft Charter of Obligations. This Charter of obligations has been compiled from obligations undertaken by states over the past 50 years through such international instruments as UN treaties, conventions, resolutions and declarations. These obligations have been undertaken to address concerns in the area of social justice, gender equality and equity, environment, peace, human rights, and socially equitable and environmentally sound development.

These obligations reflect an effort to observe objectives to protect environment, to guarantee respect for human rights, and to attain equality, peace, and socially equitable and environmentally sound development. The Charter of Obligations demonstrates that the UN has played a leading role in shaping current changes of the global structure of socio-economic relations. It has, in the past decades, functioned to promote citizens' participation to lay a foundation for a form of future global governance, which is socially equitable, economically fair and just.

To provide a context in which the Global Compliance Research Project and its Charter of Obligations contribute to the future development of global governance of the UN, I will discuss the changes in the global structure of socio-relations. These changes include a contrast between the growing strength of citizens' movement in the areas of environment, peace, human rights, poverty reduction, and feminism, on the one hand, and on the other, the increasing domination of the world market by transnational corporations, whose influence has stretched beyond the jurisdiction of any state. This domination has negative effects on women and men as well as the environment. These changes point toward individual activism of women and men as a force to construct an alternative vision of "civil society" in the present global context.

To understand these changes and the need for an alternative vision of "civil society" I will analyze the fundamental differences between global civil society, which is in the making, and the concept of civil society developed in the West since the 18th century. This analysis indicates that central to the Western concept of civil society is the idea of the rule of law upheld by prudential law-makers, a rule which is often

influenced by those properties. In the present making of global civil society, however, increasingly broader participation by citizens in the creation of principles and standards, entailed in the statements of agreed-upon governmental obligations, and an action plan for their implementation, outlines a future development of global governance. This governance operates in accordance with the universally agreed-upon principles and standards, which are established and improved upon the exercise of sentiments of justice by individual citizens to attain a full and free life equally for all. The draft Charter of Obligations is an historical account of the obligations undertaken by states.

Contributions of the present draft Charter of Obligations to the 4th World Conference on Women in Beijing in September, 1995 will be primarily to provide a framework of precedents within which to examine the bracketed statements in the proposed "Platform of Action". In addition, contained in this compilation of obligations are precedents to undergird the eleven areas of concern in the Platform of Action.¹ The removal of the many brackets in the May 15 Platform of Action and the adoption of the Platform of Action could mean, providing that the obligations within the Platform of Action are discharged, that women have made a leap towards an equal representation with men in a future process of global governance.

The Charter of Obligations is necessary because it updates the obligations previously undertaken by states. Recognition of these obligations is an integral part of the formulation of increased governmental commitments. This recognition is also an important instrument for both women and men of the world as members of a global civil society to participate in the implementation of increased governmental commitments to improving the socio-economic conditions of life and protecting the ecological environment.

(2) EXISTING VIEWS OF CIVIL SOCIETY

Reflecting a debate about the concept of "civil society" in the academic field, in San Francisco, recently, at the conference of "We the Peoples... the Role of Civil Society in the History and Future of the United Nations - A citizens conference exploring NGO-UN relations," June 21-24, 1995, representatives of both NGOs and inter-governmental agencies expressed diverse views of what civil society constituted. Some

¹ The eleven areas of critical concern to women include poverty, education, health, violence against women, effects of war on women, unequal participation in economy, women's unequal share of power and decision making, insufficient mechanisms to promote the advancement of women, women's human rights, insufficient media coverage on women's contribution, and short of recognition of women's role in protecting the environment.

representatives, such as Maximo Kalaw of the Green Forum, argued that civil society was voluntary and formed on the backbone of non-governmental organizations (NGOs), which were non-profit. This view differentiated civil society from society, which was established upon the operation of the market and profit-making activities.² Other representatives, including senior officials of the United Nations Development Programme (UNDP), defined civil society as a component of society, along with the state and the market. In this latter view, civil society was related to NGOs, grassroots organizations, as well as church-related groups, trade unions, cooperatives, service organizations, professional associations and chambers of commerce.³

Both of these views of civil society reflect a concern about a degree of separation in the relationship between the state and society, and the autonomy of social life vis-a-vis state dictates and policies. Expressions of such a concern are found particularly among scholars of Eastern Europe and China, who have made efforts to understand democratic reform movements in the past decades, which have led to the end of the Cold War and the beginning of a new era of global cooperation.⁴

While appreciating the concerns of these two views about the weakening of nation-states in front of growing influence of transnational corporations, I am left with a series of questions. If civil society is voluntary, it is however unclear what motivates people to volunteer themselves to a cause, that is perceived to be of common concern, and how different the motivations are from those in society. If civil society is the third component of society, along side the state and the market, as defined by the UNDP, this definition is not clear with respect to the purpose of civil society and how it is related to society, the state and the market.

To attempt to answer these questions I will trace an alternative perspective, which comes from an examination of a Western democratic tradition, in which the concept of civil society was discussed and reconstructed. This examination supports a developmental view, which sees that 'civil society' arose in mercantile Europe as a result of the merchants who sought protection from the encroachment of monarchical state by forming autonomous social groups and parties,

² Based on my personal notes taken during the conference.

³ See UNDP and Organizations of Civil Society, June, 1995, p. 3.

⁴ See, for example, John Keane, Civil Society and the State (London: Verso, 1988); Gail Lapidus, "State and Society: Towards the Emergence of Civil Society in the Soviet Union," in S. Bialer, ed., Politics, Society, and Nationality Inside Gorbachev's Russia (Boulder: Westview, 1989); and Martin K. Whyte, "Urban China: A Civil Society in the Making?" in A. L. Rosenbaum, ed., State and Society in China: The Consequences of Reform (Boulder: Westview, 1992).

and who promoted the resolution of conflict of private interests by the conduct of civil law.

Under the influence of republicanism in the eighteenth century, 'civil society' grew as bourgeois democracy took root to protect 'freedom' of exchange, which favoured those who made profit with the use of others' labour. This protection, which was enshrined in law and upheld by law-makers, encouraged the accumulation of capital, a driving force behind the expansion of capitalist production across the world, in search of cheap labour and resources. This expansion created inequality between nations as well as within a nation. It was protected by powerful states and facilitated by a market created by conquest, political influence and the aid of loans and investment so as to absorb the output of industries of younger industrial powers in competition with those of the old.

The creation of this market elsewhere in the world contributed, on the whole, to the concentration of capital in a small number of transnational corporations. This global market may have accounted for one relevant dimension of economic activity. It could not, however, subordinate to its logic the infinite diversity of people's strategies for generating wealth and well-being.⁵ If there are not as many markets in the world as the circuits linking producers and consumers, there surely exist, in different locations, domestic or foreign, different markets for goods and investment.

Since the market is created in a specific context of social relations, its mechanism, the system of pricing, is the resultant of history and social forces, which include the determination of prices of raw materials, slavery, colonialism, and other imposed imbalances in power by force and market relations. This mechanism also has much to do with the price of land and other commodities as affected by the way cities were built, industries located, and government subsidies used as planned. All these factors in the context of social relations, such as the distribution of income, the infrastructure, the structure of the economy, and the power relations between different sectors of society, set limits to what the market can do.⁶

In the context of Eastern Europe, Russia, China and some countries of the South, for instance, while popular movements arose, in the past decades, to oppose the authoritarian state, profit-making activities of independent entrepreneurs may have demanded the advent of democratic politics, namely, the rule of law than a rule by the will of politicians. "Their transactions," as Elizabeth Perry notes in her study of Chinese democratic movement, "gave new life to the realm of

⁵ For this argument, see Miguel Darcy de Oliveira and Rajest Tandon, "An emerging global civil society," in Citizens: Strengthening Global Civil Society (Washington, DC: CIVICUS, 1994).

⁶ For this discussion, see Harry Magdoff, "A note on 'Market Socialism'," Monthly Review, Vol. 47, May, 1995.

nongovernment economic activities that G. W. F. Hegel, Karl Marx and Antonio Gramsci all viewed as central to the emergence of civil society.⁷

This realm of nongovernment economic activities was, in Hegel's view, concerned not with the fulfillment of traditional loyalties in a patriarchal society but with the reciprocal meeting of needs. The realm was, for Tocqueville, society's ultimate defense against the tyranny of the state. In either case, the state played an important role in strengthening and perpetuating the forces of civil society to displace the patriarchal society, in Hegel's view, and in the view of Tocqueville, to establish certain obligations on the part of individuals to participate in their own governance.⁸

This discussion of nongovernment economic activities, though from appearance, has been used by big businesses to attack government regulation in their claim for a "free market." What has been neglected in this claim is the historical and social context in which the above realm of economic activities is developed with the support of a rule by law. An outcome of this neglect is the claim of **monopoly** of market free of government regulation - what is actually denounced by the above discussion.

The following examination of Western democratic tradition suggests that civil society is independent of neither the state nor society simply because it consists in the relationships of production characteristic of capitalism created by a modern market economy. In 'civil society', while profit-making activities of entrepreneurs in some cultural contexts may postulate democratic politics, a central force motivating change is, however, the activism of individual woman and man, who exercise sentiments of justice to attain equality for all.

This activism is critical to the making of global civil society in the face of undue governmental authority and domination of the world market by transnational corporations, both of which impose systemic constraints on the advancement of women and the pursuit of socially equitable and environmentally sound development. The importance of this activism in a future development of global governance is represented by the present draft Charter of Obligations, an instrument whereby women and men participate in the formulation and implementation of increased governmental commitments. It is individual activism to create equality that provides the rational grounds upon which the principles and standards of justice are established and improved. It is

⁷ See E. J. Perry, "Casting a Chinese 'Democracy' Movement: The Roles of Students, Workers, and Entrepreneurs," in Jeffrey Wasserstrom and Elizabeth Perry, eds., Popular Protest and Political Culture in Modern China: Learning from 1989 (Boulder: Westview, 1992).

⁸ For this discussion, see Richard Madsen, "The Public Sphere, Civil Society and Moral Community: A Research Agenda for Contemporary China Study," and Heath Chamberlain, "On the Search for Civil Society in China," in Modern China, 19(2), April 1993.

in accordance with these principles and standards that governmental commitments are enforced. Acceptance of these principles and standards world-wide is the basis upon which global governance develops to safeguard the well-being of humanity.

(3) A HISTORICAL AND MATERIALIST PERSPECTIVE OF GLOBAL CIVIL SOCIETY

"(T)he anticipation of 'civil society'," Marx suggested in Grundrisse, was "in preparation since the sixteenth century and making giant strides towards maturity in the eighteenth."⁹ 'Civil society' appeared, for Marx, along with the rise of socially organized production under capitalist accumulation.

'Civil society' arose along with capitalist production, in Marx's view, because individuals producing in the West in the 18th century were no longer isolated hunters or fishermen. They were connected with one another by contract. The various forms of this connectedness became not only a mere means of production but also an underlying condition of social relations.¹⁰ These social relations were established not only in production but also in the distribution and exchange of products in order to meet social needs.

While distribution, as Marx defined it, divided the objects, which production created, into proportions of individual shares according to social laws, exchange delivered the particular products of the already divided share to the individual according to his or her articulated needs.¹¹ This is to say that the articulation of individual needs initiates exchange in the market place. This articulation is closely related to the exercise of sentiments of justice by individuals to attain equality. The formulation of social laws, on the other hand, fixes distribution embodied in matters of government. This formulation is directly linked with the recognition of needs articulated by individuals.

A historical and materialist perspective of the articulation of needs by individuals and implementation of social laws is a starting point of the developmental view of 'civil society'. According to this view, relationships established in exchange and distribution in 'civil society' influence the movement of such activities as production because they assign the individual to a position in the productive system and allot him or her the products of individual share. These relations also affect the configuration of 'civil society' because they condition the conduct of justice in matters of government, with respect to distribution, and the operation of market, as venues for exchange.

⁹ Grundrisse (New York: Vintage Books, 1973), p. 83.

¹⁰ Ibid, p. 84.

¹¹ Ibid, p. 89.

Since the market is a process in which people reciprocally meet each other's needs through exchange, it operates upon a binding force, established in a contract, that connects partners together. This binding force not only enforces obligation one promises to another but also recognizes, what Adam Smith suggests, "the right one has to demand the performance of some sort of service from an other."¹² This is to say that the market operates upon a system of justice which is impartial, recognizes obligations of partners stipulated in a contract and rectifies any breach of promise of one resulting in injury of rights of another. The conduct of justice in the market place consists in the attribution of responsibility and punishment of injuries among individuals, who are contractual partners and perform a strictly reciprocal obligation to each other. This conduct of justice prevails only in exchange of goods of equal value. It is challenged, however, by the unequal exchange between capital and labour in the market place.

Distribution, on the other hand, is a process in which government, not individuals, mediates between production and consumption in the allocation of resources according to claims of needs, or merit. This allocation is, in Marx's view, affected by relations of production established between capital, labour and land, "in that the specific kind of participation in production determines the specific forms of distribution, i.e. the pattern of participation in distribution."¹³ When wage labour is controlled by capital in the market place and the system of production, workers have lower levels of participation in distribution than capital does. Wage labour experiences a higher level of participation in distribution if government operates to protect the right of labourers to a full and free life as equally as that of those who own capital. Without this protection, wage labour enjoys little benefit from the conduct of justice in matters of government.

The pursuit of justice in both government and the system of market constitutes, henceforward, the grounds upon which a style of governance is developed. This governance incorporate ideas not only about achieving justice in non-governmental settings but also in government settings, which involve the distribution of wealth and the redress of injuries.

The development of this governance, depended historically upon a level of citizens' participation in economic and political processes through their involvement in contractual relations. Since this governance was characterized by bourgeois democracy with a focus on the rule of law to protect property and the accumulation of capital, citizens' participation excluded those unpropertied, including labourers, and a majority of women and children in the world, who were poor and outside of transactions whereby rights were defined.

The exclusion of labourers from the protection by government of individual freedom becomes an unstable factor in modern capitalism.

¹² See Smith's Lectures on Jurisprudence (Indianapolis: Liberty Classic, 1982), ii.41.

¹³ See Marx, Grundrisse (Vintage Books, 1973), p. 95.

The struggles of the labourers and those of underprivileged, including women, indigenous peoples, and people of previously colonized countries, for legal recognition of their citizenship rights have challenged the founding principle of civil society since: the protection of rights based entirely on proprietorship. These struggles against undemocratic elements of modern capitalism, as Figure 1 further suggests, have forced government to respond citizens' demands, sometimes, with force, and in other times, with certain efforts to improve social welfare. Inconsistent strategies on the part of capitalist forces, the state and multinational corporations, to deal with citizens' demands have created a modern phenomenon, often known as fordism, a practice marked by "a 'better' pay for more disciplined and demanding work."

This practice dominates market relations in the world today. This domination is developed upon the control of capital increasingly concentrated in the hands of a few transnational corporations. Capital concentration means that these transnational corporations acquire control of exchange and distribution of products around the world.

Citizens' movements, across the world today, in feminism, poverty reduction, and in protection of peace, human rights and environment, demand changes not only in the capitalist style of governance but also in the existing system of production, both of which impose systemic constraints on their pursuit of equality. These constraints prevent the implementation of international obligations in the areas of human rights, environmental protection, peace and gender equality and equity because they work against a scheme of global governance by law established upon universally agreed-upon principles and standards.¹⁴

These principles and standards in support of more equitable and sustainable lifeworlds challenge the premise of Western model of development: the conquest of nature and hence, of other people in one's own pursuit of security and interests. This model underlies the pursuit of justice in matters of government in modern capitalism and practice of transnational corporations. A challenge to this model is reflected in the participation by women and men in the implementation of governmental commitments to universal principles and standards in the protection of environment and human rights, and in the attainment of peace, gender equality and development that is socially equitable and environmentally sound. The translation of universal principles and standards into legislation and national policies is a direct response to the changes in the global structure of social relations. A uniform development of universally agreed-upon principles and standards, and national policy, provides a means to regulate the exchange and distribution of resources around the world. This regulation harnesses the influence of transnational corporations, which consume labour, a majority of whom are women, and resources to make profits. It supports small scales of production that are more responsive to local human needs, and the needs of poverty reduction and equal participation of

¹⁴ For a detail account of the constraints, see part ? of this book.

women and men in improving social conditions of living and the environment.

Adherence to universally agreed-upon principles and standards is a direct resultant of the exercise by women and men of their right of world citizenship to participate equally in the establishment and improvement of international instruments. The present draft Charter of Obligations is a compilation of the principles and standards that have been endorsed in the past 50 years in such international instruments as UN treaties, conventions, resolutions and declarations. This Charter points towards an alternative course of development, one which is predicated upon the advancement of women, the protection of environment and human rights, and the attainment of peace, gender equality and equity and a style of governance that involves both women and men of the world.

(4)

Charter of Obligations and Global Civil Society

In recent decades, citizens have taken initiatives to form non-governmental organizations to voice their concerns and to influence the process of decision-making at regional, national and international levels. NGOs work together based on networks that they have built through the latest information technology. Some of the movements are progressive because they actively promote the creation of international principles and standards in replenishing the natural heritage, advancing peace and equality between women and men, and distributing benefits of development equitably. These citizens' movements demand the state to be more responsive to the articulation by women and men of their concerns for a collective interest which requires protection. An outcome of these demands is the recognition of rights based on the exercise of sentiments of justice by women and men to attain equality in the advent of a transcendence of rights entirely based on proprietorship.

These demands by citizens of justice in both the government sphere and the market underlie the transformation of social relations of production in 'civil society', which does not exist independently from the state. This independence prevails only in terms of public influences on government. It originates in socially organized movements to gain equal legal recognition of citizenship rights of women and men to attain justice in the pursuit of their articulated needs against undue state authority and domination of transnational corporations. A necessary outcome of this process is a future development of global governance that is based on the recognition of 'inalienable rights' of women and men to exercise sentiments of justice to attain a full and free life equally for all.

This recognition requires not the creation of a global government but an international public sphere in which citizens' organizations and national governments work together to produce statements of

obligations and an action plan for their implementation.¹⁵ This international public sphere, in which views are contested, is a promising avenue for women and men of the world to bring forth their concerns and to create universally agreed-upon principles and standards whereby national governments operate to respect their wishes. The United Nations has provided occasions for such a sphere to arise in the past years when NGOs have strengthened their influence in the intergovernmental arena by organizing their own forums at the time of the UN Conference on Environment and Development in 1992, the World Conference on Human Rights in 1993, the International Conference on Population and Development in 1994, the World Summit for Social Development in 1995 and the 4th World Conference on Women underway in Beijing, China. While interacting with governmental delegations, NGO representatives have exercised influence on these conferences, which highlight the international policy-setting and decision-making processes.

Citizens' participation in the creation of universally agreed-upon principles and standards suggests the need for a Charter of Obligations. This Charter is necessary because it serves to bring up-to-date previously agreed-upon principles and standards, and to remind states of previously undertaken obligations. This update provides a basis upon which to formulate increased governmental commitments, which are translated into legislation and national policies. Citizens, both women and men of the world, can use the Charter as an instrument to monitor national governments to fulfill their obligations. This monitoring of state compliance with obligations enhances citizens' participation in upholding the conditions of representative government, varying elements of which are practised throughout the world. This government looks after public interest in response to the principles and standards of justice, which are established and improved on the basis of the exercise of sentiments of justice by women and men.

To continue its growth, civil society must transform and adopt a new configuration, one which is based on a form of global political economy that is more equitable, in which women and men exercise world citizenship to overcome systemic constraints imposed on their pursuit of equality. This exercise of world citizenship is achieved upon the participation by women and men in global governance in the interest of humanity. Citizens' participation in the formulation and implementation of principles and standards of justice, influencing income distribution and regulation of the market, crystallizes this final discussion of the role of the United Nations and the significance of a Charter of Obligations in the construction of global civil society.

¹⁵ The Report of the Commissioners of Global Governance proposes to establish shared values and rules internationally, while expressing the idea that no global government is desired. See the Summary of Our Global Neighbourhood, the Report of The Commission on Global Governance (Geneva, 1995).

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Editorial Note: Changes were made in the original text so as to conform to other statements related to the Charter of Obligations in this publications

NOTES



Photo: CIDA, David Barbour

B. "CIVIL SOCIETY AND DECISION MAKING: ESTABLISHING ADVISORY BODIES DRAWN FROM NON-VESTED INTEREST INDIVIDUALS AND REPRESENTATIVES WITH VARYING EXPERIENCE AND EXPERTISE

(Excerpts from a paper on Redefinition of Civil Society Based on a Charter of Obligations)

The responsibility for monitoring the states' discharging of obligations appears to be falling more and more on the individual and group advocates and activists. The monitoring role has often been coupled with an advisory role in the decision making process through the multisectoral stakeholder model. The advisory role has taken on a new dimension as a result of the proliferation of the "Round table" movement— a movement based on establishing arenas of competing interests placed in a consensus-based rather than a principle-based forum. With the inclusion of the "market" in these advisory bodies, the general consensus reached often reflects a level of resolve well below previously undertaken obligations.

At the international level this role was usually carried out by accredited non-governmental organizations. Generally many advocates and activists have used as their vehicle of action, NGO organizations. Even though the term NGO only refers to "Non governmental" organizations which could theoretically include virtually every organization that is not associated with the government, practically, until recently, the term NGO appeared to include groups that were committed to guaranteeing the protection of human rights, ensuring the preservation and protection of the environment, eliminating the threat of war, achieving disarmament and enabling socially equitable and environmentally sound development.

During the past few years, however, in the extended "conference period" of the United Nations, the designation of NGOs has been extended to include groups that do not necessarily share the above concerns. The NGOs and the extended NGOs, have, through the participating in parallel conferences and through being accredited to the official United Nations conference, had access to, and been able to influence the international decision making process.

Often because of the special privileges granted to NGOs, the market has set up groups that pose as legitimate societies, and through these societies have been able to have access in addition to their usual channels, to the decision making process. For attendance at NGO forums no evidence is required to demonstrate commitment to the obligations undertaken through UN instruments. NGOs. In the past few years the nature of what would constitute an NGO has been raised and criteria for inclusion and exclusion proposed because of the increased participation of the market through market NGOs.

The United Nations has, however, guidelines to determine which NGOs will receive accreditation for the official conferences but apparently these criteria have not been successful in excluding market

group societies. Often, however, with lofty mission statements, these market front groups have been able to receive accreditation.

At a recent Conference at the "We the peoples; ...the Role of Civil Society in the History and Future of the United Nations (1995) the term "civil society" was introduced into the international sphere of accreditation discourse. This revived term has been suggested as a term to replace the term "NGO".

Civil society, if defined in the following way could have an important role to play in monitoring and ensuring the discharging of these 50 years of obligations, and in calling upon states to pledge future commitments to ensure that the original purpose of the United Nations is fulfilled:

Redefinition of Civil Society:

the term "Civil society" shall be redefined to include citizens who have demonstrated a commitment to preserving the environment and to preventing environmental degradation, to guaranteeing the protection of human rights, to ensuring social justice and to promoting socially equitable and environmentally sound development. The term "market" shall include all those that have a vested economic interest in the outcome of deliberations.

On the other hand the "roundtable movement" view of civil society: one in which the vested interests of different sectors of society would be included would tend to move the United Nations away from previously undertaken obligations. The "roundtable" view of civil society corresponds to the historical view where civil society includes all segments of society except the state, and to a revitalized version of civil society from former socialist societies. In this re-vitalized market/former socialist state vision there is the presumption that civil society — which is deemed to reflect market and NGO interest, could have a common moral vision which may or may not correspond to that of the state.

At least five spheres of social life that are open to civil society's activity and where its characteristic features are expressed and applied. These are the economy; communications; politics; education, science, and culture and religious life. (8)

Civil society's activity in the economy is visible in the operation of such **institutions as banks, corporations, or stock exchanges**, which are involved in investment, production, trade, insurance, and so on. ... (Sbigniew Rau Ed. (1991). *The reemergence of Civil Society in eastern Europe and the Soviet Union*, San Francisco: Westview, p. 5)

... A precondition for the existence of civil society is a **normative consensus of its members. This consensus concerns the moral and social order that prevails among them.** It concerns both the central moral values on which civil society is based and the rules of behaviour of its members — who are to promote rather than hinder the enforcement of those rules. **It is this normative consensus that ties together the members of civil society and makes them a moral community and a distinct entity that can then act as a whole** (Sbigniew Rau Ed. (1991).

It was reported that, at a recent meeting in Central America, market representatives were most anxious to extend the term "civil society" to include the market (personal communication, Victoria Tauli-Corpuz, Executive Director of the Cordillera Women's Education and Resource Centre in the Philippines); this move to extend the term could possibly arise from the benefits having accrued internationally to NGOs

At the "We the Peoples..." conference in San Francisco,, one of the Panelists stated that the term "civil society" should replace the term NGO because the term NGO states what NGO's are not rather than what they are. If this were the case then the term "NGO" could be deemed to be equated with the term "civil society".

Reference to "civil society" and to NGOs in the documentation from a 1994 conference on Civil Society at the " Summit of the Americas) suggests various concepts about this relationship and about the position of NGOs within the notion of "civil society", itself.

From the comments coming from the Summit on Participation of Civil Society (1994) which was part of the Summit on the Americas, there appears to be a range of relationships conceived between NGO's and Civil society. Considerable ambivalence about what other segments or part or components of society should be included in the designation of "civil society" appears to exist.

In a statement by ALOP from Uruguay there is a definite distinction between NGOs and Civil society yet they are combined as a composite agent:

" Civil society and NGOs should actively elaborate proposals ... "(ALOP, Uruguay). Similarly, in a letter to Feinberg, the from a group of NGOs, there was a reference to " NGO and civil society projects".

In other contexts, the relationship between NGOs and Civil society is juxtaposed with a slash:

Invite representative NGO/civil society participation in the various on-going working groups preparing recommendations for the Summit or hold open sessions of the working groups that would allow for on-going dialogue with NGO/civil society representatives (American Friends Service Committee, Amnesty International, Lawyers' Committee for Human Rights, Esquel Group Foundation, church World Service, Unitarian, Latin America, Bank Information Center, International Center for research on Women).

Existing views of "Civil Society

Elsewhere there is a reference to NGO's as being a segment of Civil society without stating what the other segments are:

For us, the Summit provides a potential opportunity to forge consensus on issues of key concern within the segment of civil society that we represent and with whom we work throughout the hemisphere.

Similarly there is a reference to a "slice of civil society":

"we try to highlight the concerns of our slice of civil society (HI. A Statement and Recommendations by Concerned Civil Society Organizations to the Summit of the Americas).

In another section of the HI Statement there is the term "civil society" appears to include as well the disenfranchised:

Civil society includes those who have been excluded benefits the substantial portion of the hemisphere's people who, until now, have been excluded from the economic and political life of their country it must address the issues that affect the nature of the relationship between the state and civil society.
(HI - A Statement and Recommendations by Western Hemisphere Civil Society Organizations to the Summit of the Americas)

What does appear to be consistent in the comments from the NGOs participating in this conference is agreement about the themes and issues that would be the purview of civil society. In most cases the addressing of these themes and issues would require the exclusion of the Market from designation of civil society.

Throughout the surveyed documents on "Civil society" there appeared to be a wide range of activities that should be the purview of "civil society": all of them related to the general work currently carried out by credible NGOs..

There appears to be the belief that Civil Society had essentially common goals:

The belief was expressed that "civil society" shares common principles in such a way that there could be "a vision of civil society" (ASOCODE, Central America).

Civil society is also perceived to share "civil society themes":

The ideal would be to limit the THEMATIC FOCUS of the media guide itself to two civil society themes or issues we all would like to push for special attention at the Summit,... Communication among ourselves suggests that human rights, redressing poverty, promoting participation, and the impact of trade on equity and democracy are shared priority concerns, and ones unlikely to get the attention they deserve at the Summit.

In the Summit there was a presumption that civil society organizations would be able to come up with a widely endorsed document:

This conference seeks to facilitate the sharing and exchange of information on the Summit of the Americas among civil society organizations. It is hoped that this exchange will provide the basis

for a widely-endorsed document that will serve as the basis for coordinated advocacy.

Similarly in a Hemispheric statement prepared for the Summit on the Americas, there was an assessment of what has been described as "Civil society imperatives"

Civil Society Imperatives: Hemispheric Imperatives as seen from below:
Defending Human Rights, Redressing Poverty, and Institutionalizing Participation: a Statement and Recommendations by Western Hemisphere
Civil Society Organizations to the Summit of the Americas

and NGO have priorities on civil society: priorities

... NGO priorities on civil society -- liberty (democracy/human rights), culture, gender equality, and education (sent article on this subject); Civil society providing voice for the protection of human rights Although the state has the primary responsibility to protect human rights, these civil society organizations also provide an effective, and necessary, voice for the protection of human rights (Solidarios, Dominican Republic).

NGOs should be involved in both the Summit and actions outside of the official proceedings. (difficult to decipher the writing); focus on social and labor rights as well as environmental-- on a national and continental level. Suggestion for civil society participation: the writing of a letter on social participation in civil society; interested in participating and contributing to the process. Red Chilena por una Iniciativa de los Pueblos, Chile.)

Civil society linked with concern for basic needs

attention to basic social rights such as housing, health, education, and protection of the environment in the context of economic liberalization and extreme poverty; civil society participation should occur in each country with the US. making known its concern that civil society suggestions be factored into proposals; at the international level (Instituto de Desarrollo Urbano, Peru)

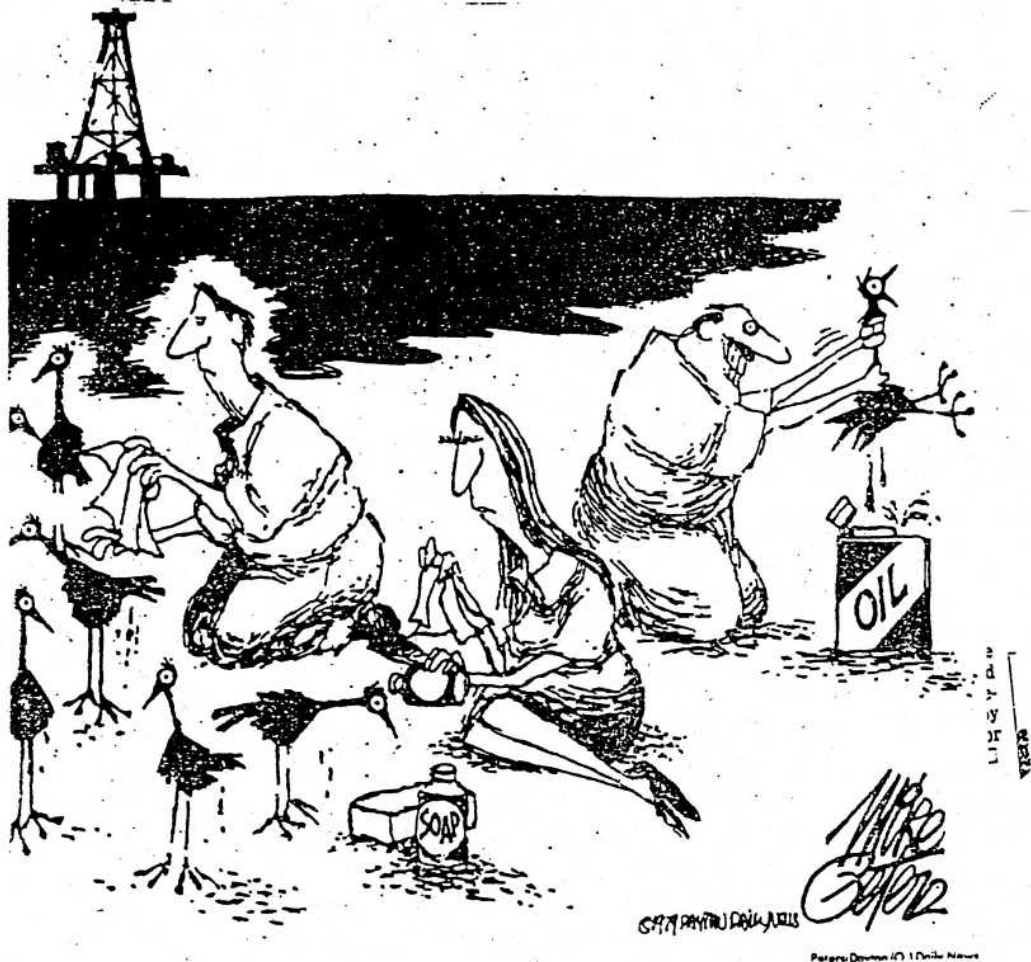
The obligations undertaken by governments in ratifying these instruments are the standards against which they should be held accountable, both by their own citizenry and by actors in the international arena (International Human Rights Safeguards, Document for the Summit of the Americas, 1994).

Civil society could thus be defined as those members of society that agree with and adhere to fundamental principles enunciated in international document: legal binding documents (conventions, Treaties, Covenants); globally adopted Convention Platforms of Action, and Action plans, and passed General Assembly Resolutions. This emerging concept of civil society has to be distinguished from the (a) historical perspective as used in Western thought, including Hobbes, Locke,

Paine, Tocqueville and Marx and Gramsci Hegel... and Marx; (b) Reemerged vision as used by former socialists societies (and by extension in the "roundtable movement) (c) Feigned altruismused by the market.

A principle-based decision making body composed of individuals with varying levels of expertise and experience - serving not vested interest but public interest would need to replace the current model of the roundtable. Only the members of "civil society" that have consistently promoting the guaranteeing of respect for human rights, the protecting and preserving of the environment, the preventing of conflict and war, and the enabling of socially equitable and environmentally sound development would be given credence in the promotion of public awareness and understanding, and in the participation on advisory boards.

There has been a failure to establish disinterested yet experienced and informed advisers in the decision making process. Unfortunately there has been increased reliance on multisectoral stake holder vested interests decision making process (an arena of competing interests where conflict of interests have been glorified), rather than on a principle-based decision making process.



COMMENT: INSTRUMENTS OF CHANGE: SANCTIONS AND BOYCOTTS

Instituting boycotts against offending industries

International organizations shall institute boycotts against transnationals that caused environmental destruction, violated human rights, and contributed to conflict or war. Each UN organization shall institute boycotts in their particular sphere of activity (Note UNICEF boycott against transnationals that have violated the rights of children)

Enacting and reinforcing... sanctions

Enact or/and reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women and girls who are subject to any form of violence, whether in the home, in the workplace, in the community or in society ((May, 15, 1995 Advance Unedited Draft Declaration and Platform for Action, Art.125 c).

Taking measures to alleviate negative impact of economic sanctions on women and children

(Take measures in accordance with international law (and legitimacy) with a view to alleviating the negative impact of economic sanctions on women and children) (Art. 146 k. Advance draft, Platform of Action, UN Conference on Women, May 15)

Strategic sanctions against transnationals for environmental destruction, violated human rights, and contributed to conflict or war can be used by states to discourage industry to go to states that have weak legislation, or relax legislation and enforcement to attract industry. These sanctions could assist the global community to move towards a high level global playing field.

Ensuring that transnational corporations comply with national laws and codes...

(Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws) (Art. 167.1 Advance draft, Platform of Action, UN Conference on Women, May 15)

COMMENT: EDUCATION AND PUBLIC AWARENESS

In chapter 36 of Agenda 21 UNCED, a very important distinction is made between promoting "education," promoting "public awareness," and promoting "training." It appears to be clear in Agenda 21 that non-governmental organizations, community-based groups, women's groups and aboriginal groups are called upon to assist educational authorities in reorienting education. The role of industry is ascertained to be limited to specific areas of business and industrial and training programs.

Educational authorities, with (appropriate~) assistance of non-governmental organizations, including women's and indigenous peoples' organizations should promote all kinds of adult education programmes for continuing education in environment and development, basing activities around elementary/secondary schools and local problems. The authorities and industry should encourage business, industrial and agricultural schools to include such topics in their curricula. The corporate sector could include *sustainable development socially equitable and equable environmentally sound development* in their education and training programmes. Agenda 21, Chapter 36.5 I

In the section of Agenda 21 that addresses the " promoting of public awareness " industry is included not as the dispenser of "education" but as the recipient of needed education.

Countries and regional organizations should be encouraged, *as appropriate*, to provide public environmental and development information services for raising the awareness of all groups, the private sector and particularly decision makers. (Agenda 21, section 36.10 c)

In the section of Agenda 21, that addresses the "promoting of training, an important role for industry is envisioned.

To strengthen national capacities.... in training, to enable governments, employers and workers to meet their environmental and development objectives and to facilitate the transfer and assimilation of new environmentally sound, socially acceptable and (appropriate~) technology and know-how (Agenda 21, 36.13 c)

(Principle-based education, (See Chapter 5). Within the context of globally agreed to principles students can critically analyze ethical and ecological principles as well as issues. Undoubtedly, because globally adopted principles are themselves adopted, opponents to using international principles as a basis for an education program will refer to the relativity of these principles. If the relativity criticism of globally adopted principles is used to justify a critical analysis of principles and issues the criticism raises a valid objection but if the criticism is used as rhetoric to justify the perpetuation of ecologically unsound practices by market, then the criticism becomes yet another grounds to support the claim of "miseducation" through market rhetoric).

CHAPTER 5

PRINCIPLE-BASED EDUCATION

PRINCIPLE-BASED GLOBAL EDUCATION: AN INSTRUMENT OF SOCIO-POLITICAL GLOBAL CHANGE

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Photo: Andy Senets

Introduction:

For almost 50 years, the United Nations and member states of the United Nations, through international instruments — conventions, treaties, declarations, conference action plans, and General Assembly resolutions — have undertaken obligations to address the urgency of the global situation. This urgency is reflected in the continued degradation of the environment, the production of arms and the escalation of conflict and war, the violation of human rights, and the inequitable distribution of resources. From international instruments, such as the Universal Declaration of Human Rights, the Charter of the United Nations, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and Agenda 21 — the action plan from United Nations Conference on Environment and Development, principles can be extracted and a complex of principles representing an expression of international concern about the need to address the urgent global situation can be discerned (see figure 1). This complex of globally adopted principles has become the foundation for a program called "Principle-based" ¹ education.

Principle-based education works within a framework based on globally adopted principles related to preventing the degradation of the environment, the escalation of conflict and war, the violation of human rights, and the perpetuation of inequality/inequity and social injustice. This framework has been developed not from a particular value system of the teacher, educator, or institution, but is based on globally adopted principles over the period of the existence of the United Nations. The majority of countries of the world have signed, and/or ratified a significant number of legally binding international documents, and have adopted Conference statements and General Assembly resolutions.

In Principle-based education, complex and controversial issues reflecting the urgency of the global/local situation are discussed in the classroom or in the community within a conceptual principled framework.

In this paper, Principle-based education, as a means of examining difficult, complex and controversial issues is discussed, and the approaches in Principle-based Education are distinguished from various techniques from "the guise of objectivity" approach. Examples

¹ "Principle-based education" was introduced in Russow, J. *A Method of teaching Human Rights*; and expanded in Russow, J and D White. "Global/local Issues through principle-based education". Since 1985 a set of principles have been extracted from the International instruments and compiled in a series of documents: *A Method of Teaching Human Rights (1985)*, "*A content analysis of UNCED documents*" (1992). "*Principles of action from Agenda 21*" (1992); Draft working document: *Global Issues: Environmental and social dynamics of Global Change (A Collection of Writings and documents - notes for course (1994)*; *Charter of Obligations: human rights, peace, environment, and equity (1995)*. Principle-based education has been introduced in North America at the National Association of Research into Science Teaching (NARST), and internationally at the Annual General Meeting the IUCN (World Conservation Union) Commission on Education and Communication.

will be drawn from a wide range of literature including, industry, industry-front groups, "anti-socio-political global change" groups and global education curriculum developers.

Background for Developing Principle-based Education:

Global issues defy the traditional disciplinary boundaries, and are primarily interdisciplinary or transdisciplinary. Global issues can be introduced through the analytical processes in Principle-based education into any discipline or subject area. Aspects of Principle-based education are relevant to the Secondary School curriculum in Social Studies, Science, Global Education and Environmental Education, as well as in pre-service secondary student teacher programs. Many educators have reservations about addressing controversial issues in the classroom. Most issues that reflect the urgency of the global/local situation are, however, difficult, complex and controversial. Sometimes these educators present controversial issues in classrooms for unprincipled debate, and frequently choose to retreat to selected resolvable-issues for class projects.

This methodology is reflected in the following statement in a teacher's guide prepared by global educators:

Think globally-act locally

Based on the environmental assessment survey, and the assessment of local environmental projects, students can plan their own home or school improvement project. This could include working collaboratively with a local environmental enhancement group, an energy resource provider (e.g., your local or provincial hydro or gas utility), or other business or organization. Improvement projects could include the family, the class the whole school, or parts of the community. The project should be manageable in order to ensure success. Small action projects aimed at specific areas of concern (e.g. wastes paper in the school, the amount of garbage that could be recycled in the home, a specific habitat enhancement project etc.) will provide opportunities for students to be successful, to feel empowered and to see that changes are possible (Global Change and Canadians: A Teacher's Guide, 1993, p. 42).

Resolvable-issues for class projects are often those that are simple, easy to address and non-controversial. "Manageable" projects are often selected because of the perceived need of "empowering students", because "resolvability" is perceived to be the most effective way of empowering students, and because of the assumption that such projects are also easily 'managed' by the classroom teacher.

Perhaps what constitutes "empowering students" has to be revisited. Although simple, solvable and non-controversial projects are important and useful, they may not be the best way of empowering students particularly if they are the only projects undertaken. Involving students, particularly at the secondary level, in such projects may not be the best way of preparing students and pre-service teachers to face the complexity, uncertainty and unresolvability of local and global

problems. Perhaps what is needed is for students to acquire significant knowledge and processes with which to work: complex thinking processes grounded in a conceptual structure of globally endorsed principles, and not simplistic projects devoid of principles.

Other educators have no reservation about introducing complex and controversial issues in the classroom providing that these issues are grounded in their own preconceived ethical, moral or religious framework. This framework has offers students a particular value base endorsed by the educator or by the institution, and thus may be perceived to be biased and to bring about indoctrination.

Other educators who are willing to deal with complex, and controversial issues in the classroom, may wish to avoid any perception of bias or indoctrination. These educators, wishing to avoid a perception of bias or indoctrination, may select programs which develop analytical processes without establishing a principled framework. These programs give students an opportunity to analyze difficult issues and clarify their own values related to these issues without a conceptual principled or ethical framework. Although these programs may be successful in clarifying students' positions their decisions may not be insightful or well reasoned and may lack a principle basis for assisting students in making decisions.

Principle-based education attempts to enable students to examine complex controversial issues within a Principle-based framework which is independent from the belief system of the educator.

Elements of Principle-based Education

In Principle-based education the dichotomy between thinking and acting has been collapsed; it is recognized that local and global issues are interdependent both informing on and impacting upon each other. Thus the students are encouraged to both think and act locally and globally. In Principle-based education, students are encouraged to investigate local issues within the framework of globally adopted principles, and global issues in their manifestation in a local context. Both local and global issues require thought and action.

Students are also encouraged to be involved in the dynamic between the two different meanings of "global change". The term "global change" appears to have different meanings depending on the disciplinary discourse. global change within socio-political discourse refers to socio-political actions to prevent environmental degradation, violation of human rights, and escalation of conflict and war. Thus, in a socio-political discourse to call for global change would be to call for changes in attitudes and behaviour to prevent ecological degradation, human rights violation and conflict and war escalation. The term "global change" has acquired, however, a specific meaning not within the single disciplines of science but within internationally constituted scientific bodies dealing with changes in the biosphere. In the later context "global change" appears to refer to the change within the environment that leads to ecological degradation. Thus in this segment of scientific

discourse, rather than calling for global change, concerned citizens would call to prevent "global change".

The two meanings of social change could be describes as the difference between state and action. Global change in the context of the International research group of change biosphere could refer to the state ecological destruction whereas global change in a socio-political context could mean a resolve to act to prevent ecological destruction.

Approaches in Principle-based Education

In Principle-based education, principles related to preventing the destruction of the environment, the escalation of conflict and war, the violation of human rights, and the perpetuation of inequality/inequity and social injustice have been extracted from international instruments. The following are elements of Principle-based Education:

- (a) The urgency of the global situation is acknowledged,
- (b) international instruments proposed to address the urgency are examined,
- (c) the applicability of international principles to global and local situations is determined,
- (d) international solutions offered through these international instruments are evaluated,
- (e) the systemic constraints preventing socio-political constructive global change are delineated, and
- (f) the reasons for lack of compliance are examined.

Through being exposed to the urgency and through becoming aware that at the international level students will become aware that, at least at the international level there may be the political will to undertake to bring about the necessary changes. Educators can assist students in acquiring the knowledge, and language of instruments and principles of change.



Photo: La Rosa

Processes in Principle-based Education

Students are encouraged to examine, to explore and to appreciate the full complexity and interdependence of global/local issues within a framework of globally agreed to principles through engaging in a combination of the following analytical and reflective processes:

- Selection of issues to be examined
 - Examination of principle-diagram to determine if there is an international principle addressing the issue
 - Drafting of a principle from a complex of principles if no principle exists
 - Location of principle within "International principle diagram"
 - Statement of principle
 - Exploration of principle,
 - Clarification of concepts and terms through ordinary language analysis
 - Determining criteria for compliance with principle
 - Establishing criteria for selecting issues to be examined
 - Determination of issues emerging within principle
 - Selection of actual cases related to principle
 - Application of principle to actual cases
 - Adjustment of principle in response to cases
- Generation of hypothetical cases
 - Application of principle to hypothetical cases
 - Adjustment of principle in response to hypothetical cases
 - Clarification of principle
 - Determination of action to support principle
 - Engagement in action
 - Justification of action
 - Establishment of additional principles underlying action
 - Exploration of principled action
 - Determination of connection with other principles in "international principle diagram"

Through participating in the above analytical processes, students and pre-service teachers can be stimulated to think, both critically and creatively, about difficult, complex and controversial issues within a principled framework. Students, and pre-service teachers are encouraged to investigate the components of these globally adopted principles, and to analyze the role of science and technology in the fulfillment or violation of these principles.

An essential part of principle based education is to determine whether globally adopted principles exist to address specific issues. If a principle for the specific issue has not been enunciated in international instruments, then the students will be encouraged to combine existing principles to craft a new draft principle. If a principle does exist for a specific issue then the students will focus on understanding the principles, and on identifying their own opinions, bias, and beliefs inherent within the principle. When investigating a principle or document the students become engaged in (a) investigating the implications of these principles; (b) analyzing and synthesizing information on current issues in the light of these agreed to principles; (c) applying these principles to the examination of complex, difficult and controversial issues; (d) clarifying the role of science and technology in relation to these principles; (e) determining whether these principles have been incorporated in national and local law; (f) identifying the systemic constraints preventing the adherence to these principles; and (g) proposing a range of possible actions to address issues arising from the non-fulfillment of these principles.

In Principle-based education, the principles are drawn not from an educator's particular belief system but from globally adopted principles. In this paper, the approaches in Principle-based education will be distinguished from techniques used in what I have referred to as "the guise-of-objectivity" approach.

Sources of Guise of Objectivity

There are a number of sources of information that reflect the guise-of-objectivity approach. One source is from what could be described as "anti socio-political global change" groups; Groups such as "Reason", Pacific Legal Foundation (PFL), CFACT (Committee for a Constructive Tomorrow), CATO Institute, Heritage Foundation, Institute for Justice etc., profess to be objective but adhere to a complex ideological program. This program, for example, has classified the concern about ozone depletion as "the hole in the ozone scare" or "acid rain as a hoax". In addition, this program advocates different combinations of the following elements: manifest destiny, limited government control, individual liberty, private property rights, strong national defense policies, pro-military expansion, free competitive enterprise, expanded American influence, uncritical nationalism, school choice, privatization, market-oriented health care, deregulation, racism, anti-semitism, and Christian fundamentalism. These groups are powerful with a list of funders from industry and of advisers from main-line universities such as Harvard, Cornell, University of Chicago, Duke, Berkeley University of Illinois, Pennsylvania State, Rutgers etc.²

² For further discussion, see papers by Tim Boston, and manuscript in progress on Boston, Knelman F., and J. Russow "Anti-socio-political-ecological thought", available on disc from authors.

Other sources of information that reflect the guise-of-objectivity approach are from non-profit associations that are set up by industry for the purpose of developing educational materials; these materials are often developed in conjunction with, sanctioned by and distributed by acceptable institutional. For example British Columbia Forestry Association, whose Board of Directors comprise primarily forest company representatives along with key government representatives, and the occasional educator has developed educational material, which have been in some cases circulated unsolicited throughout the school system. A complementary source of information is from the "Round Table Movement"³. Vested interest economic values can be explicitly or implicitly introduced. In the Round Table movement, industry representatives, as members of these legitimately constituted bodies, could be directly involved in determining the philosophical underpinnings of education. For example in Canada, the President of an Oil company was the chair of the National Round Table on Education for Sustainability.

An additional source can be from global educators themselves. Often in global education, in the guise of objectivity issues are perceived to reflect different values, and because of this perception, all opposing views or "multiple views" are sometimes considered as being equally legitimate. In the guise of objectivity students are often encouraged to explore positions which may contradict principles endorsed by the global community. They are often encouraged to explore contradictory positions and search for the best or better view or develop a new view or course of action which could be unprincipled in terms of previously adopted international principles.

³ Ronald Doering, Executive Director, National Round Table on the Environment and the Economy, defined the Round Table as a movement:

"This is a fairly accurate description of the Canadian round Table movement ... (p.11)

Principle-based Education Approaches in Contrast with techniques of of " the Guise of Objectivity" Approach

Generally opposition to Principle-based education comes from "the "the guise of objectivity" movement — a wide range of techniques from industry, industry front groups, "anti-socio-political global change" groups, and some global educators. These techniques have achieved some currency, and it is important to distinguish the approaches of the Principle-based education from the techniques of the "the guise of objectivity" movement. The following eight techniques are selected from a content analysis of techniques in various documents which reflect "the guise of objectivity" approach.

1. "Affirming yet denying scientific consensus" technique
2. "Cooption of legitimate terms like "both sides", "multiple sides", "multiple perspectives" technique
3. "Fragmenting, simplifying, making manageable and controlling complexity" technique
4. "Expressing concern yet not fully addressing concern" technique
5. "Decrying the urgency while continuing to practice as usual" technique
6. "Elimination of concern and resolve through "good news" stories"
7. "Debate the necessary —ignore the categorical imperative" technique
8. "Categorizing examination of the urgency of the global situation as leading to doom and gloom technique" technique



A. "Affirming yet denying scientific consensus" technique

This first technique recognizes that "where consensus has been reached it should be explained", and yet there is encouragement to engage in an activity which counteracts what has generally become scientific consensus. This technique is present in the global education publication, *Global Change: A Teacher's Guide*. On the cover of the Teachers Guide is the following statement of commitment to objectivity, and to explaining where "consensus has been reached":

'Global Change and Canadians' is intended for a senior high school through adult audience. It objectively tackles such topics as ozone depletion, climate change, sea level change, global economics, energy ..., to name a few. In addition to providing readers with the most recent statistics and theories behind these topics, the book explains where consensus has been reached and where uncertainty still exists (*Global Change and Canadians: A Teacher's Guide*, 1993).

This commitment to objectivity sets the tone for a Teacher's Guide reviewed by esteemed scientists across Canada, and approved by the prestigious Royal Society of Canada, and thus, there could be the presumption that the Guide would respect the stated commitment to "objectivity". However, in the section on climate change, the teacher is instructed to ask students to consider the positive or negative benefits of global warming:

Global Warming — A good thing

Ask the students to consider possible positive benefits of global warming, as well as negatives. The students could create a two-column table with one column listing possible positive consequences from global warming and the other negative ones. Remind students that all suggestions are valid during brain-storming (*Global Change and Canadians: A Teacher's Guide*, p. 29, 1993).

Although there may be differences of opinion about the uncertainties of the extent, the nature, and the degree of global warming, there is generally scientific consensus about the negative impacts of climate change. In a Harvard based eight country survey project on "Social Learning Related to Climate Change" there was little evidence of the position that global warming could be beneficial. The position that global warming could be beneficial was proposed in Northern Climates up to the mid 70's, and has generally been discounted ever since by scientists who do not have a vested interest in perpetuating the anthropogenic causes of greenhouse gas emissions.

The position of there being potential positive benefits has been discredited within the responsible scientific community. The position, however, can be found extensively in "literature" put out by industry generators of CO₂, by industry front groups and by the "anti-socio-political global change" groups. For example, the positive possibilities of global warming have been advocated primarily by groups such as the

"Right wing think tank" (CATO institute), in their publication "Sound and Fury: the Science and Politics of Global Warming" by Patrick J. Michaels:

The popular vision of an approaching apocalypse caused by global warming has no scientific foundation and that most of the warming is at night when it produces benign effects such as longer growing seasons (CATO, 1993, p.3).

Serious consideration has to be given to the value of having students finding positive aspects to a position which is no longer debated by serious non-vested interest scientists.

Principle-based education approach distinguished from this technique

In Principle-based education, when examining significant global issues, students will examine international statements from recognized experts. In the particular case of climate change what would be examined would be the relevant international instrument—the Framework Convention on Climate Change. This instrument was drafted in consultation with an international body of scientists, specializing in Climate Change, was signed in June 1992 by most of the member states of the United Nations, and came into force in March 1993. The Climate Change Convention affirms the urgency of Climate change whose adverse effect were deemed to be of common concern:

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,

Noting that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof (Framework Convention on Climate Change, 1992).

In Principle-based education the following recommendation has been endorsed:

Given that "corporate scientists" have been involved in developing educational material that has not been sufficiently reviewed and that is prepared for the sole purpose of promoting particular corporate interests, we recommend that a body of non-vested interest scientists review materials for inclusion in school libraries and curriculum, and

conduct workshops for teachers on the distinction between science and technology and between 'juried or credible' science and pseudo-science. (Report. from Ozone Depletion and Ultraviolet Radiation, Conference, 1994).

Global warming is an extremely difficult abstract concept. How can high school students accurately distinguish bias from accurate or good science information? Such opposing arguments, as proposed in the Teacher's Guide, may only leave the students frustrated or result in the students accepting false information or generating unreasoned conclusions.

B. "Cooption of legitimate terms like "both sides", "multiple sides", "multiple perspectives" technique

This second technique involves the recognition that even though one side or perspective is deemed to be the cause of destructive global change, the cause of destructive global change should be given legitimacy, through inclusion as a side worthy of consideration. This technique usually coopts the legitimate language of fairness by using expressions such as the need for "both side", "multiple perspectives", "multiple points of view", and "balance".

There is a long history in education of presenting different sides of issues, and opposing the indoctrination of students. In education this concern for presenting both sides is a genuine concern based on a fundamental sense of fairness and of integrity. Unfortunately the advocating of both sides or many sides has been often adopted by "anti-social-political global change" groups. For example, the need to present both sides has been used by white supremacy groups to justify the dissemination of hate literature. John Stewart Mill—a strong critique against intolerance— has been used by these groups to support the right to be intolerant. Thus the one side, the right to be free from the dissemination of hate literature has been balanced with the other side, the right of freedom of speech to disseminate hate literature. The dissemination of hate literature is thus justified through freedom of expression . The phrasing of this issue in this way often brings about the issue being presented as a conflict between two equally tenable rights — the right to be free from the dissemination of hate literature and the right to freedom of speech.

This technique is also used to justify the continued degradation of the environment. Presenting different sides of an issues has become a useful tool used by industry to prevent socio-political change. For example, in 1975, a logging company printed in their publication "How to become a more sophisticated saboteur in Groups, the following directives:

For every proposal set up an opposite, and conclude that the middle ground (no motion whatever) represents the wisest course of action. If this does not work, say that we must not move too rapidly....Point out that an attempt to reach a conclusion is only a futile "quest for certainty" Try to point out all

sides of every issue, thereby hiding your own indecisiveness under a blanket of objectivity. This is sure to decrease popularity so, as a safeguard, disclose that there are all sorts of "dangers" in any specific formulation of conclusions, dangers of exceeding authority or seeming to, of asserting more than is definitely known, and so on.. (MacMillan Bloedel, 1975).

The "both sides" (or multiple points of view) technique is often used regardless of the legitimacy of the "sides", and it allows for the introduction of arguments and concerns which would otherwise not be included. For example, The technique is used to advance the concern not about the impact of industrial practices on the environment, but about the impact of environmental rulings or regulations on the economy. This technique is advocated by an anti-socio-political global change group in the following statement:

We cannot continue to allow only one side of the wildlife issue to be heard. In a brief but powerful 9 page report, the wilderness Impact Research Foundation (WIRF) outlined a plan by which wise-use industry associations could and should work together to combat the 'green agenda' that reaches the public very directly (Blue Ribbon Magazine, 1994).

These "techniques" have been effectively used to justify ecological global change (ecological degradation) and to discourage socio-political-ecological global change (strong regulatory environmental measures to prevent ecological degradation).

In the *Global Change: A Teachers Guide* there is also a call for the need to see the issues from many viewpoints:

Through *Global Change and Canadians* and this Teacher's Guide the enormity and complexity of global change issues has been stated again and again. Students and individuals need to be able to see the issues from many viewpoints. They need to have a clear understanding of the impact that environmental and economic change can have on local and global systems on the economy and on individuals (*Global Change and Canadians: A Teacher's guide* p. 45).

There appears to be a presumption that presenting the complexity of the global situation is equivalent to the presenting of "many sides". In the *Global Change and Canadians* text the following statement this equivalence is presented:

There is a danger associated with producing a primer document such as this because a large number of very complex topics must be clearly explained in very few pages. The danger is that issues may be presented in an over-simplified or black-and-white fashion. Although we have attempted to present as many sides of each issue as space would allow, it is inevitable that some readers will feel that the issues have not been fairly or adequately presented (*Global Change and Canadians*, 1993, preface (text)).

A distinction, however, could be made between the "many sides of an issue" which reflects the "complicatedness" of an issue where

vested interest is involved and the "many aspects of an issue" which reflects the complexity of the issue, where the interdependence of the different facets of an issue is examined (this distinction between "complicatedness" and "complexity" is explored further in Figure 2 and Figure 3 on Pages 12 and 13).

Principle-based education approach distinguished from the "cooption of legitimate terms like "both sides", "multiple sides", "multiple perspectives" technique

In principle based education, there is always an attempt to examine the complexity and interdependence of issues and how each issue impacts on the others. Students are asked to strive to determine ways in which all facets can concurrently be considered and in which the interdependence of aspects can be changed incrementally (interdependent incrementalism). In Principle-based education, students examine different aspects of the problem and not the vested interests inherent in a problem except when researching systemic constraints which prevent socio-political-environmental change. A distinction is made between interests being examined to inform the problem and interests being incorporated to influence the decision-making process. This distinction was phrased in a different way in a 1984 Science Council publication entitled "Regulating the Regulators"; the distinction was between a reasoned outcome and a negotiated outcome. By examining the issues through a reasoned outcome perspective, the students will not be called upon to advocate a particular "interest" and the decision making process will not be compromised.

For example, in a developed country, the head of a resource company proposed that the resource company could offset its CO₂ emissions (carbon budget) by purchasing carbon sinks (rainforest in a developing country). This proposal could be considered to be of value from a both sides point of view: the resource industry would be able to continue to produce CO₂ and the country's emissions would be offset by the carbon sinks; the developing country would be able to make money for the forests, and the forests would be preserved. If this same proposal were examined through Principle-based education, then the developed country's actions would be examined within its obligations under the Framework Convention on Climate Change, and within its commitment to not do anything on indigenous lands that would cause environmental degradation or be culturally inappropriate (Chapter 26, Agenda 21, 1992). Encouraging to take different sides representing vested interests often results in students having to compromise principles.

Principle-based education moves away from the current roundtable model of a "multistakeholder arena of competing vested interests". This roundtable model brings together various sectors representing competing interests and various "perspectives", "viewpoints", or "sides" within a consensus decision making process model. The "roundtable" model is similar to the "both sides" approach in

Global or Environmental education, and has been adapted by some teachers in role-playing exercises. Students are often called upon to assert a particular vested interest position which compromises and detracts from the actions required to bring about the needed local and socio-political constructive global change. The emphasis is on determining not a reasoned outcome but a negotiated outcome. In a Principle-based education, rather than a round table model the mode of decision-making is based on international obligations, and the teacher and the students reflect, not particular vested interests, but a range of expertise and experience relevant to the discussion of the issues.

In Principle-based education, the decision making process is based not on the "complicatedness" of vested interest assertion, but on the complexity and interdependence of issues. The decision-making process thus draws upon areas of experience and expertise necessary to come up with proposals to address the need: for ensuring socially equitable and environmentally sound development; for attainment of peace; for the achievement of equality, equity and social justice; for fulfillment of fundamental rights including the right to clean air, water, shelter, health, and education; and for the preservation, conservation and protection of the environment.

In addition, in Principle-based education, a distinction is made between "complicatedness" — many vested interest sides and "Complexity" — many different aspects.

"Complicatedness" arises when it is necessary to accommodate competing generally incompatible vested interests, reflected in accommodating "many sides". For example, the many sides associated with the nuclear industry:

COMPLICATEDNESS:

- side 1: uranium miners concerned about loss of jobs
- side 2: uranium industry concerned about profits from uranium for their shareholders
- side 3: government concerned about tax revenue
- side 4: AECL concerned about the use of Uranium for CANDU reactors
- side 5: Environment industry concerned about job creation related to research contracts for disposing of spent fuel
- side 6: Member of NDP party concerned about party commitment to phase out uranium mining
- side 7: Environmental group calling for the end of the mining of uranium
- side 8: Peace group concerned about the linking of Uranium mining to nuclear arms production
- side 9: Local community store owner concerned about his business once the uranium mine is mothballed.

Figure 2: Presenting Complicatedness

The solution that might result from this deliberation process could be the following: to continue the mining of uranium but establish a policy that no Canadian uranium will be used in any nuclear arms. This solution can be hailed as a success because none of the vested interests are

satisfied; yet through the principle of "fungibility" — the bank concept of not being able to determine the destination of the investment dollar, there is no way of guaranteeing that Canadian uranium will not find its way into nuclear weapons (Personal Communication, Knelman, 1995)

The position of advocating, the "many sides" or "complicatedness" approach is a position often presented by industry so as to ensure that their particular vested interest can be given an aura of legitimacy. Those concerned with socio-political-ecological global change advocate not necessarily a many sides but a complex approach taking into consideration the different aspects of the problem rather than the vested interests related to the problem.

"Complexity" on the other hand involves the presenting of multiple facets of an issue in a non-vested interest way. For example in Figure 3 "Complexity".

COMPLEXITY:

- co-existence of highest tenable principles drawn from different states
- respecting of human rights, social justice, and equity
- affirming the right to food, shelter, health care and education
- attaining peace through disarmament, and reduction of the military budget
- establishing strong regulations to drive industry to come up with innovative ecologically sound techniques
- setting up a global even playing field
- promoting best ecologically sound techniques (BEST)
- not transferring harmful substances to disenfranchised or vulnerable areas or states
- reducing third world debt and transferring revenue to socially equitable and environmentally sound development
- carrying out a life-cycle analysis

Figure 3: Presenting complexity

C. "Fragmenting, simplifying, making manageable and controlling complexity" technique

Some educators recognize complexity, but then stress the need to simplify, make manageable and control complexity. This third technique involves acknowledging of the importance of complexity and then proceeding to ignore or avoid complexity in the following ways:

(i) By calling for the need to simplify complexity:

1. Educational significance

... to simplify the complexity of the issues and to find ways to give students the opportunity to think critically about them. (Global Change and Canadians: A Teacher's guide p. 1)

(ii) By reducing complexity for resolvability:

Workable solutions. Did the students choose to develop the round table around an environmental or economic issue which led to a resolution? Was the complexity of the issue too involved to be adequately and appropriately solved in the Round Table process? Students and teacher/facilitators should evaluate the process and the issue used as the basis for the Round Table. Students need to be able to make positive gains in their efforts to resolve conflicts and solve environmental or economic problems (Global Change and Canadians: A Teacher's guide p. 48.).

(iii) By seeing manageable projects, and to be successful:

Think globally-act locally
...The project should be manageable in order to ensure success. Small action projects aimed at specific areas of concern (e.g. wastes paper in the school, the amount of garbage that could be recycled in the home, a specific habitat enhancement project etc.) will provide opportunities for students to be successful, to feel empowered and to see that changes are possible (Global Change and Canadians: A Teacher's Guide p. 42).

Principle-based education approach distinguished from the "fragmenting, simplifying, making manageable and controlling complexity" technique

In Principle-based education there is a recognition of the necessity of examining the complexity and interdependence of issues, and that one of the reasons there may have been a failure to solve urgent global problems is because of the perception that issues must be fragmented into component parts. It may be in many industries' best interest to continue to perceive these interests as being fragmented because each industry can offer a solution to one aspect of the problem while contributing to another aspect of the problem. For example, the nuclear industry offers a solution for climate change while causing the problems of storage and disposal of wastes, and proliferation of weapons-associated technology .

In Principle-based education, students are encouraged to participate in the complexity and interdependence of issues such as respect for human rights, fulfillment of social justice, equality and equity, achievement of environmental protection, preservation and conservation, and the attainment of peace.

These issues are perceived as interdependent facets of a potentially viable solution. It is no longer possible to consider any of them in isolation: threats and impacts of war; the use of ecologically unsafe and unsound energy; the loss of ecological integrity; the disposal of toxic and hazardous wastes, including nuclear waste, the disregard for intergenerational and gender equity; the limitless exploitation of non-renewable resources, the ignoring of health issues related to population and environmental degradation; the perpetuation of the current model of development; the inequitable distribution of resources; our society's

over-consumption of resources and the companion waste and pollution, the transfer of ecologically unsound and culturally inappropriate technology from north to south etc. all have to be considered concurrently.

In Principle-based education, students work with a large diagram in which the interdependence of principles are displayed (International Principle Diagram). Students are also encouraged to draft their ideas in large diagrams so that they can appreciate the complexity of the interdependent aspects of an issue. For example, students may be asked to draft diagrams of life cycle analysis of the use of a product in order to understand the full complexity and interdependence of aspects within the use of the product. (See, Figure 4. Diagram of "Life Cycle Analysis of Uranium")

D. "Expressing concern yet not fully addressing concern" technique

This technique involves the expressing of deep concern, while eliminating, minimizing or ignoring actions which could address the concern.

In both a *Global Change and Canadians Text* and the *Global Change and Canadian: A Teacher's Guide* there is an expression of concern about both over-population and about over-consumption:

Exponential growth in human population, rapid technological advances, and significant increases in both material and energy consumption have put humans in a position where their daily activities are altering entire global systems such as the atmosphere and the oceans at a rate that has never before been experienced on this planet ... (Global Change and Canadians, 1993) TEXT , and in the *Global Change and Canadians: A Teachers Guide, 1993, p2).*

Yet in the *Global Change and Canadian: A Teacher's Guide* when a further reference made to resource consumption the reference is bracketed, which suggests less importance. When an action or class project is suggested, the need to reduce resource consumption is absent:

The growth of our population is a serious problem. Unless we manage to control population growth in developing nations (and reduce resource consumption of the developed nations) global change consequences will be severe. Should Canada insist that a country adopt family planning and birth control policies before becoming eligible for aid programs? (Global Change and Canadians: A Teachers Guide, 1993 p. 24) .

Would it not also be appropriate to add "should states in the South trade with Northern states, if Northern states continue their current rate of over-consumption of resources?"

Principle-based education approach distinguished from the "Advocating concern yet not fully addressing concern" technique

In Principle-based education there would be recognition of the concept "interstate transfer" which affirms that solutions lie in the South as well as in the North, and discourages and prevents the transfer of technologies that have adverse effects on the environment or on human health. The following principle was enunciated in the Rio Declaration:

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Principle 14, Rio Declaration, UNCED.)

There would be a discussion about the need to redefine development in equitable and ecological terms based on global obligations and commitments. The students would examine and analyze strong principles that have been extracted from United Nations General Assembly Resolutions, multilateral documents, and specifically recent documents such as the International Conference on Population and Development (1994), World Conference on Human Rights (1993), Conference on Social and Human Development (1995), UN Conference on Women: Development, Equality and Peace, instruments, documents from the South Centre etc.

E. "Decrying the urgency while continuing to practice as usual " technique

This technique involves the enunciation of strong statements which reflect the urgency of the global situation but then questions the legitimacy of changing what has been generally deemed to be a contributing cause to the urgency of the global situation.

This technique displays language of change while continuing to practice as usual. The urgency of the global situation is acknowledged, but the role of the current pattern of development is diminished. The causes of ecologically destructive global change are put into question. This technique is evident in the following statement where the advisability of changing the current "patterns of development model is questioned :

Chapter 5 discusses the effects of global change on society in terms of population growth, poverty, resource consumption patterns, economic production, health, indigenous cultures and international relations. ...in many instances we are not even certain that altering patterns of development may not cause more serious damage economically or environmentally.(Global Change and Canadians: A Teacher's Guide, p. 40).

If the authors are questioning whether we should move from the current model of development, the authors are out of sync with the current global assessment of the present model of development.

Principle-based education approach distinguished from the "Decrying the urgency while continuing to practice as usual"

In Principle-based education the urgency of the global situation as expressed in international documents is decried along with the recognition of a need to change the current model of development that is perceived to be in many cases responsible for the urgency:

In Agenda 21, UNCED there is a recognition of the urgency:

Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Agenda 21, UNCED, 1992, preamble)

and there was an affirmation of the responsibility to change the current development model:

Erosion, degradation, deforestation and desertification have led to increased land degradation, and the creation of reservoirs has, in some cases, resulted in adverse effects on ecosystems. Many of these problems have arisen from a development model that is environmental destructive and from a lack of protection. Ecological and human health effects are the measurable consequences (Agenda 21, UNCED, 1992, s. 18.45).

F. "Elimination of concern and resolve through "good news" stories" technique

This technique involves an agent being involved with causing harm and then declaring that the tentative rectification of harm is a success. This technique may reduce the resolve to make the difficult but necessary changes. Many good news stories suggest that ecological "global change" is being prevented.

In Choices, published by the Forest Alliance of B.C.—an "industry front group"—good news stories abound. In many cases these news stories involve a cycle of rectification of error, and a renewal or mitigation of problems already caused by industry rather than calling for prevention. The "good news" strategy is particularly common in the green-house gas emissions, ozone depleting, resource extraction and production of toxic-hazardous-atomic wastes industries. The "good news" strategy is also common in "anti-socio-political global change" group literature. This strategy does not blame the agents of the socially or ecologically destructive global change, but focuses on the apparent rectification of the problem, and is evident in the industrial "clean up activities" such as "cleaning up" after clear-cutting:

British Columbia's reforestation programs have come a long way. Last spring we planted the three billionth tree. ... the news wasn't always that good (Forest Alliance, Choices, Vol. 2 #2).

In the Global Educators, Teachers Guide the authors cite examples of good news stories such as those resulting from industrial clean-up:

The subject matter also tends to be presented in a 'gloom and doom' context. To dispel any potential anxiety, teachers should try to focus on the "good news" stories of environmental renewal (e.g. the greening of Sudbury, Ontario, the clean-up of Lake Erie, the River Thames in the United Kingdom, etc.) and local environmental heroes... (Global Change and Canadians: A Teacher's Guide, p. xi) .

Often mitigation or the environmental enhancement is presented as the only acceptable project. This practice fosters the "delusion of resolvability", and the importance of enhancement or renewal projects as solutions is advocated:

This issue of Choices (a publication) outlines some of the real advancement that have been made in the field of reforestation, and shows that if enough resources and energy are applied to a problem, it can be solved (Forest Alliance, 1993).

Similarly in the *Global Change, A Teachers Guide*, students are encouraged to become involved in environmental enhancement projects where they clean up society's mess:

The plan of action could include becoming involved in local environmental enhancement projects as well as developing an action plan for cleaning up the school the home and the community (Global Change and Canadians: A Teacher's Guide, p. 11).

This technique may weaken the resolve to make the difficult but necessary changes.

Principle-based education approach distinguished from "Elimination of concern and resolve through "good news" stories" technique

In Principle based education students are encouraged to examine the evidence to support the need for anticipation, precaution and prevention, rather than mitigation. There have been many calls for the global community to move from condoning mitigation and rehabilitation to endorsing prevention and anticipation. The preventive approach rather than the mitigative technique appears to be advocated in many recent international documents. For example, this statement from the United Nations Conference on Environment and Development supports prevention rather than costly rehabilitation measures:

A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies (Agenda 21, UNCED, 1992, s.18.45).

In addition, in the UNCED documents there is a call to invoke the precautionary principle and to take into account the cost of any ecological consequences:

where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation (combination of a number of versions of the principle in the UNCED documents)

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, UNCED, s 7.42)

Undoubtedly it is important to make students aware of "Good news", and the real solutions involving anticipation, precaution, and prevention. There is a distinction between "good news" stories that mitigate problems and the real solutions that prevent problems. Good news stories that mitigate problems often have been used as a rationale to continue the original problem, and often displace funds that could be transferred to developing prevention technology

It is also necessary to be involved in enhancement projects, and undoubtedly enhancement projects can involve more than "clean-ups." However, often involvement in enhancement projects diverts attention from the role played by agents of socially and environmentally destructive global change.

G. "Debate the necessary —ignore the categorical imperative" technique

This technique first acknowledges the need for strong action and then proposes that globally recognized needed action needs further debate or requires more research. The need to debate issues that have already been agreed to by consensus in some cases is legitimate because there is always a reason to challenge conventional wisdom. This technique, however, is often advocated and used effectively by "anti-social-political global change" groups. These groups, apart from seeing the positive aspect of global warming, and chemical pesticides also decry "the hole in the ozone scare" and the "acid rain hoax".

The presence of this technique in the "anti-social-political global change groups is understandable, but the presence of a similar technique used by global educators is disturbing.

In the *Global Change and Canadians* text a long list of strong action statements are made:

Taking Action

Specifically, international action must occur in the following problem areas;

- *debt in the developing countries:* The planet cannot afford to continue extracting scarce natural resources simply to repay debt....
- *increased foreign aid to developing countries...*
- *Economic and living standards in developing countries must improve, but the negative environmental consequences of prosperity must be avoided: ...*
- *Rich countries must consume a lower share of the Earth's resource...*

- *All nations of the world, but particularly the developed countries must vigorously promote research which will significantly improve our understanding of the "interactive physical, chemical and biological processes that regulate the total Earth system.... 44).*

In the corresponding *Global Change: A Teacher's Guide* the above list is referred to but rather than consider the urgency conveyed in the statements, the students are asked to debate the issues in the statements :

Debate the Issue

Have students choose a topic from the international action list in *Global Change and Canadians* (p44) and develop arguments for and against the action from a Canadian point of view.: *Global Change: A Teacher's Guide*, p.43).

Principle-based education approach distinguished from the "debate the necessary —ignore the categorical imperative" technique

In principle based education, there are numerous international statements and obligations that support the statements in the *Global Change and Canadians* text. The students may then examining what would be the necessary socio-political-environmental global changes that would be necessary to bring about the needed actions proposed in the text, and what might be the nature of the systemic constraint that prevents the fulfillment of these obligations.

H. "Categorizing examination of the urgency of the global situation as leading to doom and gloom technique" technique

In the *Global Change: A Teachers Guide* there is a suggestion that students will move beyond simplistic answers if they are helped to "develop positive approaches", and there also appears to be an assumption that creative thinking results from limiting students to these positive approaches:

Teachers must challenge students to become creative thinkers who move beyond simplistic answers. Above all invite students to develop positive approaches instead of becoming immersed in pessimism and gloom, or awash in cynicism lead them to find and advocate a positive alternative approach (*Global Change and Canadians: A Teacher's Guide*, p. xvii) .

Rarely is an analysis presented to support the claim that cynicism, gloom or pessimism would necessarily arise as a result of revealing the urgency of the actual global situation, and of addressing larger socially and ecologically destructive global change. It could be that by revealing the urgency, and by giving students the knowledge about international instruments that are in place, the students could be less pessimistic. In addition even if cynicism, gloom or pessimism does occur, when students become aware that states have not lived up to previous

obligations, there is no evidence to indicate that cynicism, gloom and pessimism are attributes to be avoided. It may be, however, that thinking is stimulated by exposing students to the urgency of the global situation, to the instruments that have been designed to address the urgency, to the systemic constraints preventing states from living up to the obligations contained in these international instruments, and to the need for action to address the urgency by seriously undertaking to change the current development model. It could be that exposing students to internationally agreed upon principles students will in fact be empowered and less pessimistic.

CONCLUSION

In this paper I have proposed that Principle-based education could be a means of introducing complex and controversial issues into the classroom. One of the problems in discussing principles is that often the discussion of principles in the classroom appears to suggest the possibility of indoctrination. It is for that reason, in that I have distinguished the approaches in Principle-based education from other techniques used in materials that are purported to be objective and beyond bias. I have thus tried to show that Principle-based education, because it is founded on globally adopted principles, can be distinguished from programs where the values of the educators or institutions are inculcated in the students, and from a set of techniques that reflect "the guise of objectivity".

There appears to be considerable interest in this approach at the international level. However there is some resistance locally about relying on UN documents as evidenced in a recent comment by Dr. Roland Case:

It is not clear how teachers will avoid the sort of controversy that Russow says they are so afraid of simply by relying on UN - embedded principles. After all, some members of the public will violently oppose many of these principles. For example, in the US there was considerable public backlash against globalism ("one world thinking") that is, the use of international principles and values to decide US policy.

Simply because most nations have endorsed a policy, does not make it ethically right...

It is stated that the principles embedded in the UN documents have been adopted by majority of countries in the world. This is true for many UN documents, but not all. Significantly, the US is not a signatory to key UN documents (Roland Case, personal communication in response to this paper).

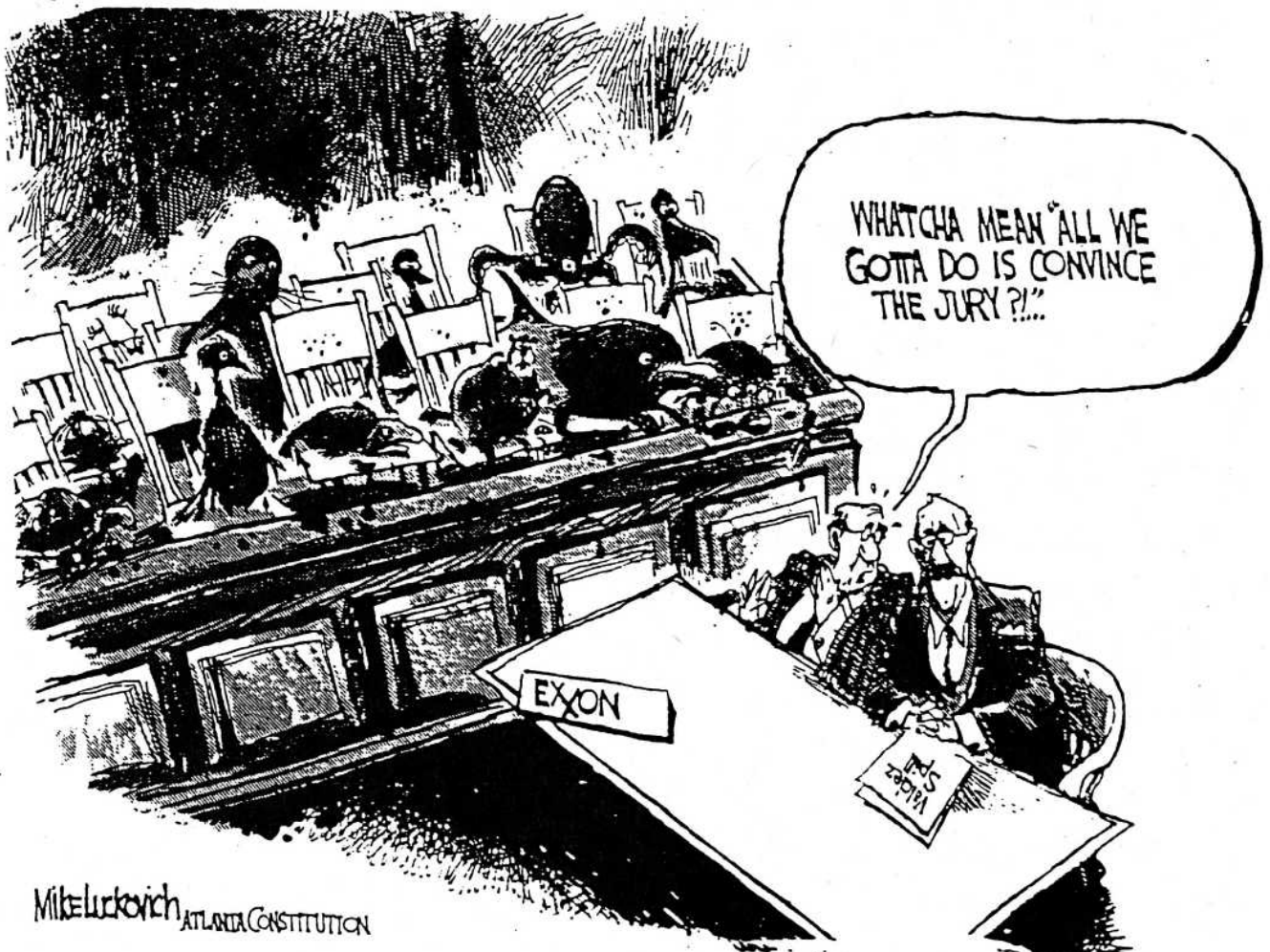
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CHAPTER 6: CONCLUSION

The awareness of the principles enunciated and statements made in this Charter, will hopefully make decision makers and citizens aware of the obligations that have been undertaken in the 50 years of the United Nations. In Beijing in September 1995 one month before the official 50th anniversary of the United Nations, states will have the opportunity to assert the political will to comply with and go beyond their obligations to a global solution.

Throughout the past 50 years the United Nations has undertaken obligations to address these issues; yet States within the United Nations have failed either to sign these international instruments, to ratify these instruments, or even when signed and ratified to enact the necessary legislation to enforce these instruments. On the eve of the 50th Anniversary of the United Nations, the states members of the United Nations, shall undertake to sign what has not yet been signed, to ratify what has not yet been ratified, and to enforce what has not yet been enforced. Even the fulfilling of these obligations by signing, ratifying and enforcing will not be enough. If real change is to occur, the global community has to summon up the political will to fundamental change.



INDEX Cross reference: (CR)

Arms 80, 81, 89, 189, 199, 213, 228, 229, 231, 232, 233, 234, 235, 236, 242, 246, 261, 263, 270, 297, 310,

Child/children 44, 59, 60, 62, 63, 74, 75, 77, 79, 80, 92, 93, 95, 96, 104, 109, 110, 111, 112, 113, 165, 167, 173, 174, 176, 177, 179, 180, 181, 182, 183, 184, 185, 186, 187, 203, 206, 209, 219, 250, 257, 258, 260, 265, 283, 294, 297
(cr) intergenerational equity

Civil society 1, 2, 3, 5, 8, 9, 23, 24, 26, 28, 29, 36, 50, 268, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 281, 282, 284, 285, 286, 287, 289, 290, 291, 292, 293,

Decision making 48, 253, 269, 271, 274, 276, 287, 288, 293, 309, 310

Equal/ equality 7, 8, 19, 20, 22, 29, 31, 34, 35, 44, 41, 45, 47, 48, 84, 85, 87, 91, 97, 98, 99, 104, 109, 110, 123, 133, 140, 142, 152, 153, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 168, 170, 171, 172, 173, 174, 177, 181, 184, 185, 186, 206, 212, 213, 252, 253, 257, 258, 268, 270, 272, 274, 275, 277, 278, 281, 282, 283, 284, 285, 292, 297, 303, 307, 312, (CR) intergenerational equity, gender equity

Development (Referred to throughout the document)

Energy 22, 69, 70, 81, 88, 107, 108, 117, 135, 153, 154, 179, 191, 192, 242, 271, 304, 306, 321,

Alternative energy 191, 436

Ecologically sound 85, 109, 123, 154, 157, 166, 172, 174, 181, 183, 191, 271, 316,

Ecologically unsound 83, 89, 111, 162, 172, 180, 183,

Environment (Referred to throughout the document)

Environmental degradation 22, 23, 42, 64, 67, 68, 70, 71, 72, 80, 82, 84, 86, 107, 125, 129, 148, 160, 162, 172, 174, 176, 179, 180, 183, 184, 193, 194, 200, 272, 273, 283, 294,

Equity/equitable 2, 8, 9, 10, 20, 22, 25, 37, 34, 42, 50, 53, 54, 55, 58, 59, 68, 71, 106, 107, 108, 109, 123, 125, 169, 179, 182, 193, 194, 206, 208, 245, 246,

Extreme/extremism 34, 45, 72, 92, 94, 95, 101, 198, 199, 231, 233, 316,

Food 44, 58, 59, 70, 73, 74, 79, 81, 85, 90, 109, 115, 116, 117, 119, 120, 121, 133, 134, 135, 136, 143, 144, 145, 146, 236, 240, 241, 271, 285, 317, 321,

Forests 72, 84, 85, 280, 305,

Freedoms 41, 45, 62, 67, 94, 137, 198, 202, 204, 206, 210, 216, 218, 226, 242, 246, 262, 264, 278, 294, 298,

Gender 27, 31, 36, 40, 43, 46, 57, 63, 76, 78, 85, 97, 108, 140, 153, 160, 161, 162, 167, 173, 176, 179, 195, 205, 206, 252, 257, 258, 275, 277, 284, 285, 292, 312,

Genital mutilation 75, 179, 184, 186, 259, 267 cr practices

Health 17, 19, 20, 28, 33, 34, 39, 40, 47, 48, 51, 52, 55, 56, 58, 59, 62, 63, 64, 65, 66, 67, 76, 79, 81, 85, 87, 91, 93, 94, 95, 96, 100, 101, 107, 108, 109, 110, 112, 113, 115, 116, 117, 118, 122, 131, 136, 140, 141, 143, 149, 150, 152, 156, 157, 160, 164, 171, 174, 179, 181, 183, 184, 185, 186, 188, 189, 191, 192, 193, 195, 205, 232, 248, 250, 254, 259, 260, 263, 266, 267, 268, 270, 272, 292, 302, 210, 311, 312, 314, 315,

Hunger 20, 23, 63, 73, 92, 93, 116, 117, 120, 124, 125, 134, 143, 247, 321,

Human Rights (Referred to throughout the document)

Intergenerational equity 45, 85, 140, 188, 312,

Justice 1, 2, 6, 7, 8, 17, 22, 25, 29, 32, 34, 35, 36, 48, 50, 85, 93, 97, 102, 106, 133, 140, 142, 161, 162, 166, 170, 172, 181, 189, 213, 221, 247, 266, 267, 270, 273, 276, 277, 278, 281, 282, 283, 284, 285, 286, 289, 297, 300, 302, 310, 311, 312,

Military 19, 26, 36, 47, 50, 80, 81, 91, 98, 153, 100, 215, 216, 217, 218, 221, 222, 223, 224, 226, 229, 231, 233, 234, 239, 248, 240, 241, 242, 243, 244, 246, 247, 249, 266, 272, 303, 312

Other status 47, 87, 160, 166, 167, 182, 197, 252,

Peace: 1, 2, 6, 7, 8, 17, 18, 19, 22, 27, 29, 32, 34, 35, 37, 38, 39, 44, 45, 46, 48, 50, 51, 54, 76, 80, 81, 85, 89, 97, 98, 108, 140, 161, 162, 163, 164, 166, 167, 170, 172, 181, 185, 189, 213, 214, 216, 217, 221, 222, 224, 225, 226, 227, 228, 229, 230, 234, 235, 239, 241, 242, 244, 245, 246, 249, 252, 254, 261, 262, 263, 265, 266, 267, 273, 275, 277, 284, 285, 310, 311, 312, 312, 314, 320

Poverty 17, 28, 51, 53, 54, 56, 57, 58, 62, 63, 67, 68, 69, 74, 80, 85, 86, 91, 94, 95, 96, 97, 98, 99, 100, 103, 104, 105, 106, 108, 110, 124, 146, 164, 195, 196, 205, 206, 216, 241, 264, 270, 277, 284, 291, 292, 314, 315,

Sexual orientation 47, 75, 87, 160, 167, 252, 258,
(cr) other status

Shelter 19, 40, 47, 57, 87, 94, 248, 310, 311

Unequal 62, 75, 82, 152, 174, 213, 283,
inequality 54, 57, 97, 98, 106, 160, 257, 280, 300.