











In 1997 I had been put on an RCMP threat assessment list, but it was not until 1998 when there was an Inquiry into what happened at APEC, that I found out. When there is an inquiry, the RCMP are required to release their files. One morning I received a phone call from a member of the media, she asked me if I knew that I was on the list. She said she was going to write a piece about the national leader of the Green Party being on the list. I asked her to send me the evidence and she faxed me the following:

**CLASSIFIED SE**

**OTHER ACTIVISTS**

 <p><b>DOB: 1955-09-19</b> Potential to be Violent HIV Positive AIDS Activist, White male, 175cm, 64lb, brown hair, brown eyes</p>	 <p><b>DOB: 1961-11-21</b> AIDS Activist</p>	 <p><b>DOB: 1963-06-23</b> Lesbian activist / anarchist White, female, 180cm, 95.5lb, brown hair, very masculine</p>	 <p><b>DOB: 1966-11-21</b> Anarchist / activist</p>	 <p><b>DOB: 1971-04-3</b> Activist</p>
 <p><b>DOB: 1973-01-27</b> Activist - Threw blood on security const.</p>	 <p><b>RUSSOW, Jean</b> <b>DOB: 1938-11-01</b> Media Person UBC protest sympathizer</p>	 <p><b>DOB: 1976-07-17</b> Media Person UBC protest sympathizer</p>	 <p><b>DOB: 1966-03-27</b> Activist</p>	 <p><b>DOB: 1963-12-17</b> Activist</p>

THIS IS EXHIBIT E  
REFERRED TO IN THE AFFIDAVIT OF  
Jean Elizabeth Russow  
SWORN BEFORE ME THIS 9 DAY  
OF September, 2005  
[Signature]  
A Commissioner for Taking Affidavits  
Within British Columbia

No dissemination without approval from NCO /c APEC Threat Assessment Joint Intelligence Group

I thought that it would be better for me to release the information which I did  
After years of going through numerous channels in 2022 I still do not know the reason I  
believe that over the years , I have engaged in legitimate dissent do I decided to  
compile a document in the form of an affidavit and dedicated it to the RCMP and let the  
reader determine if I have been a threat , and if so, to whom?  
This is part iv of a five part compilation from 1980 to 2005, when I was invited to appear  
before the senate and make a presentation

NOTE: for a quick read search for ( ) which begins each item or by month which is written  
twice

Here is my affidavit documenting my actions from 1995-,when I worked on a Brazil  
/Canada project and I went to the Women's conference in Beijing and the BC working  
group to determine Criteria for Discharge emission

in 1995 I re-circulated the Kari-Oca

## Dialogue Between Nations -- Kari-Oca

<https://dialoguebetweennations.com> › Terena\_translation

**Marcos Terena** presents the Kari-Oca **Declaration** to the United Nations Conference on  
Environment and Development

### Kari-oca

In 1992 at UNCED, ON BEHALF OF THE GLOBAL INDIGENOUS GROUPS , READ  
BY MARCOS TERANA

( ) I recirculated Marcos Terana's statement at UNCED:



"Ladies and gentlemen, it's a great pleasure to be here at this United Nations  
Conference on Environment and Development. I am a Brazilian Indian and I  
have been asked by 92 Indigenous organizations of the five continents of this  
planet to talk to you this afternoon.

The main problem we have faced is that over these 500 years that are now being  
celebrated in 1992, the Indigenous Peoples always try to be heard; to have their voices  
heard and to have their problems listened to. However the ears of the world were never  
open to what we had to say but the history of mankind, the history of the world, of the  
contemporary world, of the peoples' 21st century is already showing through it's  
machinery that something is wrong with the so-called development and this is why you  
have all come from Rio de Janeiro from many places in the world to discuss what can  
be done with our planet earth.

We Indigenous Peoples of the world; we did not have a podium; we did not have a  
forum. We have no place to have our voices heard. So we tried to make our own forum

according to our own technology, according to our own wisdom and our own science; according to our own architecture. And we set up an Indigenous village right here in Rio de Janeiro. When we thought about doing that, there were many people (who think of themselves as experts on Indigenous issues) who began to say, what you are doing is just folklore, it's just going to be something to make the UN happy. But that's not so. This temple of centuries old wisdom, this life code that no scientist have ever managed to unveil, rests with the Indigenous Peoples. And it is exactly that that you are looking for here, at this conference.

You don't have to look any further or research any further, or spend millions of dollars on new research. We, the Indigenous Peoples, would like to offer you our science; our wisdom for your civilization. And, once again, we have to ask you, "are you prepared for that?" "Is the contemporary world prepared to listen to what we want to convey after 500 years of silence? Silence that was forced on us by colonizers, by the priests with a catechism; this is why we came here to Rio and to this Kari-Oca village." We have tried to put down on paper our philosophy-our thoughts because we know nature, we practice sustainable development. For us, this has been a daily routine in our lives; it is not an alternative approach as it is known. We have drafted our own Earth Charter.

We wrote our Earth Charter but what are we going to do with that piece of paper? What should we do with these proposals here? We would like you who are listening to us; we would like to ask you to ponder about what it means to be a person? What does it mean to be an individual? Because, we Indigenous peoples, we have always been neglected as second rate citizens in the relations between peoples. Right here, at this conference, we cannot speak as Indigenous Peoples. We can just speak as Indigenous Populations. That is our status; but why? Why is that so? Why do you do this to us? I am using the same clothes that you are, I might be even wearing a tie.

I can learn English, I can learn French. We have our own policies; we have our own style of government; it's different from your own of course but, nevertheless, this is no reason for us to have been considered as wild people as the Brazilian press has said this week. We are not wild because we do not kill our children as happens in the large urban centers. We do not have slums as the big cities do. We do not have psychiatric hospitals in our villages. So, we wonder what does living mean?

When the Minister of Norway said, "Let us ensure our common future", what do you mean by that?

You cannot just squander millions and millions of dollars on a conference such as this if you do not want to listen to what the earth has to tell you. Nature is being destroyed every minute. Each jet that crosses the Atlantic is destroying Mother Nature. Each atomic, nuclear explosion in the Pacific or any ocean is destroying Nature. Every time money is allocated to research under the aegis of peace for new nuclear weapons, we are destroying Nature again; we are destroying our own lives. It's not just the lives of the Indigenous Peoples that are being destroyed but this is why we wonder why we have five to seven minutes to speak after 500 years of silence; but will we be heard?

Like everyone, can we get into your minds; can we get into your hearts? Can we sensitize you as people- as individuals? We did not come here to Rio to just pretend; play at being Indians. We did not come here to please the leaders. We came here to fight for life. We came here to fight for our life- for our survival but also, for the survival of the planet and the planet is just like a big canoe; a big boat where we have blacks, Indians, whites. Because, when your lungs fail, can no longer breathe this air. Your bodies will be sick and so will ours. And when we no longer have any water to drink, when you can no longer quench your thirst with the water from rivers, when you can no longer have forests, what are you going to do? You many invent some kind of pill to quench your thirst, but this will never taste as good as the fresh waters that we drink in our forests.

And we might mention here, several things from Indigenous lore, of Indigenous philosophy and wisdom but it would be useless unless you are prepared to listen to what we have to say about Agenda 21 for example. About this business of not reaching consensus; about what biological diversity means. We have our own biodiversity and we are fighting for the demarcation of our land for this very reason because behind the fight for land lies our heritage, our heritage for survival, the medicines given to us by Mother Nature, the food that is granted to us by Mother Nature. This is why we are saying that over these past few days of UNCED, you should try maybe to listen to what we could convey to you in this paper, through these words that are on paper. It is very important to us to be addressing you here, in person, because you, you are representatives of your respective governments, and we, what are we? What do we represent to you? I do not want to go on a harangue of Indigenous wisdom here but I do want to ask you to open your hearts.

We have been following the prepCom activities for over a year. Very often I was embarrassed when I saw small countries, the so-called Third World countries, rushing after the representatives of the so-called First World with their hands out, asking for money. This is not sovereignty. This is not dignity. We Indigenous Peoples want dignity. We want equal treatment, serious treatment as Indigenous Peoples. Maybe some day we will have a seat in this hall, when the minds of white men open out to understand that we are no threat to your civilization. Quite the opposite, we have always been threatened. Many of our Indigenous Nations have been extinguished.

For this reason, I think it is very important to be here addressing you, not as a Brazilian Indian but as a native, as an Indigenous person, a citizen of the forest, the waters and of Mother Nature. And here in Rio de Janeiro, we also tried to show that we are not just on discourse, that our words are not just plain rhetoric. We do have values that we would like to share with those who live in the city. You talk about stable development. But what does that mean? You talk about transfer of technology. What might that be to you in your understanding? What does it mean to be developed in your mind?

When I left my village and I arrived in the city, I was seen as a poor boy. I didn't know what poverty was, though. I didn't know what it meant to be rich because, in my village,

there was no money, there was no coins, we had food, we had freedom - like birds, like wildlife. But here, the children who are our future are increasingly becoming extinct. So I'd like you to think this over. Look at what we propose here. I am going to hand this over to the Chairman. Perhaps I should have given this document to Mr. Strong (Maurice Strong) but he must be elsewhere doing more important things.

But the mere fact that each one of you is listening to me wherever you are is much more important than the political issue which might be in the headlines in tomorrow's papers. Because we want to tell you that for 500 years, we held this biodiversity, the wealth of our peoples in our hands. We don't want to do that alone anymore. We want to share this with you because you hold the technology, because you hold the machinery and because we have the wisdom of nature.

Could I maybe dream about this? We believe we can dream of this. We believe that we can hope; can you?

Can you dream of this and hope for this?

When we drafted the Kari-Oca Declaration, we were hoping to tell you that our entire future is seen and will develop on the footsteps of our forefathers. This is our culture. This is our strength, the spiritual strength that mankind is losing. The spiritual strength that has become religious strength and which becomes political strength. Don't play with the spirit. Your spirit is holy. Your spirit is sacred; it is your strength, not anybody else's strength, and so, all of this planning which we will develop in our relations with the white man will be based on that.

Next year (1993) the United Nations will offer the Indigenous Peoples the International Year for Indigenous People. What can we do during that year? Sign Convention 169 which has brought so many problems to Indigenous communities? Sign the Universal Declaration on the Rights of Indigenous Peoples? More than that, we must establish a new order of relations amongst the peoples but we will also have to rethink economic issues, we must establish a new economic order between Indigenous Peoples and settlers. So, this is why one of the most controversial proposals, not for us but for the government leaders is the establishment of an Indigenous fund; everyone seems to fear this. Please, do not fear anything, because our struggle is a struggle for life, survival.

The new economic order between Indigenous Peoples and the colonists might arise here, in this forum, because the United Nations has to think in terms of everyone: Indigenous Peoples, blacks and whites alike. On an equal basis.

In conclusion, Mr. Chairman and distinguished delegates who are listening to me this afternoon, I would like to read to you the Declaration we drafted at Kari-Oca village. It does not say maybe, exactly what you might expect, but it talks about our hearts. The technical issues are here; there are several pages dealing with our technology and the Declaration that we drafted; that we would like to share with mankind says that:

We, the Indigenous Peoples, are marching towards the future in the footsteps of our ancestors. From the greatest to the least important individuals, from the four directions, the air, the wind, the earth and the mountains, the Creator placed us, the Indigenous Peoples, on our land, which is our Mother Earth. The footsteps of our ancestors are there all the time. They are forever imprinted on our land and this is why we fight for our land. Not just for the sake of land ownership, but we fight for land as Mother Earth. We, Indigenous Peoples, intend to retain our rights to self-determination, self-determination that so many people fear that Indigenous Peoples might achieve someday, as you all have in your relations with other peoples.

We want to have the right to decide on our own forms of government. We want to use and enforce our own laws. We want to educate our own children. We want to have the right to our own cultural identity with no interference; with no outside interference. We will continue to struggle for our inalienable rights on our lands and peoples, and on our own resources also - from the soils, from the underground areas and from our waters. And we re-affirm our commitment and our responsibility to share these rights, not to other people, but to our children; to our future generations. We cannot be dislodged from our lands because we, the Indigenous Peoples, are united by a circle of life that the white man does not understand. It is a circle of life that circles the earth, waters, the air; what you call, here at this meeting, the environment.

We, the Indigenous Peoples, are moving towards the future along the trails left by our forefathers. Do you believe this? Could you think about this? When you sign the Conventions here, we might not be here in this hall, but you will be. When you sign the Conventions dealing with the future of this planet, we who believe are most familiar with nature, will not be sitting here among you but you will be here. And you must become our allies. You have to be partners with the future. This is why we always say, "this is the Earth's Charter." Very simple. Straightforward. It is as obvious as your lives; as our lives are. It is straightforward and simple as children are and as the colours of the rainbow are. Please believe this. All of you government authorities and leaders, do not fear us, because the future of the Indigenous Peoples is your future too, and it is also the future of our planet.

But the mere fact that each one of you is listening to me wherever you are is much more important than the political issue which might be in the headlines in tomorrow's papers. Because we want to tell you that for 500 years, we held this biodiversity, the wealth of our peoples in our hands. We don't want to do that alone anymore. We want to share this with you because you hold the technology, because you hold the machinery and because we have the wisdom of nature.

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Thank you very much.

## BRAZIL / CANADA PROJECT

*Advisers to the Integration and interrelationship of issues: Brazil/ Canada Study*

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Contact NGO Group in Brazil  
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Parrticipants from Ecotropic

Tito Rosemberg (President) areas: Communications: Environmental and educational videos for TV's and NGO's

**Prof. Ulisses Confalonieri (Vice-president) areas: Environmental Health and Native Peoples** Pres. in Brazil of ISDE International Society of Doctoros for the Environment.



Marcio R. Schiavo (Treasurer) - areas: Population Issues

Heitor N. Damazio (Secretary) areas: Climate and Environmental Analysis

Dr. Jane M. Castro - areas: wildlife

Prof Carlos Castro - areas: Forestry/Agriculture/Amazon

Prof Aristides Soffiati \_ Area: Environmental History/ Social Environmentalism

Prof Maura Argento - Areas Environmental Monitoring

Prof Ruis Corqueira - Areas. Biodiversity/ Ecosystems

Prof. Teotonio dos Santos - areas: Economy and Global Issues

Prof. Vitor Hugo Klagsburn- Economy and Global issues

Prof. Raimundo N.Damasceno- Geochemistry and water Resources.

Prof William Zamboni - Pollution

Mauricio T. Tolmasquin - Energy and Environmental Accounting.

- to function with equal decision making between the Canadian and the Southern partners  
Canada brazil project

### \* **BRAZIL/CANADA: INTEGRATION AND INTERDEPENDENCE OF ISSUES**

June 30 1995

Project Administration: ERA Ecological Rights Association  
502 Craigflower, Victoria, B.C. V9A2V8

Project coordinators Joan Russow and Ulisse Confonrieri

Location: Victoria B.C. and Rio de Janeiro and Belem, Para State;  
Pantanal, Matta Grosso state, Indigenous Community in

Matta Grosso State

Reporting period: Preliminary Phase April 1 1995—June 30, 1995

OVERVIEW

In this project the individuals and groups from the B.C. International Affairs Caucus, representing a wide range of expertise and experience in different issues, have been linked with a Brazilian group Ecotropic which is an NGO composed of academic/advocates also representing a wide range of expertise and experience. In this exploratory phase these two groups, which have as their respective mandates to examine the integration and interdependence of issues, have had the opportunity to deliberate on cooperatively developing an effective way of approaching the integration and interdependence of issues, and on applying the results of their deliberations to assist local groups, institutions and decision makers in both countries.

In the exploratory phase, the purpose has been to explore collaboratively, setting up a framework for the examination of the interdependence of issues, and to identify categories of projects that will be able to benefit from being examined within a larger complex interdependent context. For example, one category of projects could be the implications of an apparent "North solution" (e.g. carbon dioxide offsetting in the North through carbon sequestration by preservation of carbon sinks in South) on the South.

The emphasis has been on finding effective ways of translating the synthesis of concepts into materials that can be used to enhance other projects by placing these projects within a larger integrated, and interdependent context. The interdependence of issues project will result in documentation and diagrams which will assist specialized organizations and policy makers in examining the implications of their actions within this larger integrated and independent context. The conceptual framework related to examining the interdependence of issues will be proposed for use in on the ground projects that could benefit from this form of analysis. The project will also attempt to have the two groups work together on a series of collaborative international projects such as the drafting of criteria for the redefinition of development in equitable and ecological terms, and a draft proposal for a version of the UN Charter. The exploratory phase was successful and a proposal is being developed collaboratively for a further phase. This proposal will be submitted by September 1, 1995.

The project fulfills the mission statements of the ERA, the International Affairs Caucus, and Ecotropic.

#### ERA AND INTERNATIONAL AFFAIRS CAUCUS

This project will contribute to the fulfillment of part of the mission statement of the ERA and of the International Affairs Caucus (BCEN)

- To promote international exchanges in environmentally sound cooperative development projects
- to have input into Canadian policy positions in the international sphere
- to integrate global and local issues, and to foster the interdependence of international issues, such as human rights, environment, peace and social justice
- to network among members concerned with international issues, document areas of interest and facilitate the bringing of multiple issues to the international forums.

## ECOTROPIC MANDATE AND PRINCIPLES

This project will also contribute to the fulfillment of the philosophy and provisions in the Constitution of Ecotropic:

- to recognize that "humans are part of nature" and not above it. Their evolution consists of knowing how to integrate with the environment with an awareness of the fundamental need to preserve an equilibrium in this relationship in any cultural and economical development effort as a condition for the survival of all species
- to recognize that the natural resources of the Earth are finite and the limits of development depend on the ability of the biosphere to absorb the impacts of human activity.
- to inform native, rural and urban populations of the inseparable connections among the actual policies of development and environmental degradation, and to indicate alternative of non-conventional techniques to solve local and national problems...
- to stimulate dialogue and interaction among all organizations specializing in the field of development in Brazil and abroad.
- to strengthen the dialogue between North and South
- to enhance the quality of development while preserving the dignity of humans and every living species

Through this project both the International Affairs Caucus and Ecotropic will continue their work and be fulfilling sections in their mission statements

## GENERAL OBJECTIVES OF THE EXPLORATORY PROJECT:

- 1.. To set up a network of individuals and groups with a range of expertise and experience to discuss the interdependence of issues
2. To link the two countries by setting up of communications links among the participants in B.C. and among the participants in Brazil, as well as between the two countries
3. To begin to set up a collaborative comprehensive framework within which to examine the interdependence and integration of issues.
4. To identify which projects would be able to benefit from being analyzed in a comprehensive, interdependent framework.

## MEANS TO FULFILL OBJECTIVES

- 1. To set up a network of individuals and groups with a range of expertise and experience to discuss the interdependence of issues:*

The project was presented at the plenary of the British Columbia Environmental Network at the 1995 Annual General Meeting. The project was discussed further at the International Affairs Caucus meeting. A network has been established bringing together individuals and groups with a wide range of expertise and experience. This network has representatives from academic community from B.C. and Brazil, and advocates for a wide range of issues, environment, peace, development, social equity, human rights.

To begin to set up a network of individuals we planned several meetings. The first meeting was planned to bring a representative, Ulisses Confalonieri of Ecotropic, to B.C. to meet with the B.C. representatives of the project who were discussing the interdependence of issues. It was suggested by several members in B.C. that a native leader should also be invited to come from Brazil. Ecotropic was contacted and agreed that they thought that the native leader would make a significant contribution to the project and they arranged to bring a native leader. The Native leader, Marcos Tereno, had been responsible for coordinating the meeting of indigenous peoples in Rio for UNCED. EDSP was contacted about the change in the project.

### Meeting in B.C.

The first meeting was held in British Columbia where the participants included members of the International Affairs Caucus, some representatives of other organizations, and the two Brazilians. The Brazilians then took the ideas from the B.C. meeting back to Brazil where they presented them at a series of meetings held in Brazil.

The members of the International Affairs Caucus of the British Columbia Environmental Network were invited to attend a meeting on Wickinish Island off the coast of Vancouver Island. For the exploratory phase the participants in the project were asked to fill out a questionnaire indicating the nature and the level of their involvement in the exploratory project.

At the end of April, the International Affairs Caucus of the BCEN met. There was considerable interest in the Brazil/Canada Project. There are presently over 35 groups represented in the International Affairs Caucus.

Two Brazilians came up for the project: Ulisse Confalonieri, and Marcos Terena. Marcos Terena is currently the president of the Inter-tribal Committee. At UNCED he was the coordinator of the meeting of indigenous peoples. Ulisses Confalonieri is Vice President of Ecotropic, and is Vice President of the Brazil wing of an International Physicians organization. He is a professor at the University in Rio, and works in the Ministry of Health as a specialist in indigenous medicine.

The Brazilians arrived in Victoria on May 30. Several events were organized in the local community prior to the meeting on the Island. On Wednesday they met with Ministry of Health representative who specializes in indigenous medicine. On Thursday Morning they attended a special meeting with one of the Saanich Indian Bands. On Thursday they were present at a luncheon at the Faculty Club attended by representatives from the ERA and by the Consul of Brazil, professor in anthropology and Latin American studies, and several other Brazilians. An evening presentation was sponsored by the Native Association at the University of Victoria, and by the local

Central and South American Support Group. At that evening's presentation, the public and the University community was introduced to the Project, Integration and Interdependence of Issues. Both representatives from Brazil spoke to the audience on issues related to the project and to Brazil generally.

All the members of the International Affairs Caucus were invited to attend the meeting on Wickininish Island near Tofino, B.C. Some of the members were not able to attend so the meeting was opened up to other individuals who would reflect different aspects of the interdependence of issues. For example, a lawyer who is the president of the Vancouver Human Rights Coalition, and a Chinese-Canadian sociologist who did her doctorate on Global Change were invited. Over fifty people were contacted about their participation in developing the project. About 40 individuals representing different groups within the International Affairs Caucus of the BCEN along with other individuals who were interested in the Project met on the island.

On the way to the Island, the group met with Merv and Ann Wilkinson at Wildwood, and had an opportunity of being introduced to his way of working in an interdependent way with the forest.

The Group was comprised primarily of academics, advocates and activists. Lucia Lopes, a member of the ERA, and Veronica Armstrong assisted Marcos and Ulisses with translation throughout all of the meetings. As well as attending the meeting on interdependence of issues, Ulisses and Marcos had an opportunity to meet with various members of the Indian bands on Vancouver Island. They returned from Wickininish late on Monday night. On Tuesday morning, they were invited to attend a special meeting arranged by B.C. Aboriginal Affairs that was organized for a visiting Delegation of Australian Aboriginal peoples. On Tuesday there was a meeting between ERA Ecological Rights Association and Ulisses and Marcos, to discuss the future direction and next phase of the project.

### Meeting in Rio de Janeiro

Two group discussions were held with the Ecotropic staff in Rio de Janeiro in the months of April and May. In the first meeting, the general background for the discussions were set and in the second, five papers prepared by members were presented and discussed. These covered the areas of climate change, population issues, native issues, biodiversity, technology for the Third World and public health. An input was also received from two invited participants from the city of Brasilia.

The components of the group were:

- Ulisses E.C. Confalonieri - physician
- Heitor N. Damazio - climatologist
- Rui Cerqueira - ecologist
- Marcelo Firpo - engineer
- Ana Costa - anthropologist
- Carlo Castro - forestry engineer
- Milena Duchade - demographer

After the return from the trip to Canada and to the Amazon, a meeting of the Board of Directors was held to explain what happened in Canada, to discuss the perspectives for

the continuation of the Interdependence of Issues Project as well as matters regarding Institutional Development.

### Meeting in Belem

In the month of June (16th to 19th), the vice-president of Ecotropic traveled to the city of Belem to meet with the Amazonian branch of Ecotropic which has been very active on social and community issues in the last few years. A one-day meeting was held with Francisco Martins, the local coordinator, and the other members of the organization. The main topics covered were the social and environmental problems in the Amazon. After that, a weekend trip was made to the municipality of Baiao, located at the region of the lower Tocantins River. Meetings were held with members of three local organizations: The Association of Small Farmers, the Union of Rural Workers and Women's groups. One of the meetings was in a small riverine community where a water supply project was established by Ecotropic with the aid of German NGO's. The main topics discussed were subsistence problems, environmental and health issues and women's participation in the community decision making. The communities in the region were severely affected by the construction of the big dam at Tucurui in 1982 which supplies hydroelectricity to the huge mining project in Para. The consequence of the dam construction on local communities were a sharp decline in the stock of nine fish species, poor water quality, and also no electricity was provided to local communities after dam construction.

### *2. To link the two countries Setting up of communications links among the participants in B.C. and among the participants in Brazil, as well as between the two countries*

To set up communication links, we set up a Listserv at the University of Victoria. This listserv enables individuals to communicate among themselves in British Columbia and Brazil and between the two countries. The Listserv provides for participants to submit documents, and for the other participants to have input into the documents; this input will then be recirculated to all the participants.

### *3. To begin to set up a collaborative comprehensive framework within which to examine the interdependence and integration of issues.*

## CONCEPTUAL FRAMEWORK FOR EXAMINING THE INTERDEPENDENCE OF ISSUES

At the June 2-6 meeting on Wickinish Island, the group discussed the interdependence of issues on the evening of Friday June 2, and all-day June 3. A large diagram showing the interdependence of issues had been prepared for the meeting. The purpose of this diagram was to encourage the small groups to examine their issues and other issues within a larger context. After the small group discussions during the day, there was a plenary session in which the connections that had been made were presented to the larger group.

## Interdependence of issues

As a result of discussion, it was found that in Brazil there is a perceived interdependence of issues surrounding the issues of health, environment and poverty. In the areas of Peace and Human Rights issues, however, it appears that in Brazil there are no local groups that deal with these issues. Instead these issues are usually left to international organizations such as Amnesty International.

In contrast, in Canada we felt that for almost each conceivable issue there was a local group but the problem was that there was very little linking of issues such as peace, environment, development and human rights.

Recommendation: The discussion centred around the establishment of an institute focusing on the interdependence of issues. It was agreed that the Institute can operate with a minimum overhead because most of the participants in the North would have the necessary computers, software and access to internet; and because the Listserv is already set up for communication with Brazil.

The functions of the Institute of Global Interdependence (IGI) would be:

- to further develop a “conceptual framework” within which groups can assess the implications of single issues within a larger complex and interdependent context of issues
- To distribute the conceptual framework and materials; to provide workshops and to submit policy recommendations based on the results of the deliberation on the complexity and interdependence of issues,
- to use the conceptual framework to examine a single issue (to find the whole within the part) or to set up a framework and find where a single-issue fit within the whole.
- to allow the proponents of an intervention to determine the implications of the intervention and to avoid unexpected unforeseen consequences.
- to explore the co-generation and co-transfer of thought and solutions from the two countries
- To develop a policy framework mechanism which can be used to evaluate the implications of a proposed policy in other socio-ecological areas of policy
- to combine the use of academic research and community advocacy in order to impact change and influence policy.
- to identify the systemic constraints preventing change and to make recommendations for policies necessary for overcoming these constraints
- to work on a draft of a Declaration for the UN Conferences in which it would be essential to link different issues in order to examine multiple projects which generally reflect a single perspective within the context of an interdependence of issues framework
- to link in with the local and national groups dealing with peace, human rights, environment and development groups.
- to examine in particular the obstacles related to the failure to address issues resulting from condescending attitudes from North to South in relation to peace issues and related environmental and social impact

- to examine the democratic process of the UN General Assembly as reflecting a Southern perspective and the Security Council reflecting an obligarchical Northern perspective
- to use an interdisciplinary context to ensure that change is not simply the displacement of the problem
- to examine an alternative vision of change in the form of interdependent incrementalism
- to delineate structural elements within global change
- to be an international watchdog of industrial development undertaken by northern-based industries in the South
- to determine in a North/South collaborative context a set of criteria for determining what would constitute a “developed”, “developing” or undeveloped state in ecological and equitable terms
- to explore ways of examining the complexity and interdependence of issues by linking indigenous and ecological knowledge.

Mary, one of the Native participants, (she is a health care worker from Tofino) indicated that it was important to consider each issue within a temporal context

Recommendation: it was proposed by one of the native participants that the investigation of the interdependence of issues which at the initial conception was primarily the horizontal linking of issues (synchronic), should also have a time component by placing issues within a temporal context

## DELIBERATIONS ON THE INTERDEPENDENCE OF ISSUES FROM THE MEETINGS IN BRAZIL

Integration and Interdependence of Issues: A View from the Instituto de Ecologia Tropical - Ecotropic

Although we are in a globalized world, sharing many of the same problems in the North as well as in the South with regard to the effects of modern industrial society on the lives of the citizens and on the quality of the environment, prospects for a change, may differ in these two sides of the world. In the South (and Brazil is not an exception), there is a trend to see all main issues of our present society (human rights, environment, health, economics, population, education etc.) from the point of view of social inequalities both between classes in our own country and also between developed and developing countries. Thus, elimination of poverty, hunger, lack of social security, poor medical care, unemployment and weaknesses of public institutions in general are taken as the main priorities to which both government and the civil society must put all their efforts.

To summarize, the main goal of the Third World countries is considered to be "development" frequently conceived in its classic and simpler form: economic growth. This biased attitude means that developing countries would be just striving, without being critical; to follow an unsustainable model of social organization represented by the highly industrialized, corporate dominated and environmentally destructive countries.



With the end of the Cold War, socialist movements declined in the developing countries and neo-liberal policies are being adopted by most governments in the South. Structural adjustments are being imposed by international organizations such as the I.M.F. in order to "modernize" these countries and link their economies to the new international order. Old political concepts such as nationalism, autonomous development, or national security are constantly being challenged. At the regional level, geographical and political borders are also disappearing through market associations such as the newly formed MERCOSUL in South America. However, as far as economic globalization is concerned, it is hard to see a country like Brazil with 20 million illiterates and one-fifth of its population below the line of absolute poverty, sharing an advantageous global partnership.

In the past, colonialism relied mostly upon military operations and occupations; then domination between countries became mostly economic, and in the last stage, a subtle form of colonialism was established- the elimination of cultural and social diversity through the widespread dominance of western life style.

Developing countries are therefore missing the last opportunity to accomplish an ecologically sustainable level of social equality. This is an important issue that is frequently overlooked in the developing countries. Which level of social equality is possible? In the last few decades in Brazil, the promotion of economic growth and industrialization without economic redistribution resulted in uneven development; the creation of "islands of modernity" in the middle of masses of excluded segments of the population. This gave rise to the famous expression of "Belinda", or a mixture of Belgium and India in regard to the social and economic profiles. Is there an alternative way of reaching social justice and collective well being, peace and an adequate environment? We think so but radical change in attitudes, strategies, values, ways of thinking and social relationships must take place both in the North and the South if want to accomplish that.

A draft paper is being prepared "Conceptual Framework for the Interdependence of Issues: South/North Perspective

*4. To identify which projects would be able to benefit from being analyzed in a comprehensive interdependent framework.*

INPUTS OUTPUTS SHORT TERM RESULTS = OUTCOME

A draft paper is being prepared "Conceptual Framework for the Interdependence of Issues: South/North Perspective

## SUGGESTED PROPOSALS FOR APPLYING THE CONCEPTUAL FRAMEWORK

### B.C. Meeting

The need was expressed to link theoretical (interdependent theoretical framework) with a series of concrete examples. There was considerable discussion about the linking of the theoretical and the practical. A suggestion was made that the developing conceptual framework on the interdependence of issues could be developed prior but preferable concurrently with the examination of specific on-site issues. What would emerge would be an interdependence not only of issues but of theory and practice.

One component of the project would be assisting in a already developed project by providing the interdependence conceptual framework to examining issues in Matta Grosso. This is already a project which was initiated by the Inter-tribal Council, and needs support. This project involves the following linking of a number of factors:

- Transformation of area from a cash crop economy exploitative economy in a native community where the men have left the village to work in the agribusiness to an economy following socially equitable and ecologically sound development
- ecological agriculture-with development of ecologically sound secondary industry
- ecotourism
- biodiversity identification and socially equitable and ecologically sound development

An additional project was suggested by Ulisses: in an area where there is a branch of Ecotropic. Although future projects were identified by the participants at the meeting in B.C., and at a follow-up meeting between ERA representatives and the visiting Brazilians, these proposals will not be finalized until Ulisses and Marcos have an opportunity to discuss with Brazilian Groups the future development of the project. Ulisses and Marcos will be able to discuss, with the different members of their groups, some of the suggestions that came out of the meeting in B.C. Ulisses will be visiting the branch of Ecotropic in Balem, Amazon to discuss the interdependence of issues and possible future collaborative projects. He also will be meeting with the Inter-tribal Council and to discuss future projects. Marcos will be discussing some possible concrete projects which will profit from an interdependent perspective.

### **BENEFITS FOR RECIOIENT COUNTRY**

The following is an outline of Ecotropic's assessment of future collaboration with ERA and other Canadian NGO's:

“Ecotropic considers the continuation of the exchange with Canadian NGO's to be of great importance for several reasons. The first one is the opportunity to share information on many aspects that are not important issues in our country presently, but shall be in the future as "development" takes place here. Developed countries have gone through many experiences that ideally should not be repeated in the Third World. One important point is that developed countries have much better facilities for gathering and sending information on the most relevant global issues of our time. A second reason is the chance to discuss common problems from different perspectives due to cultural, political, economic, geographical and social differences. Input from both sides shall have mutually stimulating effects in the groups to deal with both local and global issues. A third aspect is the possibility of getting more support for projects that will enhance institutional development in support from our own government or from private groups is scarce. These projects should have also a demonstrative character if they are able to mobilize

community groups to discuss and solve local problems and at the same time understand their links with the main global issues.

In this respect, we think that support is desired to some community and NGO projects that are being developed in the Amazon and Central Brazil (Mato Grosso) which link aspects such as native peasant knowledge, Biodiversity inventory and conservation, small industrial development and infrastructure projects in these regions. We look forward to being able to cooperate further with the Ecological Rights Association of Victoria, B.C. in some of these local projects which shall have educational/economic/environmental purposes but also serve as starting points for the joint development of important insights on the interdependence of issues. This process has begun indeed at the workshop organized by the ERA/International Affairs Caucus in B.C. to which Ecotropic and the Inter-tribal Committee participated in the first weekend of June 1995. In this occasion both Brazilian representatives were able to meet several people with a large spectrum of backgrounds and interest although sharing major common interest: the future of the global society and the development of new concepts for the analysis of the important social, political and environmental issues of our time. We think that solid foundations were laid for the establishment of a hopefully long-lasting cooperation and international networking” (Ecotropic Board, June 29, 1995).

## SPECIAL CONCERNS

### Relevance

Too long have global solutions been sought through fragmenting issues. Hopefully this project could make a major contribution to the perception of the interdependence of issues from a North/South-South/North perspective.

Generally concerned advocates fragment issues into different categories such as peace, environment, development, equity, human rights; and even within the environment. For example there are advocates functioning within the multiple fragments. Through this project, we have finally succeeded in encouraging advocates to perceive the interdependence of issues. Our concern is that if this project is not funded, further the momentum that we have initiated for this important perspective on issues will not successfully proceed. Ecotropic and ERA have discussed a first phase to follow up on this initial exploratory phase, and will be submitting a proposal by September.

## PARTICIPATION OF IMPACT ON WOMEN

As several of the women participating in the meeting will be attending the UN Conference on Women: Equality, Development and Peace, they will be able to take some of the results of the deliberation on the interdependence of issues to the Conference.

## SUSTAINABILITY

Ecological sustainability can only be achieved by examining the interdependence of issues. We hope that this project will be able to make a significant contribution in this area. In this project we have adopted the expression used in the International Conference on Population and Development for sustainability: socially equitable and environmentally sound development. We believe that this expression better reflects the essence of equity and ecology.

## COMMUNICATION TO INTERESTED GROUPS

This project was presented to the plenary of the British Columbia Environmental Network and several new people attended the International Affairs Caucus Meeting. The Co-chair of ERA, as the coordinator of the International Affairs Caucus of the British Columbia Environmental Network, will be communicating the results of the deliberation to other members of the Network. Two draft discussion papers resulted from these deliberations: a draft on the Redefinition of Development in Equitable and Ecological Terms and a draft document on the "Interdependence of Issues: North/South Perspective.

## CONCRETE RESULTS

1. Initially the project had intended to submit a North/South perspective on the need to redefine "development" in equitable and ecological terms and submit this redefinition to the Summit on Social Development. The Interdependence project was, however, approved after the Summit. Albeit, there was some discussion at the meeting here about criteria for development and a set of criteria has been drafted.
2. A diagram reproduced in blueprints was prepared and distributed during the meeting in B.C. This diagram was used as a focus for discussions so that individuals could see their issue within the interdependent context.
3. Extensive notes were taken from the different workshops on the interdependence of issues. These notes will be combined with those from Brazil. They have become the basis for a draft paper "Interdependence of Issues: A South/North perspective
4. The criteria for development and the draft paper on "interdependence of issues, A South/North Perspective, will be available in both Portuguese and English

Primarily by FAX, we have now set up a Listserv at the University so that all the fifty members involved in the project in British Columbia and the twenty members of Ecotropic can continue to communicate through the listserv. Ecotropic and ERA will be submitting a subsequent phase for the project.

## PROJECT MANAGEMENT

ERA and Ecotropic have developed a fruitful relationship. Until recently we have communicated

## ECOTROPIC MANDATE AND PRINCIPLES

This project will also contribute to the fulfillment of the philosophy and provisions in the Constitution of Ecotropic (See Appendix with Philosophy and Concepts and Constitution of Ecotropic)

- to recognize that "humans are part of nature and not above it. Their evolution consists of knowing how to integrate with the environment having an awareness of the

fundamental need to preserve an equilibrium in this relationship and in any cultural and economical development effort as a condition for the survival of all species

- to recognize that the natural resources of the Earth are finite and the limits of development depend on the ability of the biosphere to absorb the impacts of human activity.
- to inform native, rural and urban populations of the inseparable connections among the actual policies of development and environmental degradation, and to indicate alternative of non-conventional techniques to solve local and national problems...
- to stimulate dialogue and interaction among all organizations specializing in the field of development in Brazil and abroad.
- to strengthen the dialogue between North and South
- to enhance the quality of development while preserving the dignity of humans and every living species

MEANS TO ACHIEVE OBJECTIVES:

EXPLORATORY PHASE:

April -1995 — December 1995

INPUT FROM INTERNATIONAL CAUCUS AND ECOTROPIC

April 1995- June1995

International Affairs caucus and Ecotropic will establish a basic set of documents to analyze and expand on.

SUGGESTED DOCUMENTS THAT COULD FORM INITIAL BASIS OF DISCUSSION

*International Affairs Caucus Documents*

1. Material from specific issues from members of the International Affairs caucus
2. A content analysis of UNCED documents and the extraction of about 200 principles from the UNCED documents. Criticism of the Forest Principles document in light of other international obligations; proposal for Forest protocol. Ecological Rights Charter which was circulated to organizations and presented at workshops and at conferences.
3. Diagrams from public sessions on native issues, environmental issues, urban development issues and life cycle analysis illustrating the impact of ecologically unsound substances and activities (such as uranium)
4. A draft Charter of Ecological Rights (relating peace, environment, human rights and equity issues) with statements from various international documents and NGO groups
5. An outline of criteria for determining what would constitute development in equitable and ecological terms, along with principles of ecological sustainability
6. A Charter of Rights and Responsibilities linking together peace, environment, human rights and equity issues in UN documents. This document was circulated to Federal Government and to UN Secretariat for the Vienna Convention on Human Rights.
7. Nobel Laureate Proclamation for UNCED

*Ecotropic documents: (See Appendix: Ecotropic Projects)*

1. Material from specific issues from members of Ecotropic
2. Statement of Philosophy and Concepts
3. Concepts emerging from “Eco-Mondays” — discussion of citizen rights and environmental issues
4. Results from the community development project in traditional agriculture and forestry, environmental education health
5. Material from Global forum on Population, Environment and Development; health and Nutrition and Sustainable Agriculture
6. Principles arising from International and multidisciplinary workshop on Environmental Accounting
7. Lectures on environmental issues in education institutions from Project of Eco-Schools

The interdependence and complexity of issues will be initially explored separately in the two countries primarily through communication through on-line communication, and also through one face-to-face meeting in each country.

Part of the project will be the purchase of modems to enable the Canadian and Brazilian groups to communicate among themselves and to enable the Canadian and Brazilian groups to communicate with each other.

The documents and journals resulting from the Canada consultation and from the Brazil consultation will be translated and circulated to the other country.

In June 1995 there will be a face-to-face meeting in both British Columbia (late June 2-7) and in the Amazon with the representatives of Ecotropic in **mid June** and the State of Rio de Janeiro (**late June**). A member from Ecotropic will be invited to attend the February meeting in British Columbia.

One of the sessions will be a collaborative attempt to circulate a document delineating a proposed new set of criteria for determining what constitutes a “developed” country in equitable and ecological terms.

### SYNTHESIS OF INPUT FROM INTERNATIONAL CAUCUS AND ECOTROPIC

July —December 1995

The expanded documents resulting from the deliberation from each country will be circulated to the other country and the documents will be combined and integrated into diagrams — conceptual frameworks within which to examine issues.

The diagram with all the points raised by the International Affairs Caucus and by Ecotropic, will be integrated through clustering into conceptual categories. The diagram will be circulated with accompanying documentation. This diagram will be used as a means of locating a single issue within a larger interdependent context of issues. Each group within the International Affairs Caucus and Ecotropic will be able to assess the dominant issues of the group within the larger interdependence context of issues.

### RESULTS EXPECTED:

It is expected that the effort to integrate the issues in a North country in conjunction with a South country will give rise to a different and unique way of approaching the global

problem. The results from the deliberations will be circulated to different issue-oriented groups, to policy makers, and during the United Nations Conferences such as the UN Convention on Development.

- The establishment of a significant link between two organizations which draw upon a wide range of expertise and experience and the exploration of the co-generation and co-transfer of thought and solutions from the two countries
- The generation of a network of different country organizations which are prepared to examine the interdependence of issues.
- The development of a “conceptual framework” (draft documents diagrams etc.) expanding on the complexity and interdependence of issues— which could be used by other groups to locate their single issue within a larger more complex and interdependent context. The structure could become a check-list for other single-issue groups to consider whether the full implications of any of their proposed interventions have been considered. The structure could provide a project assessment means. For example, North/South ramifications could be assessed to determine if what appears to be a solution in the North could have serious ramifications on the South.
- The distribution of the “Conceptual framework” and materials, the giving of workshops, and the submitting policy recommendations based on the results of the deliberation on the complexity and interdependence of issues will encourage groups and institutions to begin to examine issues in a more interdependent way.
- The determination (in a North/South collaborative context) of a set of criteria for determining what would constitute a “developed”, “developing” or “undeveloped” state in ecological and equitable terms, will be sent to the UN Conference on Development.
- The development of a policy framework mechanism which can be used to evaluate the implications of a proposed policy in other socio-ecological areas of policy interest. Hopefully it will assist decision-makers to proceed with an interdependent approach to change.
- The combination of the use of academic research and community advocacy to impact change and influence policy will assist decision makers in making reasoned comprehensive decisions
- The identification of the systemic constraints preventing change and the making of recommendations of policy necessary for overcoming these constraints could provide an informative basis for policy decisions.

## SCHEDULE OF IMPLEMENTATION

Starting date April 1, 1995, the exploratory project will be completed at the end of July, 1995.

## IMPACT ON THE ENVIRONMENT:

Too often, environmental issues are fragmented and perceived in isolation. Change is usually incremental — changing one small part which is interdependent with so many others. Real environmental progress will probably occur when each proposed change is carefully examined within a larger, integrated and interdependent conceptual framework.

## PROJECT TITLE:

INTEGRATION AND INTERDEPENDENCE OF ISSUES: INTEGRATION AND INTERDEPENDENCE OF ISSUES: CANADA / BRAZIL STUDY

## SUMMARY:

In this project, the B.C. International Affairs Caucus that is composed of member groups representing a wide range of expertise and experience in different issues will be linked with a Brazilian group Ecotropic, which is an NGO composed of academic / advocates also representing a wide range of expertise and experience. In this exploratory phase, these two groups which have, as their respective mandates, to examine the integration and interdependence of issues will have the opportunity to deliberate on developing an effective way of approaching the integration and interdependence of issues; and on applying the results of their deliberations to assist local groups, institutions and decision makers in both countries.

In an increasingly complex world, solutions will probably be found not in isolating fragments of the problem but in struggling to consider the complexity and interdependence of issues.

In the exploratory phase, the purpose will be to identify categories of projects that will be able to benefit from being examined within a larger complex interdependent context. For example, one category of projects could be the implications of an apparent North Solution (carbon dioxide offsetting in the North through carbon sequestration by preservation of carbon sinks in South) on the South. Another example could be the advocating of a “solution” which could have more serious impacts than the problem it was intended to solve -nuclear energy as the solution to climate change.

The emphasis in this project will be on finding effective ways of translating the synthesis of concepts into materials that can be used to enhance other projects by placing these projects within a larger integrated, and interdependent context. The project will result in documentation and diagrams which will assist specialized organizations and policy makers in examining the implications of their actions within this larger, integrated and independent context. The project will also attempt to have the two groups work together on a collaborative project such as the drafting of criteria for the redefinition of development in equitable and ecological terms.

The objectives of the project will be the following:

- to identify categories of projects in Canada and Brazil that could benefit from the use of a comprehensive interdependent context
- to link two countries in an exploratory project to examine the complexity and interdependence of issues such as human rights, environment, peace



and equity as these issues affect a country from the “North” and one from the “South”

- to create and expand a network of organizations that will be willing to examine the complexity and evaluate the interdependence of issues
- to develop a “conceptual framework” within which groups can assess the implications of single issues within a larger complex, and interdependent context of issues
- To distribute the conceptual framework and materials, to give workshops, and to submit policy recommendations based on the results of the deliberation on the complexity and interdependence of issues,
- to determine in a North/South collaborative context a set of criteria for determining what would constitute a “developed”, “developing” or “undeveloped” state in ecological and equitable terms
- to explore the co-generation and co-transfer of thought and solutions from the two countries
- To develop a policy framework mechanism which can be used to evaluate the implications of a proposed policy in other socio-ecological areas of policy
- to combine the use of academic research and community advocacy to impact change and influence policy.
- to identify the systemic constraints preventing change and to make recommendations for policies necessary for overcoming these constraints
- to draft a proposal for a UN Earth Charter linking, environment, peace, human rights and equity issues, and to submit this draft to the respective governments of the participating countries

Through this project both the International Affairs Caucus and Ecotropic will be continuing their work and be fulfilling sections in their mission statements.

#### MISSION OF INTERNATIONAL AFFAIRS CAUCUS (BCEN)

This project will contribute to the fulfillment of part of the mission statement of the International Affairs Caucus (BCEN)

- To promote international exchanges in environmentally sound cooperative development projects
- to have input into Canadian policy positions in the international sphere
- to integrate global and local issues, and to foster the interdependence of international issues, such as human rights, environment, peace and social justice
- to network among members concerned with international issues, document areas of interest and facilitate the bringing of multiple issues to the international forums.

(submitted for the formation of the International Affairs Caucus, BCEN 1993)

The International Affairs Caucus has been working on a Charter of Ecological Rights for submission to the deliberations about an Earth Charter for the 50th Anniversary of the United Nations in 1995. (See enclosed Charter of Ecological Rights)

## ECOTROPIC MANDATE AND PRINCIPLES

This project will also contribute to the fulfillment of the philosophy and provisions in the Constitution of Ecotropic (See Appendix with Philosophy and Concepts, and Constitution of Ecotropic)

- to recognize that “humans are part of nature and not above it. Their evolution consists of knowing how to integrate with the environment with an awareness of the fundamental need to preserve an equilibrium in this relationship in any cultural and economical development effort as a condition for the survival of all species
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- to inform native, rural and urban populations of the inseparable connections among the actual policies of development and environmental degradation, and to indicate alternative of non-conventional techniques to solve local and national problems...
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### EXPLORATORY PHASE:

April -1995 — December 1995

### INPUT FROM INTERNATIONAL CAUCUS AND ECOTROPIC

April 1995- June1995

International Affairs caucus and Ecotropic will establish a basic set of documents to analyze and expand on.

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One of the sessions will be a collaborative attempt to circulate a document delineating a proposed new set of criteria for determining what constitutes a "developed" country in equitable and ecological terms.

The international Affairs Caucus and Ecotropic will be integrated through clustering into conceptual categories. The diagram will be circulated with accompanying documentation. This diagram will be used as a means of locating a single issue within a

larger interdependent context of issues. Each group, within the International Affairs Caucus and Ecotropic, will be able to assess the dominant issues of the group within the larger interdependence context of issues.

#### RESULTS EXPECTED:

It is expected that the effort to integrate the issues in a North country, in conjunction with a South country, will give rise to a different and unique way of approaching the global problem. The results from the deliberations will be circulated: to different issue-oriented groups, to policy makers, and at the United Nations Conferences such as the UN Convention on Development.

- The establishment of a significant link between two organizations which draws upon a wide range of expertise and experience and the exploration of the co-generation and co-transfer of thought and solutions from the two countries
- The generation of a network of different country organizations which are prepared to examine the interdependence of issues.
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- The combination of the use of academic research and community advocacy to impact change and influence policy will assist decision makers in making reasoned comprehensive decisions

- The identification of the systemic constraints preventing change and the making of recommendations of policy necessary for overcoming these constraints, could provide an informative basis for policy decisions.

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Starting date April, 1995, the exploratory project will be completed at the end of June, 1995.

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### SUMMARY:

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In an increasingly complex world, solutions will probably be found not in isolating fragments of the problem but in struggling to consider the complexity and interdependence of issues.

In the exploratory phase the purpose will be to identify categories of projects that will be able to benefit from being examined within a larger, complex and interdependent context. For example, one category of projects could be the implications of an apparent North Solution (carbon dioxide offsetting in the North through carbon sequestration by preservation of carbon sinks in South) on the South. Another example could be the advocating of a “solution“ which could have more serious impacts than the problem it was intended to solve (nuclear energy as the solution to climate change).

The emphasis in this project will be on finding effective ways of translating the synthesis of concepts into materials that can be used to enhance other projects by placing these projects within a larger, integrated and interdependent context. This project will result in documentation and diagrams which will assist specialized organizations and policy.

PROJECT TITLE: INTEGRATION AND INTERDEPENDENCE OF ISSUES:  
CANADA/BRAZIL

ORGANIZATIONS AND PARTICIPANTS INVOLVED: (Note list of participant groups  
and individuals in Appendix)

Please find enclosed the following documents.

- Letter of support from Ecotropic group
- Authorization from the ERA Ecological Rights Assoc.
- Project: Integration and Interdependence of issues: Canada/Brazil Study
- Outline of previous projects from the ERA
- Outline of previous projects from Brazil
- Overview of principles of Ecotropic
- Charter of Ecological Rights

### **Budget**

#### **Funding**

#### **ECOTROPIC**

**Personnel 10,000**

**Institutional development 6,500**

**travel 3,000**

**Field studies 18,000**

**Publication and education 5,000**

**Administration 4,500**

**Contingency 4,500**

**Total 51,500**

**ECOLOGICAL RIGHTS PERSONEL 1,200**

**TRAVEL 5,000**

**COMMUNICATION 1,200**

**PUBLICATION AND EDUCATION 4,000**

**CONSULTATION BCICC 3,000**

**REPORTING AND EVALUATION 1,000**

**CONTINGENCY 1,000**

**TOTAL 16,400**

**PERSONEL 1,200**

**TRAVEL 5,000**

**COMMUNICATION 1,200**

**PUBLICATION AND EDUCATION 4,000**  
**CONSULTATION BCICC 3,000**  
**REPORTING AND EVALUATION 1,000**  
**CONTINGENCY 1,000**

**TOTAL 16,400**

**IN KIND CONTRIBUTION**  
**PERSONEL 10,000**  
**OFFICE 2,500**  
**FAX AND PRINTER 10,000**

**CONFERENCE INTER-DISCIPLINARITY 10,000**  
**EDSP- 75,000**

**TOTAL 107,500**

#### **1996 1996 INSERT IN SERT INSERT**

**MOVE MOVE ( ) THAT in 1996,** I was introduced key recommendations from the Law Reform Commission into various compliance projects  
**EXHIBIT**

#### **ANNEX PARTICIPANTS**

At the end of April the International Affairs Caucus of the BCEN met. There appeared to be considerably more interest in the International Affairs Caucus because of the Project. There are over 35 groups in the International Affairs Caucus now.

Two Brazilians came up for the project: Ulisse Confonieri, and Marcos Terena

[Marcos Terena - Sacred Fire Foundation](https://www.sacredfire.foundation)

<https://www.sacredfire.foundation> › elder › marcos-terena

Mariano **Marcos Terena**, is the son of the Xane' Pueblo, from the region of Aguas del Pantanal, between Brazil, Bolivia and Paraguay.

#### **Chairperson:**

Mr. Marcos Terena is the next speaker. He is the representative of the non-governmental organization, the Committee Inter-Tribal. He has the floor.

**Marcos Terena:**



Ladies and gentlemen, it's a great pleasure to be here at this United Nations Conference on Environment and Development. I am a Brazilian Indian and I have been asked by 92 Indigenous organizations of the five continents of this planet to talk to you this afternoon.

The main problem we have faced is that over these 500 years that are now being celebrated in 1992, the Indigenous Peoples always try to be heard, to have their voices heard, and to have their problems listened to, however the ears of the world were never open to what we had to say. But the history of mankind, the history of the world, of the contemporary world, of the peoples' 21st century is already showing through it's machinery that something is wrong with the so-called development and this is why you have all come from Rio de Janeiro, from many places in the world to discuss what can be done with our planet earth.

We Indigenous Peoples of the world, we did not have a podium, we did not have a forum. We have no place to have our voices heard. So we tried to make our own forum, according to our own technology, according to our own wisdom and our own science, according to our own architecture. And we set up an Indigenous village right here in Rio de Janeiro. When we thought about doing that there were many people who think of themselves as experts on Indigenous issues, who began to say, what you are doing is just folklore, it's just going to be something to make the UN happy. But that's not so. This temple of centuries old wisdom, this life code that no scientist have ever managed to unveil, rests with the Indigenous Peoples. And it is exactly that that you are looking for, here, at this conference.

You don't have to look any further or research any further, or spend millions of dollars on new research, we the Indigenous Peoples would like to offer you our science, our wisdom, for your civilization. And once again, we have to ask you, "are you prepared for that?" "Is the contemporary world prepared to listen to what we want to convey after 500 years of silence? Silence that was forced on us by colonizers, by the priests, with a catechism, this is why we came here to Rio and to this Kari-Oca village." We have tried to put down on paper our philosophy, our thoughts, because we know nature, we practice sustainable development, for us, this has been a daily routine in our lives, it is not an alternative approach as it is known. We have drafted our own Earth Charter.

We wrote our Earth Charter, but what are we going to do with that piece of paper? What should we do with these proposals here? We would like you who are listening to us, we would like to ask you to ponder about what it means to be a person? What does it mean to be an individual, because we Indigenous peoples, we have always been neglected as second rate citizens in the relations between peoples. Right here at this conference, we



cannot speak as Indigenous Peoples. We can just speak as Indigenous Populations. That is our status, but why? Why is that so? Why do you do this to us? I am using the same clothes that you are, I might be even wearing a tie.

I can learn English, I can learn French. We have our own policies, we have our own style of government, it's different from your own of course, but, never the less, this is no reason for us to have been considered as wild people as the Brazilian press has said this week. We are not wild, because we do not kill our children as happens in the large urban centers. We do not have slums as the big cities do. We do not have psychiatric hospitals in our villages. So, we wonder what does living mean?

When the Minister of Norway said, "Let us ensure our common future", what do you mean by that?

You cannot just squander millions and millions of dollars on a conference such as this, if you do not want to listen to what the earth has to tell you. Nature is being destroyed every minute. Each jet that crosses the Atlantic is destroying Mother Nature. Each atomic, nuclear explosion in the Pacific or any ocean is destroying Nature. Every time money is allocated to research under the aegis of peace for new nuclear weapons, we are destroying Nature again, we are destroying our own lives. It's not just the lives of the Indigenous Peoples that are being destroyed, but this is why we wonder why we have five to seven minutes to speak after 500 years of silence. But will we be heard?

Like everyone, can we get into your minds, can we get into your hearts? Can we sensitize you as people? As individuals? We did not come here to Rio to just pretend, play at being Indians. We did not come here to please the leaders. We came here to fight for life. We came here to fight for our life, for our survival, but also for the survival of the planet, and the planet is just like a big canoe, a big boat, where we have blacks, Indians, whites. Because, when your lungs fail, can no longer breathe this air, your bodies will be sick and so will ours. And when we no longer have any water to drink, when you can no longer quench your thirst with the water from rivers, when you can no longer have forests, what are you going to do? You many invent some kind of pill to quench your thirst, but this will never taste as good as the fresh waters that we drink in our forests.

And we might mention here, several things from Indigenous lore, of Indigenous philosophy and wisdom, but it would be useless unless you are prepared to listen to what we have to say about Agenda 21 for example. About this business of not reaching consensus about what biological diversity means. We have our own biodiversity and we are fighting for the demarcation of our land for this very reason because behind the fight for land lies our heritage, our heritage for survival, the medicines given to us by Mother Nature, the food that is granted to us by Mother Nature. This is why we are saying that over these past few days of UNCED, you should try maybe to listen to what we could convey to you in this paper, through these words that are on paper. It is very important to us to be addressing you here, in person, because you, you are representatives of your respective governments, and we, what are we? What do we represent to you? I do

not want to go on a harangue of Indigenous wisdom here, but I do want to ask you to open your hearts.

We have been following the PrepCom activities for over a year. Very often I was embarrassed when I saw small countries, the so-called Third World countries rushing after the representatives of the so-called First World with their hands out, asking for money. This is not sovereignty. This is not dignity. We Indigenous Peoples want dignity. We want equal treatment, serious treatment as Indigenous Peoples. Maybe some day we will have a seat in this hall, when the minds of white men open out to understand that we are no threat to your civilization. Quite the opposite, we have always been threatened. Many of our Indigenous Nations have been extinguished.

For this reason, I think it is very important to be here addressing you, not as a Brazilian Indian, but as a native, as an Indigenous person, a citizen of the forest, the waters and of Mother Nature. And here in Rio de Janeiro, we also tried to show that we are not just on discourse, that our words are not just plain rhetoric. We do have values that we would like to share with those who live in the city. You talk about stable development. But what does that mean? You talk about transfer of technology. What might that be to you in your understanding? What does it mean to be developed in your mind?

When I left my village and I arrived in the city, I was seen as a poor boy. I didn't know what poverty was, though. I didn't know what it meant to be rich, because in my village, there was no money, there was no coins, we had food, we had freedom - like birds, like wildlife. But here, the children who are our future are increasingly becoming extinct. So I'd like you to think this over. Look at what we propose here. I am going to hand this over to the Chairman. Perhaps I should have given this document to Mr. Strong (Maurice Strong), but he must be elsewhere doing more important things.

But the mere fact that each one of you is listening to me wherever you are is much more important than the political issue which might be in the headlines in tomorrow's papers. Because we want to tell you that for 500 years, we held this biodiversity, the wealth of our peoples in our hands. We don't want to do that alone anymore. We want to share this with you because you hold the technology, because you hold the machinery and because we have the wisdom of nature.

Could I maybe dream about this? We believe we can dream of this. We believe that we can hope, can you?

Can you dream of this and hope for this?

When we drafted the Kari-Oca Declaration, we were hoping to tell you that our entire future is seen and will develop on the footsteps of our forefathers. This is our culture. This is our strength, the spiritual strength that mankind is losing. The spiritual strength that has become religious strength, and which becomes political strength. Don't play with the spirit. Your spirit is holy. Your spirit is sacred, it is your strength, not anybody else's strength, and so, all of this planning which we will develop in our relations with the

white man will be based on that.

Next year (1993) the United Nations will offer the Indigenous Peoples the International Year for Indigenous People. What can we do during that year? Sign Convention 169 which has brought so many problems to Indigenous communities? Sign the Universal Declaration on the Rights of Indigenous Peoples? More than that, we must establish a new order of relations amongst the peoples, but we will also have to rethink economic issues, we must establish a new economic order between Indigenous Peoples and settlers. So, this is why one of the most controversial proposals, not for us, but for the government leaders is the establishment of an Indigenous fund; everyone seems to fear this. Please, do not fear anything, because our struggle is a struggle for life, survival.

The new economic order between Indigenous Peoples and the colonists might arise here, in this forum, because the United Nations has to think in terms of everyone: Indigenous Peoples, blacks and whites alike. On an equal basis.

In conclusion, Mr. Chairman and distinguished delegates who are listening to me this afternoon, I would like to read to you the Declaration we drafted at Kari-Oca village. It does not say maybe, exactly what you might expect, but it talks about our hearts. The technical issues are here, there are several pages dealing with our technology and the Declaration that we drafted, that we would like to share with mankind says that

We, the Indigenous Peoples, are marching towards the future in the footsteps of our ancestors. From the greatest to the least important individuals, from the four directions, the air, the wind, the earth and the mountains, the Creator placed us, the Indigenous Peoples on our land, which is our Mother Earth. The footsteps of our ancestors are there all the time. They are forever imprinted on our land and this is why we fight for our land. Not just for the sake of land ownership, but we fight for land as Mother Earth. We, Indigenous Peoples, intend to retain our rights to self-determination, self-determination that so many people fear that Indigenous Peoples might achieve someday, as you all have in your relations with other peoples.

We want to have the right to decide on our own forms of government. We want to use and enforce our own laws. We want to educate our own children. We want to have the right to our own cultural identity with no interference, with no outside interference. We will continue to struggle for our inalienable rights on our lands and peoples, and on our own resources also - from the soils, from the underground areas and from our waters. And we re-affirm our commitment and our responsibility to share these rights, not to other people, but to our children, to our future generations. We cannot be dislodged from our lands, because, we, the Indigenous Peoples are united by a circle of life that the white man does not understand. It is a circle of life that circles the earth, waters, the air, what you call, here at this meeting, the environment.

We, the Indigenous Peoples, are moving towards the future along the trails left by our forefathers. Do you believe this? Could you think about this? When you sign the Conventions here, we might not be here in this hall, but you will be. When you sign the

Conventions dealing with the future of this planet, we, who believe are most familiar with nature will not be sitting here among you, but you will be here. And, you must become our allies. You have to be partners with the future. This is why we always say, "this is the Earth's Charter." Very simple. Straightforward. It is as obvious as your lives, as our lives are. It is straightforward and simple as children are, and as the colours of the rainbow are. Please believe this. All of you government authorities and leaders, do not fear us, because the future of the Indigenous Peoples is your future too, and it is also the future of our planet.

## **ECOTROPIC**

Ulisses Environmental Health and Native Peoples Vice president of Eco tropic

. Ulisses Confalonieri is Vice President of Ecotropic, and is Vice President of the Brazil wing of an International Physicians organization. He is a professor at the University in Rio, and works in the Ministry of Health as a specialist in indigenous medicine.

Contact NGO Group in Brazil  
Ecotropic

Participants from Ecotropic

Tito Rosemberg (President) areas: Communications: Environmental and educational videos for TV's and NGO's

Prof.Ulisses Confalonieri (Vice-president) areas: Environmental Health and Native Peoples Pres. in Brazil of ISDE International Society of Doctors for the Environment.

Marcio R. Schiavo (Treasurer) - areas: Population Issues

Heitor N. Damazio (Secretary) areas: Climate and Environmental Analysis

Dr. Jane M. Castro - areas: wildlife

Prof Carlos Castro - areas: Forestry/Agriculture/Amazon

Prof Aristides Soffiati \_ Area: Environmental History/ Social Environmentalism

Prof Maura Argento - Areas Environmental Monitoring

Prof Ruis Corqueira - Areas. Biodiversity/ Ecosystems

Prof. Teotonio dos Santos - areas: Economy and Global Issues

Prof. Vitor Hugo Klagsburn- Economy and Global issues

Prof. Raimundo N.Damasceno- Geochemistry and water Resources.

Mauricio T. Tolmasquin - Energy and Environmental Accounting.Prof William Zamboni - Pollution

## **BRITISH COLUMBIA BRITISH COLUMBIA**

Ulisses Confalonieri of Ecotropic, to B.C. to meet with the B.C. representatives of the project who were discussing the interdependence of issues. It was suggested by several members in B.C. that a native leader should also be invited to come from Brazil. Ecotropic was contacted and agreed that they thought that the native leader would make a significant contribution to the project and they arranged to bring a native leader. The Native leader, Marcos Tereno, had been responsible for coordinating the meeting of indigenous peoples in Rio for UNCED. EDSP was contacted about the change in the project.

## **PARTICIPANTS**

international Affairs Caucus of the BCEN

Chair

Joan Russow, (ERA Ecological Rights Assoc.) International monitoring and compliance and the linking of human rights, equity and peace issues

Representatives from Member organization

Candace Batycki (Greater Ecosystem Alliance)

**1. Niki Basuk author**

**2 • Jack Basuk**

**3 •Yvonne Beaudry (Friends of Clayoquot) research area: Globalization of the Economy**

**Mary Bentley**

**Brad Benson (Tetrahedron Aliance). Forestry issues**

**Tracy Bethune**

Jim Bolen PO Box 39 (Green Grass Institute). International monitoring and compliance issues

**Tim Boston, ERA inter-generational equity and critical education**

**Dolores Broten (Friends of Cortes) (Friends of Cortes) Editor Watershed Sentinel .**

**Lanyan Chen, visiting scholar from China**

**Tanis Dagert, (Forest Protection Allies) liaison between academics and community groups,**

**Main fishing down town main \_  
down town to the Coop and take right and two blocks down hill  
John Emonds**

Susan Gage peace, ecology and social activist  
Doug Gook (Forest Protection Allies); Alternative forestry

**Suzanne Hare (CIRCLE), Native issues**

**Stephan**

**Dr. Keith Heidorn, Skies Above Foundation, Specialist in Meteorology, ozone**

Beth Hill, Council of Canadians

Ray Hill, Council of Canadians

Rocky Kelly, (Nechako Coalition), Alternative forestry  
Box 805, Station "A" Prince George B.C. V2L 4 ; Ph963-7929; FAX 562-4271

Dr. Fred Knelman, ERA and (The Whistler Foundation for a Sustainable Environment)  
Nuclear, and energy issues, and the linking of human rights, nuclear, equity and peace issues

**Steve Lawson, (CIRCLE) Native issues indigenous Caucus**

Lenore SPEC

Anne Levesque, (East Kooteney Environmental society) Women and development

**Lucia Lopes, (ERA Ecological Rights Association) Brazilian foreign student**

Peter MacAllister, (RainCoast Conservation Society)

**Ron MacIssac, human rights Lawyer , Chair of the BC Human Rights Coalition**

**Lyn MacIssac**

•

**Derrick Mallard, SPEC**

**Gwen Mallard, SPEC**

**Donald Malcolm, (Friends of Cortes)**

**Ruth Masden, (Thompson Institute) water-related issues**

Prince Nallo, (VIPIRG), University of Victoria

Doug Patterson (Eco forestry Institute); Eco forestry Issues

**Sheila Salas, Sierra Club**

Herb SPEC, (Pesticide issues)

**Bruce Torrie, (Skies Above Foundation) Law and policy. Ozone and ultraviolet radiation**

Ira Zbarsky, Activist in support of central America

( ) THAT in 1995, I endorsed the following statement:  
NGO WOMEN PROTEST PROCEDURES AND BACKTRACKING AT THE FINAL  
PREPATORY MEETING FOR THE FOURTH WORLD CONFERENCE ON WOMEN

In response to a number of disturbing and disappointing developments and points of procedure at the 39th session of the Commission on the Status of Women (CSW) -- the final preparatory meeting for the Fourth World Conference on Women -- representatives of Non-Governmental Organizations prepared the statement below which was read on the morning of April 3, 1995 by Bella Abzug, Co-chair of the Women's Environment and Development Organization (WEDO), to the Main Committee at the CSW in New York at the United Nations. It has been endorsed by individual women and NGOs from all regions of the world.

As the statement was read, NGO women who had filled the balcony, stood and held pink signs with the word "GENDER" so that the delegates on the floor could see that there was a visible presence of women NGOs who were concerned with recent developments.

## **BEST AVAILABLE IS NOT GOOD ENOUGH**

( ) THAT in 1995 AT THE LAST MEETING OF THE WORKING Group I submitted the following

**REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)**  
There is no guarantee that the Best Available Technology 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. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative 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 BEST.

**10. ESTABLISHING HIGH MANDATORY STANDARDS AND TECHNICAL REGULATIONS THAT WILL DRIVE INDUSTRY TO DEVELOP BEST**



Presumably, if there is a commitment to develop alternatives, there will be a concomitant responsibility to relocate funding from the current practices of mitigating of ecologically unsound practices to the development of BEST.

### **11. HARMONIZING UPWARD OF THE “PLAYING FIELD.” STRIVING TO ENSURE THAT THE GLOBAL TARGETS SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS**

GEF is in the unique position to become a leader in developing the highest possible equitable and ecological standards and technical regulations, and in promoting the highest possible global level playing field through legally binding mandatory standards and technical regulations.

### **12. ENSURING ENVIRONMENTAL AUDITS AND TAKING INTO ACCOUNT ALL ECOLOGICAL CONSEQUENCES PRINCIPLE**

The environmental audit and ecological consequences principle are the following: to assess both the environmental costs of not converting to ecologically sound practices, 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.

In international documents, there is the recognition of the importance of environmental audits; and of the taking into consideration of ecological consequences:

Governments should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (Agenda 21, 20.20 e)

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)

See Annex for discussion of this principle:

### **13. 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. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the review-able projects" is not a legitimate environmental impact assessment.

### **14. 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.

## THE POLLUTER-PAY PRINCIPLE

In different section of Agenda 21, the polluter Pay principle is advocated:

- 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 Hazardous Wastes, Agenda 21)

" 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 Solid wastes, Agenda 21)

## **15. ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.**

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

This principle was globally adopted at the Earth Summit:

- COMMITMENT TO NON-TRANSFERENCE OF HARMFUL SUBSTANCES AND ACTIVITIES

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 (Rio Declaration, UNCED)

This principle shall never be qualified by the provision that the recipient state is willing to accept the harmful substances or activities. The reluctance to adhere to the principle of "Extraterritoriality" shall not be used as an excuse for not transferring these harmful substances and activities.

## **16. RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE**

In the July 14, draft reference is made to the responsibility to future generations in the section on "sustainability" in definitions. The obligation to future generations has been enunciated as a principle for over twenty years, and should be incorporated as a principle in the establishment of the Framework. This obligation to future generations can be traced in the following way:

In the United Nations Convention for the Protection of Cultural and Natural Heritage:

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations, of the cultural and natural heritage referred to in articles 1 and 2 and situated on its territory, belongs primarily to that State. (United Nations Convention for the Protection of Cultural and Natural Heritage, 1972)

In the Stockholm Convention of 1972, the requirement to preserve our environmental heritage and the requirement to save a representative sample of natural ecosystems for future generations were being recognized:

The natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of present and future generations (Principle 2)

Man has a special responsibility to safeguard and wisely manage the heritage of wild life and its habitat which are now gravely imperiled by a combination of adverse factors (Principle 4),

In UN Resolution 37/7, World Charter of Nature, 1982

Reaffirming that man [humans] must acquire the knowledge to maintain and enhance his 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 (UN Resolution 37/7, 1982)

In the Convention of Biological Diversity

"to conserve and sustainably use biological diversity for the benefit of present and future generations (Biodiversity Convention, UNCED, 1992)

and in the Framework Convention on Climate Change:

" to protect the climate system for present and future generations"

The principle of considering the need to preserve ecological heritage for future generations, because of its continued inclusion in international documents, has become a principle of international customary law.

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## THE SIXTH OPTION

( ) in 1995 I recirculated my criticism of (NAPCC).

EXHIBIT

Canadian National Action Program on Climate Change (NAPCC).

In the 1988 “Changing Atmosphere Conference” climate change was perceived as “a threat,” now, in the 1994 NAPCC, Climate Change is only perceived to be “ a potential threat.

Canada signed (June,1992) and ratified (December,1992) the Climate Change Convention. The Convention came into force in March,1994. Although Canada presumably is not fully bound by the Convention until the Convention comes into force. Canada has been bound since the signing of the Convention in June 1992, to not do anything in the interim between the signing of the Convention and the coming into force of the Convention “to defeat the purpose of the Convention” (Article 18, Convention of Law of Treaties).

In the Climate Change Convention, there are provisions to “conserve and enhance sinks” and “to document sinks.” NAPCC carefully ignores the impact of the failure to preserve carbon sinks such as old growth forests, and of the continuation of current forest practices such as clear-cut logging. Since June of 1992, numerous carbon sinks including forests and bogs have been destroyed even before they have been properly documented.

The NAPCC document also fails to seriously call for the phasing out of the use of fossil fuels and the conversion of the infrastructures that support the use of fossil fuels. Although there is a call in the document for renewable energy, there appears to be little resolve to create a situation, with high mandatory standards and regulations that would attract serious conversion to renewable energy. Most of the document appears to rely on “voluntary initiatives”: Voluntary initiatives from the fossil fuel sector will not be sufficient to drive industry to embrace the principle of renewable energy.

“The NAPCC document also under the euphemism of “Electricity and Heat Co-generation Opportunities” keeps the door open for the nuclear power industry to prey on the public concern for climate change.

In the NAPCC document, the Federal Government offers 5 options. All five of these options demonstrate that Canada has caved into the forestry, fossil fuel and nuclear industry. If Canada is to seriously address the threat of Climate Change Canada should consider a sixth option.

#### OPTION 6 : THE MISSING OPTION

Adherence to three key principles;

The precautionary principle

Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures (Climate Change Convention, 1992)

Reverse onus principle ( proposed by Minister of Environment, the Hon. Sheila Copps, 1994)

The proponent of an intervention in the ecosystem shall have to demonstrate safety, rather than the opponent having to demonstrate harm

Future problem avoidance principle:

The addressing of one environmental problem should not itself be an action that could cause irreversible harm (Standing Committee on Environment “ Out of Balance; The Risks of Irreversible Climate Change, 1991)

Actions

- 1.. Preserve and enhance sinks (forests and bogs), [as required in the Climate Change Convention] , in particular preserve large areas of original growth and conservation corridors
2. Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands
3. Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land
4. . Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED).
5. Establish and enforce a national dedicated program for energy conservation and efficiency
6. Establish extensive networks of alternative ecologically safe and sound means of transportation (Agenda 21), and cease the construction of all new highways
7. Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. “Inaction is negligence” (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)
8. Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.

9 , Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. (Morris Strong's Costa Rica Scheme — Ontario Hydro buying forests in Costa Rica to offset Ontario Hydro's CO2 emissions)

10 Avoid carbon emissions trading because this practice legitimizes continuing currently harmful emission practices

11. Transfer all energy-directed funding into renewable energies that are ecologically safe and sound

12. Transfer a significant proportion of the \$11 billion military budget to assist in implementing the above measures and in job conversion  
As we near the 50th Anniversary of the United Nations (October 24, 1995), Canada continues to demonstrate its lack of resolve to seriously address its international obligations, and until Canada is willing to fulfil these obligations through enacting the necessary legislation with mandatory standards and regulations, little substantial change will occur.

## **COMMENT ON CANADA'S CURRENT ACTION PLAN TO IMPLEMENT THE FRAMEWORK CONVENTION ON CLIMATE CHANGE**

### **CANADA'S NATIONAL ACTION PROGRAM ON CLIMATE CHANGE" (NAPCC): "THE PRELIMINARY DRAFT OF REPORT ON OPTIONS" DOCUMENT OF COMPROMISE AND INACTION A MAJOR STEP BACKWARDS:**

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**"Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. The Earth's atmosphere is being changed at an unprecedented rate by pollutants resulting from human activities, inefficient and wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now. Climate Change in the Conference statement, Changing Atmosphere Conference in 1988**

The federal government has been traversing Canada "consulting" with "stakeholders" about the five options proposed in the Canadian National Action Program on Climate Change (NAPCC). All of the five options demonstrate lack of political will to seriously address the problem of climate change.

In the 1988 "Changing Atmosphere Conference" climate change was perceived as "a threat," now in the 1994 NAPCC, Climate Change is only perceived to be "a potential threat."

Canada signed (June 1992) and ratified (December, 1992) the Climate Change Convention. The Convention came into force in March, 1994. Although Canada presumably is not fully bound by the Convention until the Convention comes into force, Canada has been bound since the signing of the Convention in June 1992, to not do anything in the interim between the signing of the Convention and the coming into force of the Convention “to defeat the purpose of the Convention” (Article 18, Convention of Law of Treaties).

In the Climate Change Convention, there are provisions to “conserve and enhance sinks” and “to document sinks.” NAPCC carefully ignores the impact of the failure to preserve carbon sinks such as old growth forests, and of the continuation of current forest practices such as clear-cut logging. Since June of 1992, numerous carbon sinks including forests and bogs have been destroyed even before they have been properly documented.

The NAPCC document also fails to seriously call for the phasing out of the use of fossil fuels, and the conversion of the infrastructures that support the use of fossil fuels. Although there is a call in the document for renewable energy, there appears to be little resolve to create a situation, with high mandatory standards and regulations that would attract serious conversion to renewable energy. Most of the document appears to rely on “voluntary initiatives”; voluntary initiatives from the fossil fuel sector will not be sufficient to drive industry to embrace the principle of renewable energy.

The NAPCC document also under the euphemism of “Electricity and Heat Co-generation Opportunities” keeps the door open for the nuclear power industry to prey on the public concern for climate change.

In the NAPCC document, the Federal Government offers 5 options. All five of these options demonstrate that Canada has caved into the forestry, fossil fuel and nuclear industry. If Canada is to seriously address the threat of Climate Change Canada should consider a sixth option.

## **OPTION 6: THE MISSING OPTION**

Adherence to three key principles;

### **The precautionary principle**

Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures (Climate Change Convention, 1992)

### **Reverse onus principle**

(proposed by Minister of Environment, the Hon. Sheila Copps, 1994)

The proponent of an intervention in the ecosystem shall have to demonstrate safety, rather than the opponent having to demonstrate harm

### **Future problem avoidance principle:**

The addressing of one environmental problem should not itself be an action that could cause irreversible harm (Standing Committee on

Environment “Out of Balance; The Risks of Irreversible Climate Change, 1991)

### **Actions**

- 1.. Preserve and enhance sinks (forests and bogs), [as required in the Climate Change Convention], in particular preserve large areas of original growth and conservation corridors
2. Ban all forest practices such as clear-cut logging and broadcast burn that reduce carbon sinks on crown and private lands
3. Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land
- 4.. Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED).
5. Establish and enforce a national dedicated program for energy conservation and efficiency
6. Establish extensive networks of alternative ecologically safe and sound means of transportation (Agenda 21), and cease the construction of all new highways
7. Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. “Inaction is negligence” (Digby McLaren, Past President of the Royal Society, Global Change Conference, 1991)
8. Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.
- 9, Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. (Morris Strong’s Costa Rica Scheme — Ontario Hydro buying forests in Costa Rica to offset Ontario Hydro’s CO<sub>2</sub> emissions)
- 10 Avoid carbon emissions trading because this practice legitimizes continuing currently harmful emission practices
11. Transfer all energy-directed funding into renewable energies that are ecologically safe and sound
12. Transfer a significant proportion of the \$11 billion military budget to assist in implementing the above measures and in job conversion



As we near the 50th Anniversary of the United Nations (October 24, 1995), Canada continues to demonstrate its lack of resolve to seriously discharge its international obligations, and until Canada is willing to fulfill these obligations through enacting the necessary legislation with mandatory standards and regulations, little substantial change will occur.  
(Published in BCEN Report. December, 1994)

## **ANNEX:**

Background for incorporating ecological consequences and environmental audits within full cost methods.

The costs to the environment of continuing with ecologically unsound practices rather than the cost to industry to introduce ecologically sound practices shall be considered.

If the precautionary principle is to be applied in the assessment of costs, the full environmental costs have to be taken into consideration; as well as the full economic costs of monitoring and enforcement of legislation to regulate ecologically unsound practices, and the projected economic costs and environmental costs of accidents, and restoration if accidents occur.

Assessment of full economic costs of ecologically unsound practices and of Full economic benefits of prevention:

- The introduction of ecologically unsound practices has inordinate, extensive, unexpected short-term and long-term economic costs, including the following:
  - the cost of monitoring, investigation, enforcement, and conviction.;
  - the costs of subsidies—taking research dollars from developing ecologically sound alternatives;
  - the costs of inappropriate funding for attempts to rectify previous errors;
  - the costs to displaced disenfranchised indigenous peoples;
  - the costs of rehabilitation of ecologically devastated sites;
  - the costs of loss of biodiversity; costs of loss of resources— destruction of fish habitat;
  - the costs of health impacts on employees.
  
- Financial benefits associated with toxics use reduction can include reduced raw material costs, reduced effluent and emissions monitoring and control costs, reduced energy use, reduced water use, reduced liability ... (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
  
- Companies may be unaware of the benefits or may opt to limit short-term investments despite longer term savings. Thus, in the absence of regulations, they might continue to avoid very reasonable available technologies that protect the environment better by preventing pollution (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)

- It is incumbent upon society and government to strive towards high standards so that the segment of industry (prevention-technology or techniques industry—BEST industry) dedicated to developing ecologically sound alternatives will be at an economic advantage
- The technique of assessing the complexity of the multiple costs must be used. This technique could be extended to reevaluate the totality of spending including the excessive costs of maintaining the military (11 billion), when the money from the military could be transferred to assist in the conversion to an ecologically sound and equitable society.
- A full life-cycle analysis of the economic and environmental costs through time and space of each substance and activity shall be carried out.
- The independent assessment of full economic costs shall be carried out by the Auditor General's office
- The establishment of the highest possible mandatory standards, legal enforcement mechanism, and support structures for ensuring that prevention techniques are economically feasible.

#### Assessment of full environmental and human health impact costs of inaction or non-prevention

- ecological and equitable “back-casting” — “going to the future though the present “moving from vision to measures to implement the vision — must be supported. If the vision is to adopt a prevention and precautionary approach to interventions into the ecosystem, anything that detracts or deters from that vision should be seriously questioned, and the justification of the continuing the questionable practices should come under serious scrutiny. In other words, if unacceptable present and future ecological consequences are likely to occur, the activity shall not proceed and the substance shall not be used.
- the enunciation of an “ecological imperative” as part of a long-term complex solution
- “The difficulty of assessing environmental impacts cannot be used as an excuse for ignoring them.” (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
- The presence of ecological irreversible consequences shall be deemed to be beyond an acceptable risk, and thus not subject to the usual means of quantification. In this event, the anticipatory, precautionary, and reverse onus principle shall apply, and the activity or substance shall be banned or phased out
- Ecological, and equitable consequences, and health impact consequences must be examined in full complexity through time and space
- in the event that the activity or substance has been proven to have caused environmental degradation, or to be able to cause long term ecological consequences, the activity or the use of the substance shall be banned or phased out.
- No economic benefit shall be used to justify the violation of ecological rights— right to a safe environment and the right to an ecological heritage, and the integrity of the ecosystem. Economic benefits must be seen in the context of ecosystem primacy; otherwise long-term future ecological and humanitarian rights— right to food, safe water, health care and shelter will be compromised

- In determining whether the [technology] emission limitation is sufficient to protect health, welfare and the environment, [governments] must consider all known and suspected impacts, including but not limited to mutagenicity, teratogenicity, neurological damage, development damage, immune suppression, organ damage, reproductive impairment, and hormone mimicry.
- Assessment of impacts on plants, animals and other non-human aspects (biodiversity) of the environment.
- Procedures to ensure that an environmental assessment review of any practices or substances that could contribute to the loss or reduction of Biodiversity shall be in place
- Assessment of 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.

### 1.2.3. ADDITIONAL INTERNATIONAL PRINCIPLES NOT REFERRED TO IN THE JULY 14 DRAFT

#### ACKNOWLEDGMENT OF URGENCY OF CONSERVING NATURE

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 (World Charter of nature)

#### ENSURING THE INHERENT WORTH OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [human], and to accord other organisms such recognition's (World Charter of Nature)

#### ACCEPTANCE OF NEED FOR MORAL CODE OF ACTION IN RESPECT OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans], and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (UN Resolution 37/7) World Charter of Nature)

#### RECOGNITION OF INTERCONNECTEDNESS WITH NATURE

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).

#### COMMITMENT TO NON-TRANSFERENCE OF HARMFUL SUBSTANCES AND ACTIVITIES

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 (Rio Declaration, UNCED)

#### AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.

recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate (16.3. ii, Agenda 21)

## DRAFT IDEAS RE: PROJECT INDO-CANADIAN INITIATIVES IN SUSTAINABLE DEVELOPMENT

ISSUE 1. One of the shortcomings of UNCED was that there was the perpetuation of the myth that technology transfer should come from North to South. At that time, few people sufficiently entertained the notion that the North could learn from the South and that what was necessary was the interchange or inter-transfer of ecologically sound technology.

### POSSIBLE RESEARCH AREAS IN INITIATIVES

#### PROJECT 1 A.

"PREVENTION" TECHNOLOGY AS A MEANS OF ACHIEVING EQUITABLE AND ECOLOGICALLY SOUND DEVELOPMENT. "PREVENTION TECHNOLOGY COULD BE DESCRIBED AS PRECAUTIONARY RATHER THAN MITIGATIVE, OR AS "DOING IT RIGHT THE FIRST TIME."

- Preservation/nature involvement/ ecologically sound practices

\_ Innovative initiatives Case studies:

- E.g. Innovative initiatives in a region in India that could be relevant to Canada Such as those suggested in publications like "Down to Earth" from the Institute in New Delhi or in Chipko region
- E.g. Innovative initiatives in Vancouver Island such as those related to forest practices by Merv Wilkinson who has been using Selection logging for 50 years

\_ Sewage Treatment resource or waste)

- E.g. Innovative initiatives in a region in India and on Vancouver Island where they are working on alternative technologies so that what was formerly consider as waste is now used as a resource

*Relevant International principles such as the following*

Precautionary principle

" Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Rio Declaration, 1992).

Positive-long-term-research-into-biodiversity- in ecosystems principle

" Long-term research into the importance of biodiversity for the functioning of ecosystems and the role of ecosystems in producing good, environmental services and other values supporting sustainable development with particular reference to the biology and reproductive capacities of key terrestrial and aquatic species, including native, cultivated and cultured species; observation and inventory techniques; ecological

conditions necessary for biodiversity conservation and continued evolution; and social behaviour and nutrition habits dependent on natural ecosystems, where women play key roles. The work should be undertaken with the widest possible participation, especially of indigenous people and their communities, including women. (Agenda 21, 15.5 f,)

Ecologically-unsound-practices-accumulation-impact principle

" Despite mounting efforts over the past 20 years, the loss of the world' biological diversity, mainly from habitat destruction, over-harvesting, pollution and the inappropriate introduction of foreign plants and animals has continued. (Agenda 21, 15.3)

## CHARTER OF ECOLOGICAL PRINCIPLES

This Charter draws from international obligations that have already been agreed to internationally. The Charter draws from both obligations undertaken by states through UN resolutions such as the "World Charter of Nature", globally agreed to documents such as the United Nations Conference on Humans and the Environment (Stockholm, 1972), The Rio Declaration (UNCED, 1992) and Agenda 21 (UNCED, 1992) and the legally binding documents such as the Vienna Convention on Ozone (1986), the Montreal Protocol (1987), The Basel Convention (1989); Convention on Biological Diversity (UNCED, 1992, in Force, 1993) and the Convention on Climate Change (UNCED, 1992, in force 1993), and the Law of the Sea (in force 1994).

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"

The following principles have been agreed to internationally

International obligations must be fulfilled as being not the maximum but the minimum standards to follow

Transference of agreed to principles to state practices

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 (World Charter of Nature)

Inherent worth of nature

ensuring that every form of life is unique, warranting respect regardless of its worth to man

[human], and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (World Charter of nature)

Respect for essential processes

Nature shall be respected and its essential processes shall not be impaired

Urgency of conserving nature

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 nature (World Charter of nature)

Moral code of action

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

Enunciation of the primacy of the ecosystem

Ensuring that in all decisions made about the environment that the ecosystem be given primacy

Invocation of the precautionary principle

where there is a threat of serious or irreversible damage, the 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)

Enunciation of 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 (World Charter of Nature)

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

Adoption of "prevention technologies — technologies that emphasize "protecting, conserving and sustaining the environment from the beginning, and thus avoiding the cycle of rectification of error.

Non introduction of hazardous products in the environment

the onus of proving the non-hazardous nature of the product 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]

Environmental Assessment review

Introduce appropriate procedures requiring environmental impact assessment of its proposed projects and activities 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)

Assertion of the avoidance of activities

Activities which are likely to cause irreversible damage to nature shall be avoided (World Charter of Nature)

Recognition of interconnectedness with nature

Humankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients

Reaffirmation of intergenerational 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 (World Charter of Nature)

Commitment to 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 (Rio Declaration)

(b) identifying, preserving and preventing the loss or reduction of Biological Diversity [wording in part from the Convention on Biological Diversity]

(b 1) mitigating Climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change [wording from the Climate Change Convention]

(c) Achieving the goal of zero pollution in the Province

(e) applying the principles of pollution prevention as the foundation of environmental protection

**[from definition of "pollution prevention"]**

**(a 0) \_ the prevention of the use, generation and release of any substance into the environment in such a manner or quantity as to cause pollution [repeated from 41 1)**

(a) the elimination of the use of polluting substances

**(b 0) the substitution of polluting substance with non-polluting substances**

(b) the substitution of polluting substances with less polluting substances

(c) the reduction in the introduction and use of **[non-renewable]** resources and polluting substances



(d) the elimination and reduction in the generation of polluting substances  
[e, f, g removed because not deemed appropriate for prevention;  
Discussion Environmental Group, February 19]

**(f0) Confirming the responsibility of government to set up a non-vested interest board or panel with varying levels of expertise and experience to do "arms-length" research into the true environmental impacts of substances and activities by carrying out "life cycle analysis" (recommendations from various chapters of UNCED Agenda 21) (Suggested Environment meeting, February 19)**

(f) Confirming the responsibility of producers for sound environmental stewardship of products through all phases of a product's life;

*(g) ensuring the comprehensive and integrated consideration of environmental and socioeconomic effects in public policy-making in British Columbia. [Deemed to be inconsistent with the overriding purpose of the Act]* **Ensuring that in all decisions made about the environment that the ecosystem be given primacy (Suggested Environment meeting, February 19)**

**(h0) International obligations must be fulfilled as being not the maximum but the minimum standards to follow (proposed, Discussion, February 19)**

(h) Recognizing that British Columbia residents have an interest in **and a responsibility of minimizing their impact upon** the regional, national and **global environment** and global environmental well-being **(Suggested Environment meeting, February 19)**

(i) using the knowledge and experience of British Columbia residents in the formulation of decisions affecting the environment,

(j) confirming the responsibility of polluters to pay for the costs of their actions **(also recommended in Agenda 21) but also recognizing that no pecuniary payment of costs for environmental destruction can ever fully redress the loss to the environment, and reaffirming that the prevention of pollution and environmental destruction should be by using "prevention technologies"**

**(k) ensuring that every activity or substance that could prevent the protection, conservation and sustainability of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19)**

**(l) ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the act (Suggested, February 19)**

**(m) promoting the research into the development and introduction of renewable, non-polluting (protection technologies)**

**(n) ensuring that compensation can never be used as reason for not exercising the duty under the act to protect, conserve and sustain the environment (proposed, Discussion, February 19)**

**(o) agreeing that any compensation given shall be assessed on the basis of past environmental performance and environmental costs and subsidies, and that any awarded money shall be (used by the compensated party to create employment within B.C.) placed in a job creation fund (Suggested, Discussion, February 20)**

**(p) ensuring the maintenance and enhancement of the quality of the environment (moved from section 2.a, February 20)**

2. To achieve the purposes of this Act, all persons who exercise functions and powers under this Act shall have regard to the importance **of the purposes of this act** ((proposed, February 20)

*(a) the maintenance and enhancement of the quality of the environment*

*(b) the actual or potential effect of an activity or natural process on the whole of the environment, including its actual or potential effect on the health and safety, and the economic, cultural and social well-being of people and communities*

*(c) the potential costs and benefits of any objective, policy, or proposal to the environment*

Scope

(1) For the purposes of this Act, introduction of a substance into the environment means depositing the substance on or in or allowing or causing the substance to flow or seep on or into any land or water or allowing or causing the substance to be emitted into the air and includes indirect means of introduction into the environment

**(1\*) For the purpose of this Act, the impact of an activity on the environment means the engaging in any activity which could prevent the protection, conservation and sustainability of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19)**

2. Except where this Act or the regulations specifically provides to the contrary, this Act applies to the whole environment of British Columbia **{The onus of proof for exclusion from the Act must reside in the proponent for exclusion (proposed, February 20)}**

3. Where there is conflict between this Act, its regulations or an authorization under this Act and any other act or regulations thereunder, this Act its regulations and authorizations issued or subsisting under this Act apply, **except when provisions in other Acts or regulations contribute to the fulfillment of the purposes of the Environmental Protection Act better than those contained in this Act**

*(a) where this Act or its regulations provide to the contrary, or*

*(b) as may be prescribed by the Lieutenant Governor in Council*

4. Nothing in the Soil Conservation Act shall be taken to prevent the establishment within a local authority of any facility for the disposal of waste in accordance with this Act **providing that the establishment is deemed to fulfill the purposes of the Environment Protection Act. (Proposed, February 20)**

*5. The Crown is bound by this Act, except where this Act or the regulations specifically provide to the contrary*

## Part 2

### Environmental Bill of Rights

#### Public Trust

30. (1) Every resident of British Columbia has a right to protect the environment and the public trust from any pollution, impairment or destruction

(2) The government, as trustee, has a duty to conserve and protect the environment of British Columbia

**3. Citizens of British Columbia has the right to have the environment conserved and protected (Suggested Environment meeting, February 19)**

4. Citizens of British Columbia have to right to expect that no person shall use **generate or release**, waste or recyclable maters, or any other substance **(including fugitive gas or leachate)** into the environment in such a manner or quantity as to cause pollution **[moved from 41 (1) (Suggested Environment meeting, February 19)**

**5. Citizens of British Columbia have the right to expect that the government will live up to its obligations (Doctrine of Legitimate Expectation)**

**6. Present and future generations of British Columbia have the right to an ecological heritage (Suggested Environment meeting, February 19)**

**7. ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the act (Suggested Environment meeting, February 19)**

#### Right of action

31. (1) The Attorney General or any resident of British Columbia may commence an action in the Supreme Court against any person who has polluted or otherwise degraded the environment and the public trust or who is likely to do so.

2. A person may commence an action under subsection (1) without having to establish that there is , has been or is likely to be an infringement of an authorization issued

under this Act or an approval, permit, licence, standard, regulation, rule or order issued by or under an Act listed in Schedule A.

3. A person who commences an action under subsection (1) shall provide notice of the proceedings to the Attorney General and the Minister.

4. This section does not abrogate those common law rights that would normally be available to a plaintiff to commence an action.

5. the need for intervener funding

Standing

32 A person may commence an action under section 31 without having to show that he or she has

(1) any greater or different right, harm or interest than any other person; or

(2) any pecuniary or proprietary right or interest in the subject matter at issue.

Burden of proof.

33.

**(1 a) 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**

**If the proposal involves anything that could be hazardous, 0 emissions and waste must apply; if the proposal involves ...lowest achievable discharge rate should apply (February 19, discussion)**

(1 b) the plaintiff shall establish a prima facie case showing that **the defendant's proposed activities are likely to pollute or degrade the environment**

(1) the plaintiff shall establish a prima facie case showing that the defendants' activities have polluted or degraded the environment or is likely to do so

(1 c. In a prosecution for a contravention the burden of proving compliance is on the defendant [Section 46, ss 4]

*2. Where a prima facie case under subsection (1) is established, the defendant may rebut the prima facie case by showing that there is no feasible and prudent alternative to the defendant's action*

**[If so, there must be some criteria for determining feasible and prudent alternatives in the light of the purpose of the Act; "providing prevention, conservation and sustainability of the environment" determined by an advisory, non-vested interest board or panel with representation from varied areas of expertise and experience]**

*3. It is a defence to an action commenced under this Act that the defendant's action is authorized under this act or an Act listed in Schedule A, unless the plaintiff can establish, on balance of probabilities, that the standard is inadequate to protect the environment and that the defendant's action has caused, or is likely to cause, severe or irreparable contamination or degradation of the environment.*

**The burden of proof must be on the defendant to demonstrate that the defendant's action has not caused or is not likely to cause, severe or irreparable contamination or degradation of the environment (Discussion, February 19)**

Limitation Period

34. The limitation period for an action under section 31 of this Act is postponed and time does not commence to run until the plaintiff becomes aware, or ought reasonably to have become aware, of the identity of the defendant and of the material facts surrounding the claim

Appointment of minister's environmental mediator

37 (1) Subject to section 140, the Minister may, *where he or she deems it advisable where it is deemed advisable* and where the conflicting parties concur, appoint an environmental mediator acceptable to the parties to mediate between persons involved in an environmental conflict.

(2) when a mediator is appointed under subsection (1), the mediator shall, within 6 weeks after completion of the mediation, report to the results of the mediation to the Minister and the parties

38 (c) award damages to (iv) any person who has a concern for the environment

39 ...licence, standard, regulation, rule or order issued under an Act listed in Schedule A affects **the environment** and rights of a person, **any** person shall be furnished with a written statement of the decision setting out.... **(c) any dissenting opinions**  
**(Discussion, February 19)**

**[Further comment to come on subsequent sections] star**

**Since the first United Nations Conference on the Environment in Stockholm in 1972, we have come to realize that the traditional patterns of development have contributed to poverty - denying more than a quarter of the world's population adequate living conditions — to the inequitable distribution of resources to over-consumption, to the violation of human rights, and to the potentially irreversible degradation of the ecosystem.**

**WE DECLARE THE FOLLOWING PRINCIPLES TO GUIDE HUMANITY TO AN EQUITABLE AND ECOLOGICALLY SOUND FUTURE:**

**1. The ecosystem of which we are a part shall be protected and preserved, ecologically unsound patterns of development shall be condemned and the inequity of development must be addressed and rectified**

**2. Development activities that benefit the few while compromising the biological inheritance and quality of life of the many must be condemned as being inherently wrong**

4. International ecological standards should be in place so that no short-term individual pursuit of self-interest, or short sighted national or international regulations (GATT) could jeopardize the environment. The purpose of these standards is to address the individual and multinational pursuit of self-interest and consumptive and exploitative use of the environment and not to penalize local communities that wish to function in an interdependent way within the ecosystem. The economic development necessary to eliminate poverty shall not be a mandate to abuse the environment for either short-term gain or economic growth alone. Principle must drive industry not industry driving principle.

5. Environmental processes do not recognize national boundaries; therefore, states shall not have the sovereign right to exploit resources within their territories in isolation from the global ecological needs of the Earth

6. The continued build-up of the military complex must cease, and the use of military force as a means of resolving conflict must be rejected. A radical reduction of the military budgets of the world must occur and the funds released for ecological and humanitarian purposes. Peace is not merely the absence of war but the pursuit of environmental, social justice, economic, spiritual and cultural well-being.

7. 8. the decision-making process should be clearly defined, transparent, accessible and equitable. Criteria in decision making should be revealed, and the public and affected communities should be involved at the time of the formulation of the terms of reference and through the process.

9. The international community must condemn and disallow the exporting of products deemed to be unsafe in a state where there are advance testing procedures to other states with less advanced testing procedures. 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 that inaction is negligent. The international community has enough information about the pending state of ecological irreversibility that it must act immediately (proposal for NGO Earth Charter, Rio, June, 1992)

The precautionary principle shall be extended to require those who wish to intervene in the ecological commons to have to justify their intervention and demonstrate the safety of their intervention. The full environmental costs shall be considered in any proposed development project. (NGO Earth Charter, Rio, June, 1992)

## ISSUE 2:

### PROJECT 1 B.

DEVELOPMENT OF CRITERIA FOR IMPLEMENTING INTERNATIONAL LEGISLATION TO ENSURE THAT "SUBSTANCES AND ACTIVITIES" HARMFUL TO HUMAN HEALTH OR TO THE ENVIRONMENT WILL NOT BE TRANSFERRED FROM THE NORTH TO THE SOUTH OR FROM AN INDUSTRIAL AREA TO AN INDIGENOUS AREA OF A COUNTRY.

- Transfer of potentially harmful substances or activities from North to South
- E.g. examination of such transfers from Canada to India
- E.g. examination of such transfers from India to other countries

#### Case studies

- E.g. Transfer from Vancouver Island - British Columbian logging practices - impact on Chipko et.
- E.g. Transfer from India to other less developed countries ???

\_ Transfer of potentially harmful substances or activities from industrial areas to disadvantaged or indigenous areas on Vancouver Island

#### Case studies:

- E.g. transfer within India....
- E.g. Pulp mill in Gold river adjacent and on Indian Reserve

\_ Sewage Treatment resource or waste)

- E.g. Innovative initiatives in a region in India and on Vancouver Island where they are working on alternative technologies so that what was formerly considered as waste is now used as a resource

#### *Relevant International principles such as the following*

##### Not-transferring-environmentally-harmful-activities or substances principle

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)

##### Positive-duty-to protect principle

Recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate; recommendations (Agenda 21, 16.3 ii)

##### Positive-duty-or-responsibility principle

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. " (Agenda 21, 15.3)

ISSUE: 3 Often practices which are considered to be in violation of human rights are condoned because they are justified through religious or cultural traditions. Can or should the exploitation of women and the assigning of a lesser role to women be justified by cultural norms?

## PROJECT 1. C. DEVELOPMENT OF A CONCEPTUAL FRAMEWORK FOR EXAMINING THIS ISSUE ON VANCOUVER ISLAND AND IN THE CHIPKO REGION

*Relevant International principles such as the following*

UN Declaration of Human Rights and discussions and contributions from the South during the Human Rights discussion in Vienna in June 1993.

### Legend

Underlined: what has already been agreed to internationally

Bold: what still needs to be done

## PUBLIC INVOLVEMENT

### 3 Who is the "Public"

While a definition for the term "public" is not provided in CEAA, guidelines will have to be developed to determine who constitutes the "public" for purposes of projects and activities outside of Canada. In developing these guidelines, consideration will have to be given to a number of broad issues including: the sovereignty of foreign nations, the spirit and intent of CEAA, the widely differing institutional capabilities and socio-political context of recipient countries, international agreements and arrangement to which Canada is party, timeliness and cost. These suggest the need for a definition rigorous enough to reflect the principles that underline CEAA, yet sufficiently flexible to be relevant in a variety of circumstances.

- to address the issue of "who is the 'public'" the government could bring together informed and concerned members of the public, drawing upon a wide range of expertise and experience, as well as upon the local members of the community that are concerned about humanitarian development. In no way should the involvement of the public be based on the promotion of particular vested interests. A distinction could be made between vested interest for individual gain and public concern for the commons. The current round table process which sets up an arena of competing interests through "multi-stakeholders" rarely brings together the people that have a larger vision of comprehensive solution for the commons.
- To ensure that the "public" is involved in establishing the terms of reference and throughout the project



[all contained in UNCED documents].

in 1983 the science council of Canada made an important distinction between a "reasoned outcome" and a "negotiated outcome"; the establishment of standards should not be part of a negotiated outcome.

- There must be a continuous vigil on substance. Perhaps given that we do not understand the long-term synergistic effects or the long-term effect of combinations. Introduction of no new chemicals should become a policy. An assumption is often made that the effects are additive or independent rather than exponential or....

- The problem of limitation of knowledge must be recognized. often scientists are not capable of anticipating impacts because they don't even know what they are looking for and consequently are not able to find it. for example, CFCs were initially considered to be non-toxic, not bio-accumulation, and were hailed as the solution. no one would have anticipated the problem with the ozone.

( ) THAT in 1995, I ignored the 1994 meeting with Tom Galimberti and submitted my minor report

Conversation with Tom Galimberti from the BC government 8:30 October 20, 1994:

We are developing a process

There are our clients Ministry and level playing field

"If you find the process is fundamentally flawed, then I think at that sense, you have the choice

If that group is not [..?] what it is mandated to do, you should leave

-do not have right to hold up group; if you don't like it, don't participate

If you are not satisfied with the process

-continue with the process

-leave the process." [Tom Galimberti].

I responded, "While I do not officially represent the BCEN, THE BCEN had asked me to attend these meetings; thus, my minor report."

We are trying to develop some principles ? down

level playing field not put into document

- not using environmental is a way - competitive advantage - harmonizing up

NAFTA

-made in B.C. we don't have to accept international obligations

He often said to me "industry would never go for that" and I responded, "Do you ever say Environmentalists would never go for that?" I made a cartoon "econosphere" vs 'ecosphere".

**( ) THAT in 1995, I had an interesting conversation during a break in the above working group meeting: I spoke privately to the representative of West Coast Energy; “What would you do if the Federal Government passed legislation to move away from fossil fuel and to support moving to socially equitable and environmentally sound renewable energy.”**

**He paused, I suggested perhaps funds from the military budget could be transferred to assist in the conversion.**

**He responded: “We would not need that, if the government passed that legislation , we would be the first to develop renewable energy.”**

( ) THAT in March 1995, I attended the Prep com in New York, for Beijing. At the Prep Com, I challenged the Holy See for preventing access to Catholics for Choice

#### COMMENT

1995 PAPAL SEE prep com MARCH

While the male representative XX of the Holy See was hiding outside of the Conference room in the hall, a young woman was arguing on behalf of the Holy See that various groups advocating the right to choice (reproductive choice), Catholics for Free Choice should not receive accreditation for the Beijing Conference. After listening to the attempt to remove accreditation for those groups, I went out into the hall and saw XX standing smugly waiting for the result . I went up to him and asked what right does the Catholic Church have to be the only sect of only one religion to be accredited to the United Nations? He replied that the accreditation of the Catholic Church has been historically accredited at the UN. It is a fact of History.

I replied, “and so was the Inquisition”. Our paths have continued to cross. I took one of my large drawings and wrote on the back that the NGOs represented below, call for the UN to reconsider the accreditation of the Papal See to the United Nations. Many NGOs signed on but I was surprised that some women were not ready to sign on. I then took the petition to the Women's caucus Linkage Caucus.

**( ) THAT, in 1995, I circulated a document on ecological rights, at the PREP Com in New York, for the conference in Beijing**

Copy of principles circulated to NGOs, by Joan Russow, Coordinator, the Global Compliance Research Project at the New York Prep Com, March 1995

#### EXHIBIT

##### 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 [are essential to life on earth.] must be considered. The uniqueness of each ecosystem must be respected.**

**Ensuring that in all decisions made about the environment that the ecosystem is given primacy. “Ensuring that every form of life is unique, warranting respect regardless of its worth to humans (Preamble, World Charter of Nature, 1982).**

**“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). 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)**

**2. 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.**

**A comprehensive listing list of international, national and bilateral and regional agreements, protocols and conventions has been compiled and shall be affixed to this document.**

**3. 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic byproducts or breakdown products during its productions, use or disposal (Zero Toxics Alliance Statement of Principles)**

**Given that goals and targets may not have taken into consideration pollution prevention, the goals and targets, consequently, shall be reassessed in the light of recent EPA findings and in the light of the precautionary, anticipatory principle, and other principles such as those advocated by the Zero Toxics Alliance in their Statement of principles from July 26, 1994:.**

**4. COMPLYING WITH THE PRECAUTIONARY PRINCIPLE**

**as enunciated as the following:**

**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.**

**5. 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, bio-accumulation, 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, hormone mimicry.**

**6. 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. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative 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 BEST.**

**7. 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.**

**Adverse effects include, but are not limited to, toxicity, bio-accumulation, bio-concentration; persistence, *destruction* [depletion] of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change *and global climate change*, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, hormone mimicry**

#### **8. 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, 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.**

**In international documents there is the recognition of the importance of environmental audits, and of the taking into consideration of ecological consequences:**

**Governments...should develop procedures for environmental impact assessment, taking into account the cradle to grave approach, including environmental audits (Agenda 21, 20.19 e)**

**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)**

**In addition, assessment of 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.**

#### **9. 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. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.**

**10. ADDITIONAL PRINCIPLE: INSTITUTING THE REVERSE ONUS PRINCIPLE**

**The onus of proof shall shift from the opponent of an intervention into the ecosystem having to demonstrate harm to the proponent of an intervention into the Ecosystem having to demonstrate the safety of the intervention**

**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.**

## 11. 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.**

## 12. PRINCIPLE: 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, the current government 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).**

## 13. ENSURING THAT COMPENSATION IS NOT USED AS JUSTIFICATION FOR NON-FULFILLING OF DUTY

**Ensuring that compensation can never be used as reason for not exercising the duty to preserve, protect, conserve and the environment**

## 14. ENSURING CONSISTENT PROTECTION OF AMBIENT AIR AND WATER AND SOIL QUALITY THROUGHOUT THE PROVINCE.

**Ensuring consistent protection throughout the province means ensuring both the variation in air, water, and soil conditions across British Columbia 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 a preexisting high-quality environment**

**• In no way shall the requirement to ensure consistency be used as a justification for the relaxing of province-wide standards and technical regulations. There must be tough standards that stand the test and everyone has to follow.**

- **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)]**

15. 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 a pristine area because the area is not yet officially been designated as being polluted.**

- **Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations [ Current situation in Delta where a plant with “industrial ? ] air emissions is redefined as a recycling plant and thus the regulations related to “industrial.... ] is deemed inapplicable.**

16. 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 under this Act, regardless of whether the activity or substance is presumed to be covered under another Act**

17. ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM

18. ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.

19. HARMONIZING UPWARD OF THE GLOBAL “PLAYING FIELD.” STRIVING TO ENSURE THAT THE PROVINCIAL TARGETS SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS

20. RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE



21. AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.

22. ENSURING THE NON-PROSECUTION FOR ADVOCATING THE COMPLIANCE WITH OBLIGATIONS, AND MANDATORY STANDARDS AND TECHNICAL REGULATIONS

23. ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM

**and further commitments in order to meet the present urgent global situation**  
**PREP COM FOR WOMEN'S CONFERENCE**

*( ) THAT in 1995, I attended the UN WOMEN PREP-COM for the Women's conference in Beijing SEE AT TOP OF PART II IN DEFENCE OF LEGITIMATE DISSENT*

*PDF FIRST EDITION OF GLOBAL COMPLIANCE BOOK [drjoanrussow.org](http://drjoanrussow.org) under Global Compliance*

**HOLY SEE NOT HAVE A VOICE AT THE UN?**

*( ) THAT in 1995 I challenged the PAPAL SEE representative at prep com*

**COMMENT:**

*While the male representative ?? of the Holy See was hiding outside of the Conference room in the hall, a young woman was arguing on behalf of the Holy See that various groups advocating the right to choose (reproductive choice) Catholics for Free Choice should not receive accreditation for the Beijing Conference. After listening to the attempt to remove accreditation for those groups, I went out into the hall and saw XX standing smugly waiting for the result. I went up to him and asked what right does the Catholic Church have to be the only sect of only one religion to be accredited to the United Nations. He replied that the accreditation of the Catholic Church has been historically accredited at the UN. It is a fact of History. I replied, "and so was the Inquisition". Our paths have continued to cross. I took one of my large drawing and wrote on the back that the NGOs represented below, call for the UN to reconsider the accreditation of the Papal See to the United Nations. Many NGOs signed on but I was*

*surprised that some women were not ready to sign on. I then took the petition to the Women's caucus Linkage Caucus.*

#### **THE UNITED NATIONS CONGRESS ON PUBLIC INTERNATIONAL LAW:**

#### **UN REFORM RELATED TO COMPLIANCE WITH INTERNATIONAL LAW**

*( ) THAT in 1995, March, I presented the Global Compliance Research Project to the plenary of the United Nations Congress on Public International Law held in the General Assembly in New York in the General Assembly March 1995:*

#### **COMMENT**

*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*

*( ) THAT in 1995, in March, I WAS ON A PANEL and made a presentation to the United Nations Commission on the Status of Women. Presentation on the "The Need to place the Platform of Action within the Context of previous obligations and expectations, and the need to have a Declaration accompanying the Platform of Action." (Global Compliance Research Project, presentation, New York Prep Com for the United Nations Conference on Equality, Development and Peace, New York). Women and the 50th Anniversary of the United Nations to move from Rhetoric to Action through Compliance*

#### **COMMENT**

#### **BAG LADY IN NEW YORK**

*I had no place to stay in New York I met Diane Pask -a law professor from Calgary. She had a room at the "Y" and said that I could sleep on her floor. I made a bed out of my books covered the books with my coat until I bought a beautiful African piece of material at the Afro market in Harlem*

*Many women asked me for a copy of the book and I told them that as soon as I did not need it for my bed, I would pass it on*

## **NEIGHBOURHOOD WOMEN'S SOCIETY VISIT IN THE BRONX**

*Diane Pask and I Attended a session in the Bronx - the neighborhood women's society. fantastic meeting; It was so inspiring. There had been an invitation to all the women but Diane and I were the only ones that went.*

## **MARCH 20 GLOBAL COMPLIANCE AND GEAR PRESENTATION TO THE UN TRUSTEE COUNCIL**

### **GLOBAL EMERGENCY ACTION**

*( ) I Made a presentation to the United Nations Commission on the Status of Women in the Trustee Chambers of the United Nations. Presentation on the "the Need to place the Platform of Action within the Context of previous obligations and expectations, and the need to have a Declaration accompanying the Platform of Action. (Global Compliance Research Project, presentation, New York Prep Com for the United Nations Conference on Equality, Development and Peace, New York).*

*( ) THAT I had the opportunity to introduce the global compliance Coordinator, Global Compliance Research Project and make a statement*

### **EXHIBIT**

*The Global Compliance Research Project, which comprises an international advisory Committee from 29 countries, is examining obligations undertaken by states in the areas of Human Rights, Peace, Environment, Equality / 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 of Global Emergency Action.*

### **DECLARATION GLOBAL EMERGENCY ACTION**

*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 instruments, 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 decried: “It is 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 include, 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 (s. 30 World Conference on Human Rights).*

*And in additions 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:**

### **GLOBAL EMERGENCY ACTION RESOLUTION**

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:

- Redraft documents to eliminate ambiguous clauses
- Draft a Protocol to the Vienna Convention on the Law of Treaties on Compliance
- Undertake legal enforcement mechanisms
- Ensure provision for members of the Community to file evidence of non-compliance to a citizen's [civil society] international court,

3. The following is a selection, from the Global Compliance Research Project of obligations from international instruments, and NGO recommendations, that could reflect actions that would enable compliance with 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, 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 among countries either for trade or for dumping*

- *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 have industry driving principles*
- *Provide for “socially equitable and environmentally sound development” (Rio Declaration, UNCED, 1992).*
- *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 the human family” as agreed to in the Universal Declaration of Human Rights, 1948)*
- *Provide for the right of all to shelter and to be free from hunger as required under the International Covenant on Economic 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, 1990) 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 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 a 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, and 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.***

### **DENIGRATING CONCERNS**

*( ) THAT in 1995 I was invited to a meeting of indigenous women; a meeting that was conducted in English and Spanish. There were indigenous women from Peru, Ecuador, Canada, Finland etc. The meeting was being chaired by a woman from Finland. The indigenous women from Ecuador and Peru raised their concern about the Human Diversity Genome project. The "indigenous" woman from Finland responded to their concern by saying that their issue was very important but it was not one that was going to be discussed at the conference. I thought that the Finnish woman was using UN intimidation --I have been around here for years and know how things should be done--to discourage the women. I was supposed to only be an observer and I thought that I would be intruding. I did however speak Spanish and most of the discussion was in Spanish. I said that I thought the issues that they*

were raising were incredibly important, and should be addressed and that the purpose of the meeting I thought was to raise these issues. I also said that the Biotech companies were violating the Biodiversity Convention. I said that I was going to be addressing the Convention tomorrow and I would give them part of my time. After I spoke, the only man at the meeting spoke; he mentioned that he had been asked by Mohawk women from Canada to represent them at this meeting. He proposed that they set up a League of Indigenous Women. The Chair seemed quite miff that they should form this league. They became very excited and a meeting was planned and they invited me to attend. Unfortunately, I agreed to go to the meeting of Neighbourhood women in the Bronx. On my way back from the Bronx, I saw the Mohawk man and the women from South America. They told me that the Finnish woman had tried to undermine them by contacting women.

( ) **THAT** in 1995, March at the Prep Com, I met **Jenny Czerwinski** from the Department of Health. She asked if I would help draft a project using international law as a back drop for a campaign for Vitamin A

**EXHIBIT**

( ) **THAT** in March 20, 1995, I gave a presentation to the UNGA

**EXHIBIT**

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

*Circulated to delegates and to the press*

**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, is examining obligations undertaken by states in the area of Human Rights, Peace, Environment, Equality/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 of Global Emergency Action.*

**DECLARATION**

**GLOBAL EMERGENCY ACTION**



*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 instruments, 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 decried 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 wellbeing.” (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 (s. 30 World Conference on Human Rights).*

*And in additions 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.***

**( ) THAT in 1995, I SUBMITTED MY NEXT REPORT to THE BC GROUP FOR DETERMINING CRITERIA FOR DISCHARGE EMISSION**

**EXHIBIT** March 1 Draft Document:

Purpose: the purpose of this policy is to establish a framework for setting criteria and standards designed to protect the environment and promote sustainability by integrating environmental, economic and social considerations.

## **SEDUCTIVE PROCESS OF COOPTION**

DETERMINING} SETTING PROVINCE WIDE CRITERIA

### **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 are essential to life on earth must be given primacy. The uniqueness of each ecosystem must be respected.**

*Westcoast Energy*

*We do not support the addition of this provision because the ecosystem concept is already covered in the principle 4, in connection with preventing adverse effects to the environment.*

*Ministry of Employment and Investment:*

*The first sentence implies a ranking of considerations, with the phrase Ecosystem integrity is a prime consideration..." the word "prime" should be replaced with important.*

March 1 draft document

### 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 [are essential to life on earth.] must be considered. The uniqueness of each ecosystem must be respected.  
**{NOTE: AT THE MARCH 1 MEETING COMINCO EXPRESSED CONCERN ABOUT THIS PRINCIPLE BEING INCLUDED}**

### **2. COMPLYING WITH ALL INTERNATIONAL, NATIONAL, BILATERAL AND REGIONAL AGREEMENTS, PROTOCOLS AND CONVENTIONS ON ENVIRONMENTAL MATTERS.**

**A comprehensive listing list of international, national and bilateral and regional agreements, protocols and conventions has been compiled and shall be affixed to this document**

*Westcoast Energy:*

*We do not agree with the proposed new wording and suggest the addition of the word “applicable” as follows: Complying with all applicable international... Strict compliance (through criteria) with international standards by which the province is not legally bound should not be required by the word “complying” with. “it is not recommended that a comprehensive listing of agreements and protocols be attached because they are changing so rapidly that the list alone would soon render the signed policy out of date. However, the policy should state that the government takes on the responsibility of maintaining such a list and keeping it up to date and most importantly, compiling up to date copies of all the documents on the list.*

*Department of Employment and Investment:*

*I would prefer the term “generally consistent with” or “considering” over “complying with”*

March 1, Draft document:

[Considering all applicable] Complying with all international, national, bilateral and Western regional agreements, protocols and conventions on environmental matters. It is expected that these targets will continue to form the basis of some federal and provincial initiatives including legislation. (A comprehensive listing of agreements, protocols and conventions has been compiled).

**{NOTE: AT A PREVIOUS MEETING THERE HAD BEEN AGREEMENT ABOUT THE INCLUSION OF “COMPLYING”}**

### **3. 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic byproducts or breakdown products during its productions, use or disposal (zero Toxics Alliance Statement of Principles)

**75% elimination and Reduction of pesticides by the year 2000 and immediate banning of use of pesticides that are persistent or bio-accumulative,**

**75% reduction in the rate toxic wastes generated by industry, business, institution, municipalities and the public by the year 2000**

**75% reduction (per capita) in municipal solid waste by the year 2000  
Immediate banning of the production and consumption of ozone-depleting substances**

**Given that provincial and municipal goals and targets may not have taken into consideration pollution prevention, the goals and targets, consequently, shall be reassessed in the light of recent EPA findings and in the light of the precautionary, anticipatory principle, and other principles such as those advocated by the Zero Toxics Alliance in their Statement of principles from July 26, 1994: .**

*Westcoast Energy:*

*Perhaps, this provision should just read “ensuring that criteria and standards are consistent with formally established (should be a formal process for this) provincial reduction and elimination targets and goals within the established time-frames.”*

*Ministry of Employment and Investment*

*“I do not support changing “incorporating’ to “meeting or exceeding’*

March 1 Draft Document:

Incorporating provincial reduction and elimination targets

[The province has set various reduction and elimination targets. and updated list will be provided as required] The provincial reduction targets

#### **{THE INVISIBLE HAND}**

The three principles suggested at the last Working Group meeting - to eliminate persistent toxics, to use reverse onus in criteria setting, and full environmental cost assessment— were not accepted.

#### **4. COMPLYING WITH THE PRECAUTIONARY PRINCIPLE**

**as enunciated in the following:**

**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**

**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**

*West coast Energy*  
*"this is satisfactory"*

Ministry of Employment and Investment:

There has been significant discussion regarding the issue that principles and policies be consistent with national and international usage the current wording of the precautionary principle is not consistent with other references I have seen. In a draft federal document regarding Canada's action on global warming, the precautionary principal [principle] was stated as

Where there are threats of serious or irreversible damage to our health and livelihood, lack of scientific certainty should not be used as a reason for postponing mitigative actions that are cost effective or justified for other reasons.

**{NOTE: THAT INTERNATIONAL DOCUMENTS WOULD BE A BETTER SOURCE THAN FEDERAL GOVERNMENT SOURCES FOR DETERMINING THE WORDING. THE DEFINITION THAT IS BEING USED IN THIS DOCUMENT IS CLOSE TO THAT ENUNCIATED IN THE RIO DECLARATION AND THE BIODIVERSITY CONVENTION}.**

March 1 Draft Document:

{Using the precautionary approach}" Applying the precautionary principle

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.

## **5. ANTICIPATING AND PREVENTING THE ADVERSE EFFECTS OF SUBSTANCES AND ACTIVITIES ON THE ENVIRONMENT (ADHERENCE TO ANTICIPATORY PRINCIPLE)**

**The anticipatory principle is a proactive 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, bio-accumulation, bio-concentration; 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, hormone mimicry**

*Ministry of Employment and Investment:*

*I am not sure what is added by including “anticipating” in this principle when the precautionary Principe covers it. ... Also “or reducing” the adverse effects should be added as it may not always be possible to prevent adverse effects.*

March 1 Draft Document:

Anticipating and preventing the adverse effect of substances on the receiving environment.

Adverse effect means any significant damage to or [significant] loss of use of the environment and includes pollution and the effects of an environmental accident.

Adverse effect includes, but is not limited to, acute and chronic toxicity, bio-accumulation, destruction of the ozone layer and global climate change.

### **Principle 6. 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. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative 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 BEST.**

*Westcoast Energy:*

*In our last submission, we suggested the following wording “Utilizing Best Available Techniques to achieve Pollution Prevention” We do not support the addition of the words “Best Ecologically Sound”. We suggest the following explanation: “the most advanced technology or method of operation which achieves operational or production goals with the least impact on the environment” ...We would suggest that the technology or process that has the least impact on the environment will just naturally be the one that is the most ecologically sound. The concept of “least environmental impact” is more widely used and understood than that of the” most ecologically sound”.*

*Ministry of Employment and Investment*

*The last sentence, “in the event that there is not BAT.” should be deleted. This is not a policy to decide which industrial operations in BC should be shut down altogether due to environmental impact. ...in the event that BAT is considered to be lacking, we have already discussed another solution - set criteria and standards so as to encourage the development of better techniques within a realistic time frame.*

*Ministry of Employment and Investment:*

*I do not support adding in the statement “in the event that there is no BAT which can prevent...”*

February draft:

{Using best ecologically sound technique] Utilizing Best Available Techniques

[A best ecologically sound technique is the most advanced technology or method of operation which achieves operational or production goals with the least impact on the environment. This may include new or emerging techniques.

this principle was included because it ensures that the criteria are tied to practical measures. In the event that there is no BAT which can prevent the release of persistent or bio-accumulative toxics then the extractive or productive activities which produce the product or substance process should be changed, avoided or halted.

**{NOTE: BEST ECOLOGICALLY SOUND TECHNOLOGY}**

**I SUGGESTED THE TERM BEST ENVIRONMENTALLY SOUND TECHNIQUES (BEST) TO REPLACE THE TERM BAT (BEST AVAILABLE TECHNOLOGY). I ARGUED THAT BEST AVAILABLE MAY NOT BE ENVIRONMENTALLY SOUND. THIS TERM IS IN BRACKETS AND BAT HAS BEEN CROSSED OUT. HOWEVER, MY CONCEPT OF BEST HAS BEEN GUTTED AND REDEFINED, SEE ABOVE:} ECOSYSTEM DEFINITION LEFT IN BUT REDEFINED BY ECONOSYSTEM**

**{I ALSO SUGGESTED THE FOLLOWING ADDITIONAL ASSOCIATED PRINCIPLES}**

- ADDITIONAL PRINCIPLE: ADOPTING BEST ECOLOGICALLY SOUND TECHNIQUES FROM ANYWHERE IN THE WORLD**
- ADDITIONAL PRINCIPLE: ESTABLISHING HIGH MANDATORY STANDARDS AND TECHNICAL REGULATION THAT WILL DRIVE INDUSTRY TO DEVELOP “BEST”**

## **7. 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.**

**Adverse effects include, but are not limited to, toxicity, bio-accumulation, bio-concentration; persistence, *destruction* [depletion] of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change *and global climate change* , reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, hormone mimicry**

*West Coast Energy:*

*This does not make logical sense. We have a principle to apply a principle? And we are putting it in the Guiding Principles section instead of Applying the Principles Section? How about Applying the Pollution Prevention Hierarchy?*

*Ministry of Employment and Investment*

*I have difficulty with the addition of the statement that the pollution prevention principle “recognizes that it is better to prevent the generation of pollutant than to ...control or clean up...” I am not sure why clean up should automatically deemed to be an inferior approach. I recognize that some may have a philosophical preference to prevent the generation of pollutants, but that does not mean that government policy should necessarily follow this, as clean-up may turn out to be the best approach in some cases.*

February Draft

Applying the pollution prevention [hierarchy] principle

Pollution prevention means to avoid, eliminate or reduce the use, generation or release of polluting substances to our environment through a hierarchy of activities including the:  
**{NOTE THE DOCUMENT CONTINUES WITH LISTING A SERIES OF ACTIONS WHICH APART FROM (A) — AVOIDANCE, ELIMINATION OR SUBSTITUTION OF POLLUTING PRODUCTS; ARE RELATED TO MITIGATION NOT POLLUTION PREVENTION.}**

## **8. ENSURING ENVIRONMENTAL AUDITS AND TAKING INTO ACCOUNT ALL ECOLOGICAL CONSEQUENCES PRINCIPLE**

**The environmental audit and ecological consequences principle are the following: to assess both the environmental costs of not converting to ecologically sound practices, 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.**

**In international documents there is the recognition of the importance of environmental audits, and of the taking into consideration of ecological consequences:**

**Governments, should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (Agenda 21, 20.20 e)**

**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)**

*West coast Energy:*

*We would suggest that the objective of the principle is simply to weigh economic costs against environmental benefits. ... Through the cost benefit analysis, we need to try to quantify the environmental benefits of that measure and weigh them against the economic costs. This will assist in determining if the measure will amount to an appropriate expenditure of public and private dollars, given that there may be other environmental priorities requiring those dollars. Under this scenario we would propose the following wording “Weighing Environmental Benefits Against Economic Costs.”*



*...We do not support the addition of the sentence: "No economic benefit shall be used to justify the violation of the right to a health environment"*

*Ministry of Employment and Investment:*

*The full environmental cost assessment is already covered by the cost-benefit principles. Change the phrase to "maximize net environmental, economic and social benefits,*

March 1 Draft Document:

[Maximizing] Full consideration of Maximize net environmental, social and economic costs and benefits.

Maximizing net environmental, social and economic costs and benefits means weighing and evaluating attempting to take into consideration all costs and benefits resulting from the production processes. [however, economic benefits shall not be used to justify environmental degradation} No economic benefit shall be used to justify the violation of the right to a healthy environment.

### **IN THE MARCH DRAFT THE "INVISIBLE HAND" ELIMINATED THREE PRINCIPLES THAT HAD PREVIOUSLY BEEN AGREED TO**

"The three principles suggested at the last Working Group meeting - to eliminate persistent toxics, to use reverse onus in criteria setting, and full environmental cost assessment— were not accepted."

### **{I ALSO SUGGESTED THE FOLLOWING ADDITIONAL ASSOCIATED PRINCIPLES}**

#### **• 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. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.**

#### **• ADDITIONAL PRINCIPLE: INSTITUTING THE REVERSE ONUS PRINCIPLE**

**The onus of proof shall shift from the opponent of an intervention into the ecosystem having to demonstrate harm to the proponent of an intervention into the Ecosystem having to demonstrate the safety of the intervention  
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 (NOTE Sheila Copps, Minister of the Environment of Canada, agreed to the instituting of this principle)**

*Westcoast Energy:*

*We object to the addition of the reverse onus concept. ... unlike the situation in a court of law, this policy is not about proving anything. All evidence will be weighed and considered .and the government will make a final determination based on all the*

*evidence before it. If industry or some other stakeholder should want to influence the standard in one direction or the other, they will adduce evidence to persuade the government accordingly. The government is a body of decision-makers, not adjudicators.*

*Ministry of Employment and Investment:*

*I am not clear about what the reverse onus criteria really means, and how it would be applied. I think the principle to “eliminate persistent toxics” is already covered by a variety of other principles.*

March 1 Draft Document:

**{THE REVERSE ONUS PRINCIPLE WAS NOT INCLUDED AS A SEPARATE PRINCIPLE. IT WAS HOWEVER, INCLUDED UNDER ANTICIPATING AND PREVENTING THE ADVERSE EFFECT “THIS PRINCIPLE COULD BE OPERATIONALIZED THROUGH A REVERSE ONUS REGIME AND THEN CROSSED OUT.**

**IN THE MARCH DRAFT THE “INVISIBLE HAND” ELIMINATED THREE PRINCIPLES THAT HAD PREVIOUSLY BEEN AGREED TO**

“The three principles suggested at the last Working Group meeting - to eliminate persistent toxics, to use reverse onus in criteria setting, and full environmental cost assessment— were not accepted.”

## **9. 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.**

March 1 Draft Document:

[Ensuring the polluter pays] Applying the Polluter-pay principle.

The polluter Pay Principle [requires] ensures that those who may release polluting substances into the environment pay the full [environmental and social] cost of [environmental pollution and degradation, including] environmentally safe handling, treatment, disposal, and remediation.

The changes are grammatical.

**[I ALSO SUGGESTED THE FOLLOWING ADDITIONAL ASSOCIATED PRINCIPLES]**

### **•ADDITIONAL PRINCIPLE: ENFORCING ENVIRONMENTAL COMPENSATION PRINCIPLE**

**Given that throughout B.C. history sympathetic government regimes have failed to enforce their own statutory legislation, and given that there has been resultant environmental degradation, the current government 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).

**• ADDITIONAL PRINCIPLE: ENSURING THAT COMPENSATION IS NOT USED AS JUSTIFICATION FOR THE NON-FULFILLMENT OF DUTY**

Ensuring that compensation can never be used as reason for not exercising the duty to preserve, protect, conserve and the environment

**10. ENSURING CONSISTENT PROTECTION OF AMBIENT AIR AND WATER AND SOIL QUALITY THROUGHOUT THE PROVINCE.**

Ensuring consistent protection throughout the province means ensuring both the variation in air, water, and soil conditions across British Columbia 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 BC 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 B.C. No particular area should be penalized due to a pre-existing high-quality environment

- In no way shall the requirement to ensure consistency be used as a justification for the relaxing of province-wide standards and technical regulations. There must be tough standards that stand the test and everyone has to follow.
- 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)]

**ADDITIONAL PRINCIPLE: 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 a pristine area because the area is not yet officially been designated as being polluted.
- Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations [ Current situation in Delta where a plant with “industrial?” air emissions is redefined as a recycling plant and thus the regulations related to “industrial....] is deemed inapplicable.

*Ministry of Employment and Investment:*

*I'm not sure we need the two statements: “No particular area should be penalized due to a preexisting high-quality environment”, and the existence of a clean environment*

*shall not be used as a negative economic incentive". I think the first sentence "The criteria must ensure acceptable ambient environmental conditions all across B.C. is sufficient.*

March 1 Draft Document:

Ensuring consistent protection of ambient air and water [and soil quality throughout the province.

Ensuring consistent protection throughout the province means [considering both the variation in air, water, and soil conditions across British Columbia and the variation in effects of different substances emitted.] that point source discharges, no matter where they are located in the province will be equally affected by the criteria. [However, ensuring] Ensuring consistent protection also means that BC will not transfer its pollution problems onto other jurisdictions ...

The criteria must ensure acceptable ambient environmental conditions all across B.C. [While it is recognized that different areas have difference environmental carrying capacities: no] No particular area should be subject to a greater impact] penalized due to pre-existing high-quality environment. [The criteria will reflect the desire for a level playing field across the province.] The existence of a clean environment must not be sued as a negative economic incentive.

**{I ALSO SUGGESTED THE FOLLOWING ADDITIONAL ASSOCIATED PRINCIPLES:}**

**•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 under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19, BCEPA DRAFT)**

**•ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM**

**•ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.**

**•HARMONIZING UPWARD OF THE "PLAYING FIELD". STRIVING TO ENSURE THAT THE PROVINCIAL TARGETS IN BRITISH COLUMBIA SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS**

**• RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE**

**• ADDITIONAL PRINCIPLE: AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.**

**• ADDITIONAL PRINCIPLE: ENSURING THE NON-PROSECUTION FOR ADVOCATING THE COMPLIANCE WITH OBLIGATIONS, AND MANDATORY STANDARDS AND TECHNICAL REGULATIONS**

**• ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM**

**CONCLUSION:**

The next and possibly last meeting of this Group will be on April 4. The above comments have been made without being aware of any formal submission by Cominco, Talisman Energy, Calgary (oil industry) and COFI (recent addition to the Working Group). In the previous January meeting, there was some agreement about some of the principles (note Cominco, Talisman and COFI were not present). It would appear however, that the latter three have indicated an interest in revisiting the principles and the Business Council has indicated its interest in having the document reviewed by its environmental consultant. If anyone wishes to have input into the document please contact Joan Russow at 380-2563 or FAX at 385-0068 before March 20th. There is a proposal to just leave the document at the level of principles, undoubtedly considerably modified principles, and definitions. The environmental participants have proposed that applying the principles (Proposed Part 2 in the document) be modified and include a section on what would constitute compliance with the principles.

At one meeting, a representative from the Ministry of environment stated in response to one of my comments that "industry would never go for that", I asked him when he is talking to industry if he ever said, "Environmentalists would never go for that." If we want to have mandatory enforceable regulations, we are going to have to be forceful in stating that we would never support the watering down of "the environmental imperative".

**NOTE: MOST OF THE PRINCIPLES THAT I EITHER SUGGESTED OR SUPPORTED ARE DERIVED FROM PRINCIPLES FROM INTERNATIONAL SOURCES. IT SHOULD BE UNDERSTOOD THAT MY SUBMISSIONS WERE NOT NECESSARILY SUPPORTED BY THE OTHER ENVIRONMENTAL REPRESENTATIVES IN THE GROUP. CONTACT THE OTHER ENVIRONMENTAL GROUPS INVOLVED IF YOU WISH TO STRENGTHEN THE DOCUMENT. PLEASE CONTACT ME IF YOU WOULD LIKE ME TO ADD, ALTER OR DELETE DIFFERENT PRINCIPLES.**

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**( ) THAT in 1995 , on August 24, During the commonwealth games , the ILOI issued a Report card on Canada’s non-compliance with the Convention on Biological Diversity:**

**1.Demonstration of the importance of Biological Diversity through actions**

**D**

the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere, (Preamble of the Convention on Biological Diversity)

the conservation of biological diversity is a common concern of humankind,

The Canadian government in many of its publications suggests that it 'recognizes' the importance of biodiversity, and it "affirms that Biological diversity is a common concern of humankind." Yet, through the government's continued condoning of ecologically unsound practices, the government has not demonstrated its real commitment to biological diversity.

**2.Invoking of “the precautionary principle”**

**F**

...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, Preamble)

The Canadian government does not have to wait until there is "scientific certainty" that clear-cut logging and other ecologically unsound practices "contribute to the reduction and loss of biodiversity." In this province the government should have acted to "avoid and minimize such as threat' by banning clear-cut logging.

**3. Application of the "environmental impact assessment" principle**

**F**

Environmental Impact Assessment of projects that are likely to have significant adverse effects on Biological Diversity. (Convention on Biological Diversity Article 14a)

The B.C. government has failed to carry out an environmental impact assessment of projects such as "timber extraction" licencing, which undoubtedly have significant adverse effect on biological diversity. In the Biodiversity Chapter of Agenda 21, the global community recognized "the loss of the world biological diversity, mainly from habitat destruction, over-harvesting, pollution ... ". The B.C. Government avoided calling for an environmental impact assessment on the Kemano Completion Project, which is arguably the most significant industrial development in B.C. during the past 30 years.

**4. Identification of processes and categories of significant adverse impacts**

**F**

Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity ... (7 c)

Canadian government has failed to carry out independent arms length research to identify processes that could have significant adverse impacts on conservation. The Canadian government has undertaken a massive highways project without concern for the project's impacts on biodiversity. If the processes had been identified, it is unlikely that clear-cut logging, the Alcan Completion Project, or the highways project would have been approved.

5. Sufficiently identification of components of biodiversity **F**

Identify components of biological diversity important for its conservation and sustainable use 7 (a)

The Canadian government failed, prior to signing the Convention on Biological Diversity, to sufficiently identify components of biological diversity, and in the interim between the signing and coming into force has permitted projects such as timber extraction to occur in areas of potentially significant biological diversity

7. recognition that there is an urgent need for scientific information about Biodiversity **C**

*Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,*

- for setting up scientific panel on biodiversity ..... **A**
- for limiting scientific panel to single region ..... **D**
- for continuing to permit the loss of biodiversity before it has been identified and studied **F**

8 Failure to adhere to the objective of the convention: "the conservation of biological diversity." **F**  
" (Article 1)

failure to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity by preventing ecologically unsound timber extraction practices..... **D**

9. Failure to act with foresight for the benefit of future generations **F**

*Determined to conserve and sustainably use biological diversity for the benefit*

of present and future generations, (Preamble Convention on Biological Diversity)

10. failure to establish a system of protected areas .... **D**

Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity; (8a)

to protect ecosystems (8d) **D**

to promote the protection of natural habitats (8d) **D**

to promote the maintenance of viable populations (8d) **D**

11. Failure to promote environmentally sound and sustainable development **D**

environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas; (8e)

12. Failure to rehabilitate and restore degraded ecosystems and promote the recovery of threatened species

Failure to rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies; 8f

tree farm "restoration" **F**

some restoration work promising **C**

13. Failure to develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations 8k **F**

Contact:

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( ) THAT in 1995 Eugenia, and I were finished the Charter of Obligations for the Beijing conference in September **THE CHARTER OF OBLIGATIONS WAS COMPLETED**  
**link link link [http: drjoanrussow.org](http://drjoanrussow.org) under the Global compliance**



## **ANNEX:**

Background for incorporating ecological consequences and environmental audits within full cost methods.

The costs to the environment of continuing with ecologically unsound practices rather than the cost to industry to introduce ecologically sound practices shall be considered.

If the precautionary principle is to be applied in the assessment of costs, the full environmental costs have to be taken into consideration, as well as the full economic costs of monitoring and enforcement of legislation to regulate ecologically unsound practices, and the projected economic costs and environmental costs of accidents, and restoration if accidents occur.

Assessment of full economic costs of ecologically unsound practices and of Full economic benefits of prevention:

- The introduction of ecologically unsound practices has inordinate, extensive, unexpected short-term and long-term economic costs, including the following:
  - the cost of monitoring, investigation, enforcement, and conviction.;
  - the costs of subsidies—taking research dollars from developing ecologically sound alternatives;
  - the costs of inappropriate funding for attempts to rectify previous errors;
  - the costs to displaced disenfranchised indigenous peoples;
  - the costs of rehabilitation of ecologically devastated sites;
  - the costs of loss of biodiversity; costs of loss of resources— destruction of fish habitat;
  - the costs of health impacts on employees.
- Financial benefits associated with toxics use reduction can include reduced raw material costs, reduced effluent and emissions monitoring and control costs, reduced energy use, reduced water use, reduced liability ... (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
- Companies may be unaware of the benefits or may opt to limit short-term investments despite longer term savings. Thus, in the absence of regulations, they might continue to avoid very reasonable available technologies that protect the environment better by preventing pollution (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
- It is incumbent upon society and government to strive towards high standards so that the segment of industry (prevention-technology or techniques industry—BEST industry) dedicated to developing ecologically sound alternatives will be at an economic advantage
- The technique of assessing the complexity of the multiple costs must be used. This technique could be extended to reevaluate the totality of spending including the excessive costs of maintaining the military (11 billion), when the money from the military could be transferred to assist in the conversion to an ecologically sound and equitable society.

- A full life-cycle analysis of the economic and environmental costs through time and space of each substance and activity shall be carried out.
- The independent assessment of full economic costs shall be carried out by the Auditor General's office
- The establishment of the highest possible mandatory standards, legal enforcement mechanism, and support structures for ensuring that prevention techniques are economically feasible.

#### Assessment of full environmental and human health impact costs of inaction or non-prevention

- ecological and equitable “back casting” — “going to the future though the present “moving from vision to measures to implement the vision — must be supported. If the vision is to adopt a prevention and precautionary approach to interventions into the ecosystem, anything that detracts or deters from that vision should be seriously questioned, and the justification of the continuing the questionable practices should come under serious scrutiny. In other words, if unacceptable present and future ecological consequences are likely to occur, the activity shall not proceed and the substance shall not be used.
- the enunciation of an “ecological imperative” as part of a long-term complex solution
- “The difficulty of assessing environmental impacts cannot be used as an excuse for ignoring them. (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
- The presence of ecological irreversible consequences shall be deemed to be beyond an acceptable risk, and thus not subject to the usual means of quantification. In this event, the anticipatory, precautionary, and reverse onus principle shall apply, and the activity or substance shall be banned or phased out
- Ecological, and equitable consequences, and health impact consequences must be examined in full complexity through time and space
- in the event that the activity or substance has been proven to have caused environmental degradation, or to be able to cause long term ecological consequences, the activity or the use of the substance shall be banned or phased out.
- No economic benefit shall be used to justify the violation of ecological rights— right to a safe environment and the right to an ecological heritage, and the integrity of the ecosystem. Economic benefits must be seen in the context of ecosystem primacy; otherwise long-term future ecological and humanitarian rights— right to food, safe water, health care and shelter will be compromised
- In determining whether the [technology] emission limitation is sufficient to protect health, welfare and the environment, {governments] must consider all known and suspected impacts, including but not limited to mutagenicity, teratogenicity, neurological damage, development damage, immune suppression, organ damage, reproductive impairment, and hormone mimicry.
- Assessment of impacts on plants, animals and other non-human aspects (biodiversity) of the environment.
- Procedures to ensure that an environmental assessment review of any practices or substances that could contribute to the loss or reduction of Biodiversity shall be in place

- Assessment of 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.

### 1.2.3. ADDITIONAL INTERNATIONAL PRINCIPLES NOT REFERRED TO IN THE JULY 14 DRAFT

#### ACKNOWLEDGMENT OF URGENCY OF CONSERVING NATURE

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 (World Charter of nature)

#### ENSURING THE INHERENT WORTH OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [human], and to accord other organisms such recognition's (World Charter of Nature)

#### ACCEPTANCE OF NEED FOR MORAL CODE OF ACTION IN RESPECT OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans], and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (UN Resolution 37/7) World Charter of Nature)

#### RECOGNITION OF INTERCONNECTEDNESS WITH NATURE

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).

#### COMMITMENT TO NON-TRANSFERENCE OF HARMFUL SUBSTANCES AND ACTIVITIES

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 (Rio Declaration, UNCED)

#### AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.

recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate (16.3. ii, Agenda 21)

## Marcos Terena:



Ladies and gentlemen, it's a great pleasure to be here at this United Nations Conference on Environment and Development. I am a Brazilian Indian and I have been asked by 92 Indigenous organizations of the five continents of this planet to talk to you this afternoon.

The main problem we have faced is that over these 500 years that are now being celebrated in 1992, the Indigenous Peoples always try to be heard, to have their voices heard, and to have their problems listened to, however the ears of the world were never open to what we had to say. But the history of mankind, the history of the world, of the contemporary world, of the peoples' 21st century is already showing through it's machinery that something is wrong with the so-called development and this is why you have all come from Rio de Janeiro, from many places in the world to discuss what can be done with our planet earth.

We Indigenous Peoples of the world, we did not have a podium, we did not have a forum. We have no place to have our voices heard. So we tried to make our own forum, according to our own technology, according to our own wisdom and our own science, according to our own architecture. And we set up an Indigenous village right here in Rio de Janeiro. When we thought about doing that there were many people who think of themselves as experts on Indigenous issues, who began to say, what you are doing is just folklore, it's just going to be something to make the UN happy. But that's not so. This temple of centuries old wisdom, this life code that no scientist have ever managed to unveil, rests with the Indigenous Peoples. And it is exactly that that you are looking for, here, at this conference.

You don't have to look any further or research any further, or spend millions of dollars on new research, we the Indigenous Peoples would like to offer you our science, our wisdom, for your civilization. And once again, we have to ask you, "are you prepared for that?" "Is the contemporary world prepared to listen to what we want to convey after 500 years of silence? Silence that was forced on us by colonizers, by the priests, with a catechism, this is why we came here to Rio and to this Kari-Oca village." We have tried to put down on paper our philosophy, our thoughts, because we know nature, we practice sustainable development, for us, this has been a daily routine in our lives, it is not an alternative approach as it is known. We have drafted our own Earth Charter.

We wrote our Earth Charter, but what are we going to do with that piece of paper? What

should we do with these proposals here? We would like you who are listening to us, we would like to ask you to ponder about what it means to be a person? What does it mean to be an individual, because we Indigenous peoples, we have always been neglected as second rate citizens in the relations between peoples. Right here at this conference, we cannot speak as Indigenous Peoples. We can just speak as Indigenous Populations. That is our status, but why? Why is that so? Why do you do this to us? I am using the same clothes that you are, I might be even wearing a tie.

I can learn English, I can learn French. We have our own policies, we have our own style of government, it's different from your own of course, but, never the less, this is no reason for us to have been considered as wild people as the Brazilian press has said this week. We are not wild, because we do not kill our children as happens in the large urban centers. We do not have slums as the big cities do. We do not have psychiatric hospitals in our villages. So, we wonder what does living mean?

When the Minister of Norway said, "Let us ensure our common future", what do you mean by that?

You cannot just squander millions and millions of dollars on a conference such as this, if you do not want to listen to what the earth has to tell you. Nature is being destroyed every minute. Each jet that crosses the Atlantic is destroying Mother Nature. Each atomic, nuclear explosion in the Pacific or any ocean is destroying Nature. Every time money is allocated to research under the aegis of peace for new nuclear weapons, we are destroying Nature again, we are destroying our own lives. It's not just the lives of the Indigenous Peoples that are being destroyed, but this is why we wonder why we have five to seven minutes to speak after 500 years of silence. But will we be heard?

Like everyone, can we get into your minds, can we get into your hearts? Can we sensitize you as people? As individuals? We did not come here to Rio to just pretend, play at being Indians. We did not come here to please the leaders. We came here to fight for life. We came here to fight for our life, for our survival, but also for the survival of the planet, and the planet is just like a big canoe, a big boat, where we have blacks, Indians, whites. Because, when your lungs fail, can no longer breathe this air, your bodies will be sick and so will ours. And when we no longer have any water to drink, when you can no longer quench your thirst with the water from rivers, when you can no longer have forests, what are you going to do? You may invent some kind of pill to quench your thirst, but this will never taste as good as the fresh waters that we drink in our forests.

And we might mention here, several things from Indigenous lore, of Indigenous philosophy and wisdom, but it would be useless unless you are prepared to listen to what we have to say about Agenda 21 for example. About this business of not reaching consensus about what biological diversity means. We have our own biodiversity and we are fighting for the demarcation of our land for this very reason because behind the fight for land lies our heritage, our heritage for survival, the medicines given to us by Mother Nature, the food that is granted to us by Mother Nature. This is why we are saying that

over these past few days of UNCED, you should try maybe to listen to what we could convey to you in this paper, through these words that are on paper. It is very important to us to be addressing you here, in person, because you, you are representatives of your respective governments, and we, what are we? What do we represent to you? I do not want to go on a harangue of Indigenous wisdom here, but I do want to ask you to open your hearts.

We have been following the prepCom activities for over a year. Very often I was embarrassed when I saw small countries, the so-called Third World countries rushing after the representatives of the so-called First World with their hands out, asking for money. This is not sovereignty. This is not dignity. We Indigenous Peoples want dignity. We want equal treatment, serious treatment as Indigenous Peoples. Maybe some day we will have a seat in this hall, when the minds of white men open out to understand that we are no threat to your civilization. Quite the opposite, we have always been threatened. Many of our Indigenous Nations have been extinguished.

For this reason, I think it is very important to be here addressing you, not as a Brazilian Indian, but as a native, as an Indigenous person, a citizen of the forest, the waters and of Mother Nature. And here in Rio de Janeiro, we also tried to show that we are not just on discourse, that our words are not just plain rhetoric. We do have values that we would like to share with those who live in the city. You talk about stable development. But what does that mean? You talk about transfer of technology. What might that be to you in your understanding? What does it mean to be developed in your mind?

When I left my village and I arrived in the city, I was seen as a poor boy. I didn't know what poverty was, though. I didn't know what it meant to be rich, because in my village, there was no money, there was no coins, we had food, we had freedom - like birds, like wildlife. But here, the children who are our future are increasingly becoming extinct. So I'd like you to think this over. Look at what we propose here. I am going to hand this over to the Chairman. Perhaps I should have given this document to Mr. Strong (Maurice Strong), but he must be elsewhere doing more important things.

But the mere fact that each one of you is listening to me wherever you are is much more important than the political issue which might be in the headlines in tomorrow's papers. Because we want to tell you that for 500 years, we held this biodiversity, the wealth of our peoples in our hands. We don't want to do that alone anymore. We want to share this with you because you hold the technology, because you hold the machinery and because we have the wisdom of nature.

Could I maybe dream about this? We believe we can dream of this. We believe that we can hope, can you?

Can you dream of this and hope for this?

When we drafted the Kari-Oca Declaration, we were hoping to tell you that our entire future is seen and will develop on the footsteps of our forefathers. This is our culture.

This is our strength, the spiritual strength that mankind is losing. The spiritual strength that has become religious strength, and which becomes political strength. Don't play with the spirit. Your spirit is holy. Your spirit is sacred, it is your strength, not anybody else's strength, and so, all of this planning which we will develop in our relations with the white man will be based on that.

Next year (1993) the United Nations will offer the Indigenous Peoples the International Year for Indigenous People. What can we do during that year? Sign Convention 169 which has brought so many problems to Indigenous communities? Sign the Universal Declaration on the Rights of Indigenous Peoples? More than that, we must establish a new order of relations amongst the peoples, but we will also have to rethink economic issues, we must establish a new economic order between Indigenous Peoples and settlers. So, this is why one of the most controversial proposals, not for us, but for the government leaders is the establishment of an Indigenous fund; everyone seems to fear this. Please, do not fear anything, because our struggle is a struggle for life, survival.

The new economic order between Indigenous Peoples and the colonists might arise here, in this forum, because the United Nations has to think in terms of everyone: Indigenous Peoples, blacks and whites alike. On an equal basis.

In conclusion, Mr. Chairman and distinguished delegates who are listening to me this afternoon, I would like to read to you the Declaration we drafted at Kari-Oca village. It does not say maybe, exactly what you might expect, but it talks about our hearts. The technical issues are here, there are several pages dealing with our technology and the Declaration that we drafted, that we would like to share with mankind says that

We, the Indigenous Peoples, are marching towards the future in the footsteps of our ancestors. From the greatest to the least important individuals, from the four directions, the air, the wind, the earth and the mountains, the Creator placed us, the Indigenous Peoples on our land, which is our Mother Earth. The footsteps of our ancestors are there all the time. They are forever imprinted on our land and this is why we fight for our land. Not just for the sake of land ownership, but we fight for land as Mother Earth. We, Indigenous Peoples, intend to retain our rights to self-determination, self-determination that so many people fear that Indigenous Peoples might achieve someday, as you all have in your relations with other peoples.

We want to have the right to decide on our own forms of government. We want to use and enforce our own laws. We want to educate our own children. We want to have the right to our own cultural identity with no interference, with no outside interference. We will continue to struggle for our inalienable rights on our lands and peoples, and on our own resources also - from the soils, from the underground areas and from our waters. And we re-affirm our commitment and our responsibility to share these rights, not to other people, but to our children, to our future generations. We cannot be dislodged from our lands, because, we, the Indigenous Peoples are united by a circle of life that the white man does not understand. It is a circle of life that circles the earth, waters, the air, what you call, here at this meeting, the environment.



We, the Indigenous Peoples, are moving towards the future along the trails left by our forefathers. Do you believe this? Could you think about this? When you sign the Conventions here, we might not be here in this hall, but you will be. When you sign the Conventions dealing with the future of this planet, we, who believe are most familiar with nature will not be sitting here among you, but you will be here. And, you must become our allies. You have to be partners with the future. This is why we always say, "this is the Earth's Charter." Very simple. Straightforward. It is as obvious as your lives, as our lives are. It is straightforward and simple as children are, and as the colours of the rainbow are. Please believe this. All of you, government authorities and leaders, do not fear us, because the future of the Indigenous Peoples is your future too, and it is also the future of our planet.

Thank you very much.

The justification for this "both sides" approach is often the need to counteract indoctrination that could result from "value-based" education. A distinction, however, could be made between value-based education and principle-based education. In indoctrination, the values that are presented are usually those that comprise the belief system of the educator. Whereas, in principle-based education, the principles are drawn not from an educator's particular belief system but from internationally endorsed principles.

Students in principle-based education will participate in decision making about issues which moves away from the current model of the "multi-stakeholder arena of competing vested interests": a model where various sectors through asserting their interests within the consensus decision making process often compromise and detract from the actions required to bring about societal change.

In Principle-based education, educators will be introduced to a range of international principles related to issues and to a range of analytical processes for exploring issues within a principle-based framework; educators will be involved with creating lesson plans and educational material, which could become part of an international educational Program.

Although global issues defy the traditional disciplinary boundaries, and are primarily interdisciplinary or trans-disciplinary, global issues could be introduced through the analytical processes in principle-based education into any discipline or subject area.

## **COMPONENTS OF PRINCIPLE -BASED EDUCATION**

### **complexity-interconnection-integration of issues**

#### **INTERCONNECTION INTEGRATION OF ISSUES**

- focus on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues
- reveal the full complexity and interaction of aspects of issues within a principle-based framework

- integrate different environmental issues, and integrate environment with other issues.

#### INTEGRATION OF ENVIRONMENTAL EDUCATION WITH OTHER SUBJECT AREAS develop a more responsible attitude toward self and society through the examination of environmental issues

appreciate how their lifestyle affects their environment

approach the issues surrounding land and water use in an open-minded manner

integrate the different aspects of global issues; aspects that were usually dealt with in isolation

#### ADOPTION OF INTERDISCIPLINARY AND TRANSDISCIPLINARY PERSPECTIVE

to draw upon different disciplines to assist in the analysis of environmental problems.

The importance of an interdisciplinary approach was affirmed in the "Junior Secondary Science Curriculum Guide and Resource Book.

No major scientific problem which our society is currently facing, whether it be acid rain or nuclear waste, is simply a problem of physical or life sciences. Students should therefore be led to see that the perspectives of various disciplines when integrated often create a more illuminating and comprehensive view of a problem. Investigation of pertinent issues with a holistic approach will also provide numerous diverse experiences ... some of these experiences must be creative and future oriented.

program should be investigative to scientific processes and experiential to bridge varying levels of maturity. It should deal with practical problems helping students to cope and understand their lives. It should also attempt to show that the disciplines of science together can contribute to a greater understanding of our world.

A program with these emphases requires flexibility in terms of teaching strategies, content and time allotments.

#### PROVISION OF BACKGROUND KNOWLEDGE ABOUT DIFFERENT ISSUES

- To carry out research into evidence about issues, and to examine underlying assumptions
- to draw upon expertise and experience during a one-day workshop outlining scientific background to issues, and through examining primary source material
- To examine the local environmental effects resulting from science and technology

#### THINKING, DECISION MAKING, AND ANALYTICAL PROCESSES

##### STIMULATION OF THINKING ABOUT ISSUES THROUGH ENGAGING IN ANALYTIC PROCESSES WITHIN A PRINCIPLE-BASED FRAMEWORK

- to understand the cause and effect relationships between and among different issues
- to propose remedies for various environmental issues
- to promote problem solving from a principle-based, point of view
- to familiarize pre-service teachers with teaching approaches such as problem solving, critical analyses within a framework of internationally agreed to principles

## DISPOSITION OF ANALYSIS AND REFLECTIVE ACTION

Stimulation of thinking about issues through engaging in analytic processes within a principle-based framework

- developing disposition of analysis and synthesis and reflection action through engaging in the following processes

- Selection of issues to be examined within the principle

- Location of principle within "International principle diagram"
- Statement of principle
- Exploration of principle,
- clarification of concepts and terms through ordinary language analysis
- Establishing of criteria for 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 principle of action
- Connection with other principles in "international principle diagram"

Note: exploration of means of using these processes, without naming them, throughout primary, and intermediate program (example drawn from Grade 6 project)

## INVESTIGATION OF AN ALTERNATIVE DECISION-MAKING PROCESS

- to propose principle-based decision making that moves away from the current model of the "multi-stakeholder arena of competing vested interests," where various sectors through asserting their interests within the consensus decision making process often compromise and detract from the actions required to bring about societal change.

## ACTION- SOLUTIONS

### TRANSLATION OF PRINCIPLE INTO PRINCIPLE OF ACTION

- to investigate the application of international principles to local issues
- to develop a basis for examining issues within an international context rooted in rights, obligations and responsibilities
- to determine criteria for the translating of these principles into action

- examine the nature of actions that have to be taken to ensure that states live up to the principles enunciated in the documents
  - to examine the lag between the enunciation of principles to address the issues and the political will to actually address the issues
  - to indicate for which issues obligations have not yet been undertaken
- The issues that are not being dealt with through international documents
- to evaluate the "environment industry." Prevention technology. the solution as part of the problem

#### JUSTIFICATION OF ACTIONS

- to explore criteria for evaluating the justification of actions
- to help students become motivated to actively participate in ecosystem preservation, protection of the environment and prevention of pollution
- to understand the linking between life style, type of consumption patterns and the existence of global issues
- to recognize the nature of action that has to occur to bring the principles into action

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 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, because the principles are derived from globally agreed to documents forms a basis upon which to construct a program. 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 industries, then the criticism becomes yet another grounds to support the claim of “miseducation through industrial rhetoric.

E.S. 420, S01 Global Issues: Environmental and Social Dynamics of Global Change  
Dr. Fred Knelman and Joan Russow

### 1.0. Broad description of Course.

The central theme of this course is the anatomy of global change and its multiple relationships to the environment. A key event was the 1992 UN Conference on Environment and Development (UNCED); unfortunately, the global problem was fragmented into component parts that were considered as separate Conventions, or as distinct chapters in Agenda 21— the action plan for global change adopted at the Earth Summit. For there to be solutions to the global problem, it must be perceived in an interdependent and integrated way. Students will be encouraged to view the various issues from an ecological perspective i.e. in terms of inter-connectedness.

In this course on Global Issues we will integrate 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, 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 North-South gap etc. ....

As part of the course, students must make two class presentations in which they will be asked to integrate their presentation with the preceding class discussions.

The last two classes will be specifically based on solutions. In these sessions, students will be asked to demonstrate how their discoveries can be used to address the problems that have surfaced and contribute specifically to the theme that they have researched.

*Global change may be physical or social and in either case may be positive or negative. Often Global change has been narrowly treated as negative global environmental change and their related negative social consequences. We will broaden our treatment of this concept as it relates to necessary global change as a prerequisite for global solutions calling for drastic changes in current human behaviour and attitudes.*

Week #1 (Monday January 9)

Organization and description of the course, requirements etc.

Week #1 (Thursday, January 12)

An Overview of Global Change in its sociopolitical context

Readings:

Chapter 1, Knelman F and J. Russow. "Global Issues: Environmental and Social Dynamics of Global Change" (A collection of writings and documents)

Reserve Reading:

McLaren, D. (1991) "Humankind the Agent and Victim of Global Change in the Geosphere-biosphere System." Keynote Address Planet Earth—Problems and Prospectus

In-house library:

Canadian Pugwash Group (1994). *World Security: The New Challenge: World Security*. H. Charlton, and E. Riddell-Dixon (Eds) (1993). *International Relations in the Post-cold War*

Week #2 (Monday, January 16).

Systemic constraints preventing significant sociopolitical global change/ global extended common security advancing significant socio-political change;  
Globalization / global obligations. NAFTA, GATT, Global Trade Agreement

Readings:

Chapter 2, Knelman F and J. Russow. Global Issues: Environmental and Social Dynamics of Global Change. A collection of writings and documents)

Reserve Reading:

Shrybman Steven. (1991) "International Trade and the Environment: An Environmental Assessment of Present GATT Negotiations"

In-house library:

GATT update, NAFTA file

Warnock, J. (1988). *Free Trade: The New Right-Wing Agenda*.

Laxer, J. (1994). *False Cod*

Week #3 (Monday, January 23)

International obligations as instruments of positive global change

International legally binding obligations: The Biodiversity Convention, Climate Change Convention,

Readings:

Chapter 3, Knelman F and J. Russow. *Global Issues: Environmental and Social Dynamics of Global Change*. (A collection of writings and documents).

In-house Library:

Week 4# (Monday January 30)

International obligations as instruments of positive global change

International customary law, Doctrine of legitimate expectations, Global environmental security, globally adopted obligations (Agenda 21, Rio Declaration World Charter of Nature etc.)

Readings:

Chapter 4, Knelman F and J. Russow. *Global Issues: Environmental and Social Dynamics of Global Change*. (A collection of writings and documents).

Week 5# (Monday, February 6).

Elements of negative global change (ecological change through anthropogenic activities); Instruments of societal and institutional response

-ozone depletion

-climate change

Readings:

Chapter 5, Knelman F and J. Russow. *Global Issues: Environmental and Social Dynamics of Global Change*. (A collection of writings and documents). Also see Chapter 3 with Conventions and protocols related to ozone and climate change.

In-house Library:

Additional readings on ozone depletion and climate change

Week #6 (Monday, February 13).

Elements of negative global change (ecological change through anthropogenic activities); Instruments of societal and institutional response

- Energy issues

- Resource extraction issues

Readings:

Chapter 6, Knelman F and J. Russow. Global Issues: Environmental and Social Dynamics of Global Change. (A collection of writings and documents).

In-house library:

in-house files

Week #7 (Monday, February 20).

Interdependence and integration of issues: peace, environment, equity and human rights: towards a global solution

- Focus: Population, "Cairo 94

Readings:

Reserve library:

Collection of readings on Population

Week #8 (Monday, February 27)

Interdependence and integration of issues: peace, environment, equity and human rights: towards a global solution

- Redefinition of development in equitable and ecological terms

Focus- Development and Copenhagen Conference on development

Readings:

Chapter 8, Knelman F and J. Russow. Global Issues: Environmental and Social Dynamics of Global Change. (A collection of writings and documents).

Reserve Library:

South Commission (1991). *The Challenge to the South: An Overview and Summary of the South Commission Report.*

Foster, J. 1992 "Let them eat Pollution: Capitalism and the world Environment. *Monthly Review*

In-house library

Collection of South and Group of Fifteen Reports

Week #9 (Monday, March 6)

Creative, alternative instruments to socio-political change

- Literature, poetry, art photography, film

Readings:

In-house library:

Class-selected readings

Week #10 (Monday, March 13)

Alternative systems for achieving socio-political global change, and for preventing or contributing to negative ecological global change

- ecologically sound technologies

- the Environment Industry



Readings:

Chapter 10, Knelman F and J. Russow. *Global Issues: Environmental and Social Dynamics of Global Change*. (A collection of writings and documents).

In-house library:

Readings: excerpts from Lester Brown, Herman Daly, Hazel Henderson Etc.

Readings: publications from the Environment Industry (Globe 94)

Week # 11 (Monday, March 20)

Principles for positive socio-political global change: Ecology and Ethics

-ecological principles

- ethical principles

- globally adopted principles

Readings:

Chapter 11, Knelman F and J. Russow. *Global Issues: Environmental and Social Dynamics of Global Change*. (A collection of writings and documents).

In-house library:

Principles drawn from collection of ethical and environmental principles

Week # 12 (Monday, March 27)

A modest proposal for a global solution

Readings:

Chapter 12, Knelman F and J. Russow. *Global Issues: Environmental and Social Dynamics of Global Change*, (A collection of writings and documents).

In-house library:

Knelman, F. (1978) *Anti-Nation: Transition to Sustainability*

Meadows, D. H. and D.L. Meadows, and J. Randers. (1992) *Beyond the Limits: Confronting Global Collapse and Envisioning a Sustainable Future*.

Week # 13 (Monday, April 3)

Course evaluation:

Summary and integration of concepts in the course

## ORGANIZATION

1. Each Monday there will be a lecture, roughly 40 minutes in length, followed by a class discussion.

2. Each Thursday there will be a series of classroom presentations and discussions related to the readings and other relevant topics

## REQUIREMENTS

1. A major paper of some 4,000 words, the topic of which should be discussed with the instructors. This paper is to be suitably referenced and to incorporate a bibliography.

March 13 is the deadline for “interactive comments” on the paper, and April 3 is the deadline for submission of the paper

2. Two classroom presentations whereby the students should attempt to integrate the various themes
3. A series of 5 short critical reviews of issues, 150 to 300 words.

( ) **THAT** in 1995 May 10, I receive a request about human Rights education, and I submitted the above outline of human rights education

#### EXHIBIT

( ) **THAT** in May 1995 I submitted the final report for the BC working Groups on establishing criteria for discharge emissions.

#### EXHIBIT

“We have an environmental imperative,” and “a duty to future generations,” and “we are the leaders.” (Moe Sihota, commenting on the lack of political will by other Canadian provinces to take strong measures to prevent climate change. (CBC, Almanac, February)

#### RATIONALIZATION OF EXCLUSION

The three principles suggested at the last Working Group meeting - to eliminate persistent toxics, to use reverse onus in criteria setting, and full environmental cost assessment— were not accepted.

#### **DIALOGUE BETWEEN THE “ECOSYSTEM” AND THE “ECONOSYSTEM” AND THE INVISIBLE HAND**

#### **: MINORITY REPORT FROM THE WORKING GROUP ON POLICY FOR SETTING PROVINCE-WIDE DISCHARGE CRITERIA AND STANDARDS FOR DISCHARGE Emissions AND FOR MAINTAINING AMBIENT QUALITY.**

by Joan Russow

Joan Russow was selected by the BCEN steering committee to participate in a working group that the B.C. government had established to establish Province-wide criteria and standards for discharge emissions for maintaining ambient quality.

These excerpts are taken from A Dialogue between the “Ecosphere” and the “Econosphere” and the Invisible Hand, a preliminary minority report.

The complete minority report will be submitted to the working group in April. This working group has been meeting over the past two years. The group was formed with representation from industry (Cominco Ltd, Talisman Energy Calgary—oil, Westcoast energy, and a visiting COFI member); from the Ministry of Environment and from the Ministry of Employment and Investment, and from environment groups (SPEC, West Coast Environmental Law, and the BCEN). The process involved examining draft documents, making submissions, and attending working group meetings. The

recommendations from these meetings are passed along to government departments, where they are written up by the Pollution Prevention Branch of the Ministry of Environment, and then redistributed to the members of the group as a new draft. I have found that because of the continual changes in the document and because of the unwillingness to accept principles that I think to be essential. I have had to prepare a minority report.

The Working Group has been discussing the policy principles that should underline the setting of province-wide criteria and standards... In this preliminary report, I examine only PART: 1 PURPOSE and PRINCIPLES. I will list all the principles that I have proposed should be the underlying principles in establishing mandatory province-wide criteria.

In this Report, I will also be presenting information in three categories:

1. Proposals made by me are presented in **bold**.
2. Selected changes made by West Coast Energy and by the Ministry of Employment and Investment are presented in *italics*
3. Recent March 1 1995 draft from the Ministry of Environment is presented in plain text
  - 3.1. In the March draft what has not yet been eliminated or is still being considered is in [brackets].
  - 3.2. In the March draft what has been eliminated as a result of groups discussion, written submissions or by the “invisible hand” is underlined.

It should be noted that this preliminary minority report is prepared without having seen any official recent submissions from Cominco, from the Talisman Energy, Calgary — members of the working committee and from COFI—participant at the last meeting March 1.)

#### LEGEND

**Bold what I proposed**

**BOLD CAPITAL: MY COMMENTS**

Underlined is what was eliminated by as a result of input from West Coast Energy or from the Ministry of Employment and Investment and by the invisible hand—within or without the Ministry!

Plain is what is still surviving in the latest March 1 draft or what has been added by the invisible hand.

[bracketed sections -what has not yet been deleted or what is still being considered]

*Italics denote the input from West Coast Transmission and by the Ministry of Employment and Investments.*

TITLE:

**FRAMEWORK FOR ESTABLISHING ENFORCEABLE MANDATORY STANDARDS AND TECHNICAL REGULATIONS FOR PREVENTING THE DIMINUTION OF ECOSYSTEMS AND THE DISCHARGE OF CONTAMINANTS INTO THE ECOSYSTEM, AND FOR AMBIENT QUALITY.**

*“On behalf of West Coast, I was in favour of the simple title used in the November 30/95 draft, “policy for setting criteria and standards*

*February 6 draft. suggestion Guiding Principles for Setting Province-wide Criteria. "In comments below we have noted that there may be occasions where the province finds that the requirement that the criteria be province-wide is too restrictive. We would suggest simply "Guiding Principles for Setting Criteria."*

**NOTE: OCTOBER 20 DRAFT WAS POLICY FOR SETTING PROVINCE-WIDE DISCHARGE CRITERIA AND STANDARDS"} }**

March 1draft from the Ministry of Environment now refers to the document as:  
POLICY FOR SETTING CRITERIA AND STANDARDS

PART 1: PURPOSE AND PRINCIPLES

A. Purpose

**The purpose of this document is to establish province-wide criteria for ambient quality/discharge emissions, and to ensure that these criteria give rise to legally binding enforceable standards and technical regulations for environmental preservation and protection, and for pollution prevention. THIS STATEMENT OF PURPOSE IS STILL IN THE DOCUMENT BUT IS PRESENTED AS THOUGH JOAN RUSSOW HAS PROVIDED A DIFFERENT PURPOSE:**

*Comment on purpose by Westcoast Energy*

*Further to Joan Russow's concerns, it must be remembered that this is not a policy to solve all environmental problems all by itself. it is a policy to set criteria and standards. there are other policies and legislation which work together to achieve any further objectives proposed by Ms. Russow.*

**{THE FOLLOWING STATEMENT PURPOSE STATEMENT HAS BEEN SUPPORTED BY WEST COAST ENVIRONMENTAL LAW, AND AGREED TO BY THE GROUP.}**

Purpose: the purpose of this policy is to establish a framework for setting criteria and standards designed to protect the environment and promote sustainability by integrating environmental, economic and social considerations.

**B. PRINCIPLES FOR SETTING PROVINCE-WIDE CRITERIA**

GUIDING PRINCIPLES FOR {DETERMINING} SETTING PROVINCE WIDE CRITERIA

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 are essential to life on earth must be given primacy. The uniqueness of each ecosystem must be respected.**

*Westcoast Energy*

*We do not support the addition of this provision because the ecosystem concept is already covered in the principle 4, in connection with preventing adverse effects to the environment.*

*Ministry of Employment and Investment:*

*The first sentence implies a ranking of considerations, with the phrase Ecosystem integrity is a prime consideration..." the word "prime" should be replaced with important.*

February Draft

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 [are essential to life on earth.] must be considered. The uniqueness of each ecosystem must be respected.

**2. COMPLYING WITH ALL INTERNATIONAL, NATIONAL, BILATERAL AND REGIONAL AGREEMENTS, PROTOCOLS AND CONVENTIONS ON ENVIRONMENTAL MATTERS.**

**A comprehensive listing list of international, national and bilateral and regional agreements, protocols and conventions has been compiled and shall be affixed to this document**

**{NOTE "COMPLYING WITH ALL INTERNATIONAL, ...AGREEMENTS PROTOCOLS AND CONVENTIONS ON ENVIRONMENTAL MATTERS. WHICH WAS AGREED TO AT THE LAST MEETING SUDDENLY COMES BACK AS**

*Complying with all applicable international....*

Westcoast Energy comment:

*We do not agree with the proposed new wording and suggest the addition of the word "applicable" as follow: Complying with all applicable international... Strict compliance (through criteria) with international standards by which the province is not legally bound should not be required by the word "complying" with. "It is not recommended that a comprehensive listing of agreements and protocols be attached because they are changing so rapidly that the list alone would soon render the signed policy out of date. However, the policy should state that the government takes on the responsibility of maintaining such a list and keeping it up to date and most, importantly compiling up to date copies of all the documents on the list.*

Department of Employment and Investment:

*I would prefer the term "generally consistent with" or "considering" over "complying with" .*

FEBRUARY DRAFT:

[Considering all applicable] Complying with all international, national, bilateral and Western regional agreements, protocols and conventions on environmental matters. ...It is expected that these targets will continue to form the basis of some federal and provincial initiatives including legislation. (A comprehensive listing of agreements, protocols and conventions has been compiled).

### **3. 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic byproducts or breakdown products during its productions, use or disposal (zero Toxics Alliance Statement of Principles)**

**75% elimination and Reduction of pesticides by the year 2000 and immediate banning of use of pesticides that are persistent or bio-accumulative,**

**75% reduction in the rate toxic wastes generated by industry, business, institution, municipalities and the public by the year 2000**

**75% reduction (per ca pita) in municipal solid waste by the year 2000  
Immediate banning of the production and consumption of ozone-depleting substances**

**Given that provincial and municipal goals and targets may not have taken into consideration pollution prevention, the goals and targets, consequently, shall be reassessed in the light of recent EPA findings and in the light of the precautionary, anticipatory principle, and other principles such as those advocated by the Zero Toxics Alliance in their Statement of principles from July 26, 1994: .**

*Westcoast Energy:*

*Perhaps, this provision should just read “ensuring that criteria and standards are consistent with formally established should be a formal process for this provincial reduction and elimination targets and goals within the established time-frames.”*

*Ministry of Employment and Investment*

*“I do not support changing “incorporating’ to “meeting or exceeding’*

February Draft:

Incorporating provincial reduction and elimination targets

[The province has set various reduction and elimination targets. An updated list will be provided as required] The provincial reduction targets

### **4. COMPLYING WITH THE PRECAUTIONARY PRINCIPLE**

**As enunciated in the following:**

**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.**

**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**

*West coast Energy*  
*“this is satisfactory”*

Ministry of Employment and Investment:

There has been significant discussion regarding the issue that principles and policies be consistent with national and international usage the current wording of the precautionary principle is not consistent with other reference I have seen, in a draft federal document regarding Canada’s action on global warming, the precautionary principal [principle] was stated as:

Where there are threats of serious or irreversible damage to our health and livelihood, lack of scientific certainty should not be used as a reason for postponing mitigative actions that are cost effective or justified for other reasons.

**[NOTE: THAT INTERNATIONAL DOCUMENTS WOULD BE A BETTER SOURCE THAN FEDERAL GOVERNMENT SOURCES FOR DETERMINING THE WORDING. THE DEFINITION THAT IS BEING USED IN THIS DOCUMENT IS CLOSE TO THAT ENUNCIATED IN THE RIO DECLARATION AND THE BIODIVERSITY CONVENTION].**

**[“ APPLYING THE PRECAUTIONARY PRINCIPLE (VERSION, FEBRUARY) 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. ]**

February draft:

Using the precautionary approach

## **5. 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, bio-accumulation, bio-concentration; 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, hormone mimicry.

*Ministry of Employment and Investment:*

*I am not sure what is added by including “anticipating” in this principle when the precautionary Principe covers it. ... Also “or reducing” the adverse effect should be added as it may not always be possible to prevent adverse effects.*

February document:

Anticipating and preventing the adverse effect of substances on the receiving environment.

Adverse effect means any significant damage to or [significant] loss of use of the environment and includes pollution and the effects of an environmental accident.

Adverse effect includes, but is not limited to, acute and chronic toxicity, bio-accumulation, destruction of the ozone layer and global climate change.

### **Principle 6. REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)**

**There is no guarantee that the Best Available Technology 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. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative 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 BEST.**

Westcoast Energy

In our last submission, we suggested the following wording “Utilizing Best Available Techniques to achieve Pollution Prevention” We do not support the addition of the words “Best Ecologically Sound.” We suggest the following explanation: “the most advanced technology or method of operation which achieves operational or production goals with the least impact on the environment.” We would suggest that the technology or process that has the least impact on the environment will just naturally be the one that is the most ecologically sound. The concept of “least environmental impact” is more widely used and understood than that of the” most ecologically sound.”

#### **MINISTRY OF EMPLOYMENT AND INVESTMENT**

The last sentence, “in the event that there is not BAT..” should be deleted. This is not a policy to decide which industrial operations in BC should be shut down altogether due to environmental impact. ...in the event that bat is considered to be lacking, we have already discussed another solution - set criteria and standards so as to encourage the development of better techniques within a realistic time frame.

Ministry of Employment and Investment:

I do not support adding in the statement “in the event that there is no BAT which can prevent...”



February draft:

{Using best ecologically sound technique} Utilizing Best Available Techniques

[A best ecologically sound technique is the most advanced technology or method of operation which achieves operational or production goals with the least impact on the environment. This may include new or emerging techniques.

this principle was included because it ensures that the criteria are tied to practical measures. In the event that there is no BAT which can prevent the release of persistent or bio-accumulative toxics then the extractive or productive activities which produce the product or substance process should be changed, avoided or halted.

**{NOTE: BEST ECOLOGICALLY SOUND TECHNOLOGY}**

**I SUGGESTED THE TERM BEST ENVIRONMENTALLY SOUND TECHNIQUES (BEST) TO REPLACE THE TERM BAT BEST AVAILABLE TECHNOLOGY. I ARGUED THAT BEST AVAILABLE MAY NOT BE ENVIRONMENTALLY SOUND. THIS TERM IS IN BRACKETS AND BAT HAS BEEN CROSSED OUT. HOWEVER, MY CONCEPT OF BEST HAS BEEN REDEFINED, SEE ABOVE:**

Ecosystem definition left in but redefined by Econosystem

**ADDITIONAL PRINCIPLE: ADOPTING BEST ECOLOGICALLY SOUND TECHNIQUES FROM ANYWHERE IN THE WORLD**

**ADDITIONAL PRINCIPLE: ESTABLISHING HIGH MANDATORY STANDARDS AND TECHNICAL REGULATION THAT WILL DRIVE INDUSTRY TO DEVELOP “BEST”**

## **7. 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.**

**Adverse effects include, but are not limited to, toxicity, bio-accumulation, bio-concentration, persistence, *destruction* [depletion] of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change *and global climate change*, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, hormone mimicry**

*West Coast Energy:*

*This does not make logical sense. We have a principle to apply a principle? And we are putting it in the Guiding Principles section instead of Applying the Principles Section? How about Applying the Pollution Prevention Hierarchy?*

*Ministry of Employment and Investment*

*I have difficulty with the addition of the statement that the pollution prevention principle “recognizes that it is better to prevent the generation of pollutant than to ...control or clean up...” I am not sure why clean up should automatically be deemed to be an inferior approach. I recognize that some may have a philosophical preference to prevent the generation of pollutants, but that does not mean that government policy should necessarily follow this, as clean-up may turn out to be the best approach in some cases.*

February Draft

Applying the pollution prevention [hierarchy] principle

Pollution prevention means to avoid, eliminate or reduce the use, generation or release of polluting substances to our environment through a hierarchy of activities including the:

**{NOTE THE DOCUMENT CONTINUES WITH LISTING A SERIES OF ACTIONS WHICH APART FROM (A) — AVOIDANCE, ELIMINATION OR SUBSTITUTION OF POLLUTING PRODUCTS; ARE NOT RELATED TO POLLUTION PREVENTION.}**

## **8. 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, 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.**

**In international documents, there is the recognition of the importance of environmental audits and of the taking into consideration of ecological consequences:**

**Governments..., should develop procedures for monitoring the application of the cradle-to-grave approach, including environmental audits (Agenda 21, 20.20 e)**

**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)**

*We would suggest that the objective of the principle is simply to weigh economic costs against environmental benefits. ... Through the cost benefit analysis, we need to try to quantify the environmental benefits of that measure and weigh them against the economic costs. This will assist in determining if the measure will amount to an appropriate expenditure of public and private dollars, given that there may be other environmental priorities requiring those dollars. Under this scenario we would propose the following wording “Weighing Environmental Benefits Against Economic Costs.”*

*...We do not support the addition of the sentence: “No economic benefit shall be used to justify the violation of the right to a health environment”*

*Ministry of Employment and Investment:*

*The full environmental cost assessment is already covered by the cost-benefit principles.*

*Change the phrase to “maximize net environmental, economic and social benefits,*

February Draft:

[Maximizing] Full consideration of Maximize net environmental, social and economic costs and benefits.

Maximizing net environmental, social and economic costs and benefits means weighing and evaluating attempting to take into consideration all costs and benefits resulting from the production processes. [however, economic benefits shall not be used to justify environmental degradation] No economic benefit shall be used to justify the violation of the right to a healthy environment.

### **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. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.**

### **ADDITIONAL PRINCIPLE: INSTITUTING THE REVERSE ONUS PRINCIPLE**

**The onus of proof shall shift from the opponent of an intervention into the ecosystem having to demonstrate harm to the proponent of an intervention into the Ecosystem having to demonstrate the safety of the intervention**

**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 (NOTE Sheila Copps, Minister of the Environment of Canada, agreed to the instituting of this principle)**

*Westcoast Energy*

*We object to the addition of the reverse onus concept. This concept is applicable in situation... unlike the situation in a court of law, this policy is not about proving anything. All evidence will be weighed and considered .and the government will make a final determination based on all the evidence before it. If industry or some other stakeholder should want to influence the standard in one direction or the other, they will adduce evidence to persuade the government accordingly. The government is a body of decision-makers, not adjudicators.*

*Government: (Ministry of Employment and Investment)*

*I am not clear about what the reverse onus criteria really means, and how it would be applied. I think the principle to “eliminate persistent toxics” is already covered by a variety of other principles.*

February Draft

**{THE REVERSE ONUS PRINCIPLE WAS NOT INCLUDED AS A SEPARATE PRINCIPLE. IT WAS HOWEVER, INCLUDED UNDER ANTICIPATING AND PREVENTING THE ADVERSE EFFECT “THIS PRINCIPLE COULD BE OPERATIONALIZED THROUGH A REVERSE ONUS REGIME. AND THEN CROSSED OUT}**

## **RATIONALIZATION OF EXCLUSION**

February Draft

The three principles suggested at the last Working Group meeting - to eliminate persistent toxics, to use reverse onus in criteria setting, and full environmental cost assessment— were not accepted...

## **9. 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.**

February Draft:

[Ensuring the polluter pays] Applying the Polluter-pay principle.

The polluter Pay Principle [requires] ensures that those who may release polluting substances into the environment pay the full [environmental and social] cost of [environmental pollution and degradation, including} environmentally safe handling, treatment, disposal, and remediation.

The changes are grammatical.

## **ADDITIONAL PRINCIPLE: ENFORCING ENVIRONMENTAL COMPENSATION PRINCIPLE**

**Given that throughout B.C. history sympathetic government regimes have failed to enforce their own statutory legislation, and given that there has been resultant environmental degradation, the current government 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).**

## **ADDITIONAL PRINCIPLE: ENSURING THAT COMPENSATION IS NOT USED AS JUSTIFICATION FOR NON-FULFILLING OF DUTY**

**Ensuring that compensation can never be used as reason for not exercising the duty to preserve, protect, conserve and the environment**

## **10. ENSURING CONSISTENT PROTECTION OF AMBIENT AIR AND WATER AND SOIL QUALITY THROUGHOUT THE PROVINCE.**

**Ensuring consistent protection throughout the province means ensuring both the variation in air, water, and soil conditions across British Columbia 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 BC will not transfer its pollution problems into other jurisdictions, nor will it relax its standards in order to attract industry. The criteria must ensure acceptable ambient environmental conditions all across B.C. No particular area should be penalized due to a pre-existing high-quality environment.**

- In no way shall the requirement to ensure consistency be used as a justification for the relaxing of province-wide standards and technical regulations. There must be tough standards that stand the test and everyone has to follow.**
- 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)]**

### **ADDITIONAL PRINCIPLE: 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 license to pollute could be given to industry in a pristine area because the area is not yet officially been designated as being polluted.**
- Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations [ Current situation in Delta where a plant with “industrial ?] air emissions is redefined as a recycling plant and thus the regulations related to “industrial.... ] is deemed inapplicable.**

*Ministry of Employment and Investment:*

*I'm not sure we need the two statements: “No particular area should be penalized due to a pre-existing high-quality environment”, and the existence of a clean environment shall not be used as a negative economic incentive.” I think the first sentence “The criteria must ensure acceptable ambient environmental conditions all across B.C. is sufficient.*

FEBRUARY DRAFT

Ensuring consistent protection of ambient air and water [and soil quality throughout the province].

Ensuring consistent protection throughout the province means [considering both the variation in air, water, and soil conditions across British Columbia and the variation in effects of different substances emitted.] that point source discharges, no matter where they are located in the province will be equally affected by the criteria. [However, ensuring] Ensuring consistent protection also means that BC will not transfer its pollution problems onto other jurisdictions ...

The criteria must ensure acceptable ambient environmental conditions all across B.C. [While it is recognized that different areas have difference environmental carrying capacities: no] No particular area should be subject to a greater impact] penalized due to pre-existing high-quality environment. [The criteria will reflect the desire for a level playing field across the province.] The existence of a clean environment must not be sued as a negative economic incentive.

#### **ADDITIONAL PRINCIPLE; 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 under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19, BCEPA DRAFT)**

**11. ADDITIONAL PRINCIPLE: ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM**

**12. ADDITIONAL PRINCIPLE: ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.**

**13. HARMONIZING UPWARD OF THE "PLAYING FIELD." STRIVING TO ENSURE THAT THE PROVINCIAL TARGETS IN BRITISH COLUMBIA SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS**

**14. ADDITIONAL PRINCIPLE: RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE**

**15. ADDITIONAL PRINCIPLE: AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.**

## **16. ADDITIONAL PRINCIPLE: ENSURING THE NON-PROSECUTION FOR ADVOCATING THE COMPLIANCE WITH OBLIGATIONS, AND MANDATORY STANDARDS AND TECHNICAL REGULATIONS**

### **CONCLUSION:**

The next and possibly last meeting of this group will be on April 4. The above comments have been made without being aware of any formal submission by Cominco, Talisman Energy, Calgary (oil industry) and COFI (recent addition to the Working Group). In the previous January meeting there was some agreement about some of the principles (note Cominco, Talisman and COFI were not present. It would appear, however, that the latter three may want to revisit the principle, and the Business Council has indicated its interest in having the document reviewed by its environmental consultant. If anyone wishes to have input into the document please contact Joan Russow at 380-2563 or FAX at 385-0068, before March 20th. There is a proposal to just leave the document at the level of principles, undoubtedly considerably modified principles and definitions. The environmental participants have proposed that the applying the principles (Part 2 in the document) be modified and include a section on what would constitute compliance with the principles.

At one meeting, a representative from the Ministry of environment stated in response to one of my comments that "industry would never go for that", I asked him when he is talking to industry if he ever said, "Environmentalists would never go for that." If we want to have mandatory enforceable regulations, we are going to have to be forceful in stating that we would never support the watering down "the environmental imperative."

**NOTE: MOST OF THE PRINCIPLES THAT I EITHER SUGGESTED OR SUPPORTED ARE DERIVED FROM PRINCIPLES FROM INTERNATIONAL SOURCES. IT SHOULD BE UNDERSTOOD THAT MY SUBMISSIONS WERE NOT NECESSARILY SUPPORTED BY THE OTHER ENVIRONMENTAL REPRESENTATIVES IN THE GROUP. CONTACT THE OTHER ENVIRONMENTAL GROUPS INVOLVED IF YOU WISH TO STRENGTHEN THE DOCUMENT. PLEASE CONTACT ME IF YOU WOULD LIKE ME TO ADD, ALTER OR DELETE DIFFERENT PRINCIPLES.**

**COMMENT: I WAS, HOWEVER ASSURED, BY THE MINISTRY, THAT THE INTERNATIONAL INTERPRETATION OF THE PRECAUTIONARY PRINCIPLE WAS NOW IN THE MINISTRY DOCUMENT.**

If Moe Sihota was serious about the environmental imperative:

If the government of B.C. continues to convey that impression to British Columbians, and to Canadians, through statements to the media, then the citizens of British Columbia should legitimately expect that the BC government be prepared to establish enforceable mandatory standards and technical regulations to maintain ambient quality and to prevent pollution.

There is a maxim of equity which states that "Equity imputes an intention to fulfill an obligation."

This maxim was reaffirmed by the former Ombudsman of British Columbia, Steven Owen:

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, 1991)

**When we are called upon to lead and we stumble, we fail the public (Mike Harcourt, 1990 NDP Convention, Vancouver, B.C.)**

( ) **THAT in May 1995, I circulated the following:**

**EXHIBIT**

**PRINCIPLES FOR SETTING PROVINCE-WIDE CRITERIA**

GUIDING PRINCIPLES FOR {DETERMINING} SETTING PROVINCE WIDE CRITERIA

ENSURING ECOSYSTEM INTEGRITY

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AGREEMENTS, PROTOCOLS AND CONVENTIONS ON ENVIRONMENTAL MATTERS.

- ESTABLISHING AND ENFORCING REDUCTION AND ELIMINATION TARGETS
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- ANTICIPATING AND PREVENTING ADVERSE EFFECTS
- REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)
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- INCLUDING OF ALL SUBSTANCES AND ACTIVITIES

- ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM
- ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.
- HARMONIZING UPWARD OF THE “PLAYING FIELD.” STRIVING TO ENSURE THAT THE PROVINCIAL TARGETS IN BRITISH COLUMBIA SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS
- RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE
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## VISION STATEMENT

NOTE IT WAS SUGGESTED AT THE OCTOBER MEETING THAT THERE SHOULD BE A MISSION STATEMENT ACCOMPANYING THE FRAMEWORK

(The following statement was drawn from Submission to the Director, Industrial Toxics Project by Carol Dansereau, Washington Toxics Coalition May, 1994)

Individuals rights to a safe environment must be considered Analysis of technology cannot take place merely in the context of how much money is spent and lost, or even in a context that includes discussion of the value of life and health. It must also take into consideration the rights of individuals, something that cannot be put on the balancing scale or declared as a bargaining chip in rule-making negotiations.

There are many reasons that [ministry of Environment] must promote prevention. control technologies perpetuating the use of toxic substances result in continue releases of toxic [and hazardous, including nuclear] substances to the environment, intentional and accidental, while substitution of [safe] substances eliminates those releases. Even if one environmental medium is protected by end-of -the-pipe controls, toxic releases and exposures are generally shifted to other media. [Note: example of closed system technology, mentioned below]. Workers are exposed to toxic substances and face the risks of chemical accidents."

In order to truly protect human beings, including the most sensitive human beings in both current and future generations, and plant, animal life, and property, we must first recognize the limits of human knowledge. We have learned the hard way that pollutants once thought to be of little concern, can turn out to be extraordinarily damaging. Human being did not anticipate problems like stratospheric ozone depletion, hormone mimicry, egg-shall thinning, and too many other environmental impacts to list. Indeed, the lessons we have learned in this way have been a major reason that our society has come to recognize the need to prevent pollution, whenever possible, rather than merely limit, manage, or control it. ....

In fact, we cannot know or predict with any certainty the impact of our ongoing pollution. Human beings and animals are exposed to a wide array of toxic exposures [ and hazardous wastes, including nuclear wastes] which make it difficult or impossible to reach conclusions about which exposures may be causing which impacts. Moreover, it is impossible to predict the results of synergistic and additive impacts of multiple exposures. Many impacts may be subtle ones, involving numerous steps, such as illnesses caused by immune system suppression associated with toxic [ or hazardous exposures...

Our inability to understand the impacts of continued toxic exposures does not mean that exposures are not causing problems. In addition to the many examples we now have of documented impacts linked to toxics previously thought to be safe, there are now a number of disturbing trends in human populations that cannot be explained by other factors. These include steady increases in the rates of various cancers and dramatically reduces average male sperm counts, for example. .... Weak action elsewhere should not be used to

justify inaction or weak action here with respect to identifying emission units and with respect to setting actual standards ...

## PART 1

### FRAMEWORK FOR ESTABLISHING ENFORCEABLE MANDATORY STANDARDS AND TECHNICAL REGULATIONS FOR PREVENTING THE DIMINUTION OF ECOSYSTEMS AND THE DISCHARGE OF CONTAMINANTS INTO THE ECOSYSTEM, AND FOR AMBIENT QUALITY.

#### A. Purpose

Purpose: the purpose of this document is to establish province-wide criteria for ambient quality/discharge emissions, and to ensure that these criteria give rise to legally binding enforceable standards and technical regulations for environmental preservation and protection, and for pollution prevention.

#### B. GUIDING PRINCIPLES FOR SETTING PROVINCE-WIDE CRITERIA

##### 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 are essential to life on earth. The uniqueness of each ecosystem must be respected, and the ecosystem must be given primacy.

##### ENSURING THE INHERENT WORTH OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [human], and to accord other organisms such recognition's (World Charter of Nature)

##### ACCEPTANCE OF NEED FOR MORAL CODE OF ACTION IN RESPECT OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans], and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (UN Resolution 37/7) World Charter of Nature)

##### RECOGNITION OF INTERCONNECTEDNESS WITH NATURE

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).

## RECOGNITION OF LIMITS TO GROWTH PRINCIPLE

There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are implications of their imminent approach. (Knelman)

## 2. COMPLYING WITH ALL INTERNATIONAL, NATIONAL, BILATERAL AND REGIONAL AGREEMENTS, PROTOCOLS AND CONVENTIONS ON ENVIRONMENTAL MATTERS.

A comprehensive listing list of international, national and bilateral and regional agreements, protocols and conventions has been compiled **and shall be affixed** to this document

## 3. 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 bio-accumulative. It also applies when a substance will generate persistent or bio accumulative toxic byproducts or breakdown products during its productions, use or disposal (zero Toxics Alliance Statement of Principles)

75% elimination and Reduction of pesticides by the year 2000 and immediate banning of use of pesticides that are persistent or bio-accumulative,

75% reduction in the rate toxic wastes generated by industry, business, institution, municipalities and the public by the year 2000

75% reduction (per capita) in municipal solid waste by the year 2000  
Immediate banning of the production and consumption of ozone-depleting substances

Given that provincial and municipal goals and targets may not have taken into consideration pollution prevention, the goals and targets, consequently, shall be reassessed in the light of recent EPA findings and in the light of the precautionary, anticipatory principle, and other principles such as those advocated by the Zero Toxics Alliance in their Statement of principles from July 26, 1994: .

Zero Toxics Statement of Principles from the "Zero Toxics Alliance Statement of Principles" 7/26/94

1. ... zero use, production, and release of persistent and /or bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero.

2. ... elimination and reduction of the use, production, and release of other toxics substances in the environment, workplace and home.

3. ....the goal of zero use, production, and release applies in all cases where a toxic substance is persistent or bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic byproducts or breakdown products during its production, use or disposal

4. ... advocat[ing] programs that achieve ...goals through reformulation of industrial processes associated with toxics use and production. Limiting discharges and shifting toxics from one environmental medium to another do not protect people or the environment

5. ...reject[ion] of risk assessments which claim that exposures to toxic substances are safe

In addition, serious consideration shall be given to "bio-concentration." For example, the discharge of mercury was deemed to be at an acceptable level. The mercury, however, was taken up by small organisms becoming more highly concentrated as it moved up the food chain. Biopathways must always be examined." (Knelman).

#### 4. COMPLYING WITH THE PRECAUTIONARY PRINCIPLE

as enunciated in the following:

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

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

#### 5. 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.

In the international documents, different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

- ENUNCIATION OF 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 effects are not fully understood, the activities should not proceed (World Charter of Nature)

- PREVENTIVE APPROACH PRINCIPLE

A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies. (18.45 Fresh water, Agenda 21)

"undertake measures to prevent soil erosion and promote erosion-control activities in all sectors. (13.16 Fragile ecosystem, Agenda 21)

- CRADLE-TO-GRAVE APPROACH

taking into account the cradle-to-grave approach to the management of hazardous wastes, in order to identify options for minimizing the generation of hazardous wastes, through safer handling, storage, disposal and destruction (20.20 e Hazardous wastes, Agenda 21)

- FULL LIFE CYCLE CARE

"promote efficient use of materials and resources, taking into account all aspects related to life cycles of products. (19.15 e, Toxic Chemicals, Agenda 21)

"risk reduction involves broad-based approaches to reducing the risks of toxic chemicals, taking into account the entire life cycle of the chemicals. (19.45, Toxic chemicals, Agenda 21)

- CULTURE OF SAFETY

"to promote a 'culture of safety' in all countries, especially those that are disaster-prone, the following activities should be carried out: (7.60, Disasters, Agenda 21)

- RESPONSIBLE CARE

Industry should be encouraged to (19.51 Toxic chemicals) "develop application of a 'responsible care' approach by producers and manufacturers towards chemical products, taking into account the total life cycle of such products (19.51 b. Toxic chemicals, Agenda 21)

- UNACCEPTABILITY OF INSUFFICIENT OR OUTDATED CRITERIA OF ACCEPTANCE

Governments, in cooperation with relevant international organizations and programmes, should carry out national reviews, as appropriate, of previously accepted pesticides whose acceptance was based on criteria now recognized as insufficient or outdated and of their possible replacement with other pest control methods, particularly in the case of

pesticides that are toxic, persistent and/or bio-accumulative. (19.55 b Toxic chemicals, Agenda 21)

- 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, 1994)

## 6. REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)

There is no guarantee that the Best Available Technology 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. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative 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 BEST.

### ADOPTING BEST ECOLOGICALLY SOUND TECHNIQUES FROM ANYWHERE IN THE WORLD

The adoption of technology from anywhere in the world if it is the best ecologically sound technique. This tool identifies and classifies leading edge technologies and jurisdictions.

### ESTABLISHING HIGH MANDATORY STANDARDS AND TECHNICAL REGULATION THAT WILL DRIVE INDUSTRY TO DEVELOP BEST

Presumably, if there is a commitment to develop alternatives, there will be a concomitant responsibility to relocate funding from the current practices of mitigating of ecologically unsound practices to the development of BEST.

- COUPLING-AVOIDANCE PRINCIPLE

ON-ACCEPTANCE-OF-"ENVIRONMENT-INDUSTRY"-BEING-COUPLED-WITH-THE- TOXIC- WASTE-PRODUCTION-INDUSTRY-PRINCIPLE

The coupling of a "clean-up environment" industry with a toxic waste producer shall not be used to justify the continuation of the production of toxic waste

- SOLUTION-WORSE-THAN-PROBLEM-AVOIDANCE PRINCIPLE



The advocating of a “solution” that is potentially worse than the problem to be addressed shall be avoided. For example, the civil nuclear power industry is promoting nuclear energy as the solution to climate change.

If there is a commitment to develop BEST, there will be a concomitant responsibility to relocate funding from the current practices of supporting and then mitigating ecologically unsound practices to the development of BEST.

## 7. 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.

Adverse effects include, but are not limited to, toxicity, bio-accumulation, bio-concentration; persistence, *destruction* [depletion] of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change *and global climate change*, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, hormone mimicry

Adverse effects include the above environmental effects and effect and impacts on human health.

### NOTE: DEFINITION OF ‘ENVIRONMENT’ IN DEFINITION SECTION

#### Environment

means the components of the earth and includes:

- (a) air, land, water, sediment, soils
- (b) all organic and inorganic matter, including living organisms such as humans and non-humans
- (c) the interacting ecological systems that include components referred to in subclauses (a) and (b)

Adverse effects include the above environmental effects and effect and impacts on human health. Pollution prevention means to avoid the creation of polluting substances or to eliminate the release of these substances to the environment through avoidance, elimination or substitution of polluting products and byproducts.

## 8. 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, 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.

In international documents there is the recognition of the importance of environmental audits, and of the taking into consideration of ecological consequences:

Governments,...should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (Agenda 21, 20.20 e)

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)

See Annex for discussion of this principle:

#### NON-QUANTIFIABILITY OF ECOLOGICAL VALUES

Ecological values are of a class not readily quantified particularly in economic units but must be taken as a given, in that all life is dependent on sustaining the biosphere, the exclusive life-support system (Knelman) No pecuniary payment of costs for environmental destruction can ever fully redress the loss to the environment, the prevention of pollution and environmental destruction should be reaffirmed by using "prevention technologies"

#### INSTITUTING THE REVERSE ONUS PRINCIPLE

The onus of proof shall shift from the opponent of an intervention into the ecosystem having to demonstrate harm to the proponent of an intervention into the Ecosystem having to demonstrate the safety of the intervention

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 (NOTE Sheila Copps, Minister of the Environment of Canada, agreed to the instituting of this principle)

#### 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. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.

#### 9. 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.

#### THE POLLUTER-PAY PRINCIPLE

In different section of Agenda 21, the polluter Pay principle is advocated:

- 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 Hazardous Wastes, Agenda 21)

" 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 Solid wastes, Agenda 21)

#### ENFORCING ENVIRONMENTAL COMPENSATION PRINCIPLE

Given that throughout B.C. history sympathetic government regimes have failed to enforce their own statutory legislation, and given that there has been resultant environmental degradation, the current government 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).

#### ENSURING THAT COMPENSATION IS NOT USED AS JUSTIFICATION FOR NON-FULFILLING OF DUTY

Ensuring that compensation can never be used as reason for not exercising the duty to preserve, protect, conserve and the environment

#### 10. ENSURING CONSISTENT PROTECTION OF AMBIENT AIR AND WATER AND SOIL QUALITY THROUGHOUT THE PROVINCE.

Ensuring consistent protection throughout the province means ensuring both the variation in air, water, and soil conditions across British Columbia 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 BC 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 B.C. No particular area should be penalized due to a pre-existing high-quality environment.

- In no way shall the requirement to ensure consistency be used as a justification for the relaxing of province-wide standards and technical regulations. There must be tough standards that stand the test and everyone has to follow.
- 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)]

#### ENSURING THAT STANDARDS AND TECHNICAL REGULATION WILL NOT BE RELAXED TO ATTRACT INVESTMENT

The Parties recognize that it is inappropriate to encourage investment by relaxing domestic health, safety or environmental measures. Accordingly, a Party should not waive or otherwise derogate from, or offer to waive or otherwise derogate from such measures as an encouragement for the establishment, acquisition, expansion or retention in its territory of an investment of an investor. If a Party considers that another Party has offered such an encouragement, it may require consultations with the other Party and the two Parties shall consult with a view to avoiding any such encouragement. (NAFTA Article 1114 ss 2)

- 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 a pristine area because the area is not yet officially been designated as being polluted.
- Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations [ Current situation in Delta where a plant with “industrial ? ” air emissions is redefined as a recycling plant and thus the regulations related to “industrial.... ” is deemed inapplicable.

#### 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 under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19, BCEPA DRAFT)

11. ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM

12. ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.

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

This principle was globally adopted at the Earth Summit:

**COMMITMENT TO NON-TRANSFERENCE OF HARMFUL  
SUBSTANCES AND ACTIVITIES**

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 (Rio Declaration, UNCED)

This principle shall never be qualified by the provision that the recipient state is willing to accept the harmful substances or activities. The reluctance to adhere to the principle of “Extraterritoriality” shall not be used as an excuse for not transferring these harmful substances and activities.

**13. HARMONIZING UPWARD OF THE “PLAYING FIELD”: STRIVING TO ENSURE THAT THE PROVINCIAL TARGETS IN BRITISH COLUMBIA SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS**

B.C. is in the unique position to become a leader in developing the highest possible equitable and ecological standards and technical regulations, and in promoting the highest possible level playing field in Canada, North America and internationally.

**14. RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE**

In the July 14 draft reference is made to the responsibility to future generations in the section on “sustainability” in definitions. The obligation to future generation has been enunciated as a principle for over twenty years, and should be incorporated as a principle in the establishment of the Framework. This obligation to future generation can be traced in the following way:

In the United Nations Convention for the Protection of Cultural and Natural Heritage:

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in articles 1 and 2 and situated on its territory, belongs primarily to that State. (United Nations Convention for the Protection of Cultural and Natural Heritage, 1972)

In the Stockholm Convention of 1972, the requirement to preserve our environmental heritage and the requirement to save a representative sample of natural ecosystems for future generations were being recognized:

The natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of present and future generations (Principle 2)

Man has a special responsibility to safeguard and wisely manage the heritage of wild life and its habitat which are now gravely imperiled by a combination of adverse factors (Principle 4).

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In UN Resolution 37/7, World Charter of Nature, 1982

Reaffirming that man [humans] must acquire the knowledge to maintain and enhance his 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, (UN Resolution 37/7, 1982)

In the Convention of Biological Diversity

"to conserve and sustainably use biological diversity for the benefit of present and future generations (Biodiversity Convention, UNCED, 1992)

and in the Framework Convention on Climate Change:

" to protect the climate system for present and future generations"

The principle of considering the need to preserve ecological heritage for future generations, because of its continued inclusion in international documents, has become a principle of international customary law.

## 15. AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.

recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate (16.3. ii, Agenda 21)

## 16. ENSURING THE NON-PROSECUTION FOR ADVOCATING THE COMPLIANCE WITH OBLIGATIONS, AND MANDATORY STANDARDS AND TECHNICAL REGULATIONS

Ensuring that no citizen will be prosecuted for advocating or acting to ensure compliance with obligations, and with mandatory standards and technical regulations

## ANNEX:

Background for incorporating ecological consequences and environmental audits within full cost methods.

The costs to the environment of continuing with ecologically unsound practices rather than the cost to industry to introduce ecologically sound practices shall be considered.

If the precautionary principle is to be applied in the assessment of costs, the full environmental costs have to be taken into consideration, as well as the full economic costs of monitoring and enforcement of legislation to regulate ecologically unsound practices, and the projected economic costs and environmental costs of accidents, and restoration if accidents occur.

Assessment of full economic costs of ecologically unsound practices and of Full economic benefits of prevention:

- The introduction of ecologically unsound practices has inordinate, extensive, unexpected short-term and long-term economic costs, including the following:
  - the cost of monitoring, investigation, enforcement, and conviction.;
  - the costs of subsidies—taking research dollars from developing ecologically sound alternatives;
  - the costs of inappropriate funding for attempts to rectify previous errors;
  - the costs to displaced disenfranchised indigenous peoples;
  - the costs of rehabilitation of ecologically devastated sites;
  - the costs of loss of biodiversity; costs of loss of resources— destruction of fish habitat;
  - the costs of health impacts on employees.
- Financial benefits associated with toxics use reduction can include reduced raw material costs, reduced effluent and emissions monitoring and control costs, reduced energy use, reduced water use, reduced liability ... (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
- Companies may be unaware of the benefits or may opt to limit short-term investments despite longer term savings. Thus, in the absence of regulations, they might continue to avoid very reasonable available technologies that protect the environment better by preventing pollution (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
- It is incumbent upon society and government to strive towards high standards so that the segment of industry (prevention-technology or techniques industry—BEST industry) dedicated to developing ecologically sound alternatives will be at an economic advantage
- The technique of assessing the complexity of the multiple costs must be used. This technique could be extended to reevaluate the totality of spending including the excessive costs of maintaining the military (11 billion), when the money from the military could be transferred to assist in the conversion to an ecologically sound and equitable society.

- A full life-cycle analysis of the economic and environmental costs through time and space of each substance and activity shall be carried out.
- The independent assessment of full economic costs shall be carried out by the Auditor General's office
- The establishment of the highest possible mandatory standards, legal enforcement mechanism, and support structures for ensuring that prevention techniques are economically feasible.

#### Assessment of full environmental and human health impact costs of inaction or non-prevention

- ecological and equitable “back-casting” — “going to the future though the present “moving from vision to measures to implement the vision — must be supported. If the vision is to adopt a prevention and precautionary approach to interventions into the ecosystem, anything that detracts or deters from that vision should be seriously questioned, and the justification of the continuing the questionable practices should come under serious scrutiny. In other words, if unacceptable present and future ecological consequences are likely to occur, the activity shall not proceed and the substance shall not be used.
- the enunciation of an “ecological imperative” as part of a long-term complex solution “The difficulty of assessing environmental impacts cannot be used as an excuse for ignoring them.” (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)
- The presence of ecological irreversible consequences shall be deemed to be beyond an acceptable risk, and thus not subject to the usual means of quantification. In this event, the anticipatory, precautionary, and reverse onus principle shall apply, and the activity or substance shall be banned or phased out
- Ecological, and equitable consequences, and health impact consequences must be examined in full complexity through time and space
- in the event that the activity or substance has been proven to have caused environmental degradation, or to be able to cause long term ecological consequences, the activity or the use of the substance shall be banned or phased out.
- No economic benefit shall be used to justify the violation of ecological rights— right to a safe environment and the right to an ecological heritage, and the integrity of the ecosystem. Economic benefits must be seen in the context of ecosystem primacy; otherwise long-term future ecological and humanitarian rights— right to food, safe water, health care and shelter will be compromised
- In determining whether the [technology] emission limitation is sufficient to protect health, welfare and the environment, {governments] must consider all known and suspected impacts, including but not limited to mutagenicity, teratogenicity, neurological damage, development damage, immune suppression, organ damage, reproductive impairment, and hormone mimicry.
- Assessment of impacts on plants, animals and other non-human aspects (biodiversity) of the environment.
- Procedures to ensure that an environmental assessment review of any practices or substances that could contribute to the loss or reduction of Biodiversity shall be in place



- Assessment of 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.

## PART 2: Applying the principles

2.1. Given that these principles are interdependent they shall be applied concurrently.

- ENSURING ECOSYSTEM INTEGRITY  
ENSURING THE INHERENT WORTH OF NATURE  
  
ACCEPTING OF NEED FOR MORAL CODE OF ACTION IN RESPECT  
OF NATURE  
  
RECOGNIZING OF INTERCONNECTEDNESS WITH NATURE
- COMPLYING WITH ALL INTERNATIONAL, NATIONAL, BILATERAL AND  
REGIONAL AGREEMENTS, PROTOCOLS AND CONVENTIONS ON  
ENVIRONMENTAL MATTERS.
- ESTABLISHING AND ENFORCING REDUCTION AND ELIMINATION  
TARGETS
- COMPLYING WITH THE PRECAUTIONARY PRINCIPLE
- ADHERENCE TO ANTICIPATORY PRINCIPLE
- REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES  
(BEST)
- ESTABLISHING HIGH MANDATORY STANDARDS AND TECHNICAL  
REGULATION THAT WILL DRIVE INDUSTRY TO DEVELOP BEST
- AVOIDING COUPLING-OF POLLUTING TECHNOLOGY WITH  
TECHNOLOGICAL FIX
- AVOIDING SOLUTION-WORSE-THAN-PROBLEM
- ENFORCING THE POLLUTION PREVENTION PRINCIPLE
- ENSURING ENVIRONMENTAL AUDITS AND TAKING INTO ACCOUNT ALL  
ECOLOGICAL CONSEQUENCES PRINCIPLE
- INSTITUTING THE REVERSE ONUS PRINCIPLE
- REQUIRING A LEGITIMATE ENVIRONMENTAL IMPACT ASSESSMENT

- ENFORCING THE POLLUTER PAY PRINCIPLE
- ENFORCING ENVIRONMENTAL COMPENSATION PRINCIPLE
- COMPENSATION NOT JUSTIFICATION FOR NON-FULFILLING OF DUTY PRINCIPLE
- ENSURING CONSISTENT PROTECTION OF AMBIENT AIR AND WATER AND SOIL QUALITY THROUGHOUT THE PROVINCE.
- NON-RELAXING OF STANDARDS TO ATTRACT INVESTMENT
- INCLUDING ALL SUBSTANCES AND ACTIVITIES PRINCIPLE
- ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM
- ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.
- HARMONIZING UPWARD OF THE “PLAYING FIELD”; STRIVING TO ENSURE THAT THE PROVINCIAL TARGETS IN BRITISH COLUMBIA SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS
- RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE
- DISCHARGING THE POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.
- ENSURING THE NON-PROSECUTION FOR ADVOCATING THE COMPLIANCE WITH OBLIGATIONS, AND MANDATORY STANDARDS AND TECHNICAL REGULATIONS

2.2. The process for developing province-wide framework for establishing enforceable mandatory standards and technical regulations *criteria* can; be divided into two *three* levels depending on whether the substance should be eliminated, or capped or based *on the importance and weighting of the guiding principles*.

Public consultation with non-vested interest (i.e. financial interest) members of the public with varying types and levels of expertise and experience is also essential to the

process and *is* shall be included in all levels of criteria development — including the formulation of terms of reference and throughout all stages and states of the process.

### 2.2.1. Criteria for Elimination

*In certain cases, it may be necessary to eliminate specific substances in B.C. these actions may be a result of international agreements, federal legislation. "The elimination of specific substances depends on the nature, extent and the level of adverse effects and consideration of the precautionary and prevention principles." For example, AOX, DELETED OCTOBER] Uranium, CFCs, Halons, pesticides, uranium mining, atomic wastes from nuclear activities.....*

Guiding Principles Applied: precautionary principles. prevention principles such as anticipatory principle, polluter pay principle, environmental assessment review principle, life cycle analysis principle, previous international, federal and provincial environmental obligations under environmental agreements, nature, extent, level of adverse effects; BEST Prevention Technology. Public consultation with non-vested interest (i.e. financial interest) members of the public with a wide range of expertise and experience

Zero Toxics Statement of Principles from the "Zero Toxics Alliance Statement of Principles" 7/26/94

1. ... zero use, production, and release of persistent and /or bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero.
2. ... elimination and reduction of the use, production, and release of other toxics substances in the environment, workplace and home.
3. ....the goal of zero use, production, and release applies in all cases where toxic substances are persistent or bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic byproducts or breakdown products during its production, use or disposal/
4. ... advocat[ing] programs that achieve ...goals through reformulation of industrial processes associated with toxics use and production. Limiting discharges and shifting toxics from one environmental medium to another do not protect people or the environment
5. ...reject[ion] of risk assessments which claim that exposures to toxic substances are safe

Guiding Principles Applied: precautionary principles. prevention principles such as anticipatory principle, polluter pay principle, environmental assessment review principle, life cycle analysis principle, previous international, federal and provincial environmental obligations under environmental agreements, nature, extent, level of adverse effects, provincial targets and goals revised in the light of pollution prevention and in the light of the Zero toxics statement of principles, and BEST.

### 2.2.2. Criteria for Setting a Province-wide pollutant Cap

Provincial compliance with international agreements *may require* requires the imposition of a provincial cap on certain pollutants. For example, discharges of SO<sub>2</sub> and CO<sub>2</sub> [DELETED IN OCTOBER]

There is a need to interpret what would constitute compliance with international agreements. For example, under the Framework Convention on Climate Change, Canada and B.C. have undertaken to reduce CO<sub>2</sub> emissions. Yet in B.C., the government is contributing to the increase in CO<sub>2</sub> emissions by constructing non-alternative transportation means —highways, and eliminating carbon sinks through permitting the logging of old growth forests.

Guiding Principles Applied: precautionary principles. prevention principles such as anticipatory principle, polluter pay principle, environmental assessment review principle, life cycle analysis principle, previous international, federal and provincial environmental obligations under environmental agreements, nature, extent, level of adverse effects and public consultation with non-vested interest (i.e. financial interest) members of the public with a wide range of expertise and experience, and an independent assessment of BEST.

### 2.2.3. Criteria for Sector Specific Pollutants(s)

Emission or discharge levels are *may be* necessary for specific pollutants (providing that these pollutants are neither bio-accumulative, of acute toxicity, nor persistent in which case zero emissions shall apply) within a given sector or across a number of sectors. For example, BOD and suspended solids from sewage treatment plants [EVEN IN THIS CASE THE EMPHASIS SHOULD BE ON NOT TREATING SEWAGE AS WASTE BUT AS A RESOURCE]

Guiding Principles Applied: precautionary principles. prevention principles such as anticipatory principle, polluter pay principle, environmental assessment review principle, life cycle analysis principle, previous international, federal and provincial environmental obligations under environmental agreements, nature, extent, level of adverse effects, provincial targets and goals revised in the light of pollution prevention and in the light of the Zero toxics statement of principles.

There appears to not always be incentive to strive for better technology. Often, as mentioned by many participants at Globe 94, the incentive to strive for the best technology is thwarted by Government's failure to establish high mandatory standards. Often the data to support BAT is derived from non-arms-length research by industry and traditionally if the BAT technology is not deemed economic or if it is considered to interfere with an industry's competitive advantage then it is not advocated as being feasible. An example of this is the European developed "Green Fridge" that has been vigorously opposed by the producers and recyclers of CFC's in North America.

I WOULD PROPOSED INSTEAD OF BAT THE CONCEPT OF "BEST"  
(Best Ecologically Safe/Sound Technology—BEST). BEST is based on the true invocation of International principles, such as the precautionary principle, anticipatory principle, environmental assessment principle, life cycle analysis principle, responsible care principle, cradle to grave principle, polluter pay principle, recognition of inherent worth of nature principle. BAT in contrast to BEST may not necessarily be benign or ecologically sound. In the event that there is no BEST technology which can prevent the

release of persistent or bio-accumulative 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 addition, the concept of BEST must contain within itself incentive to still develop a better technology

(b) techniques or technologies which have been proven successful and used under similar conditions in the province or other comparable jurisdictions. The US EPA Bact/LAER , Clearinghouse and alternative proposals of ecologically safe and sound technologies as well as indigenous practices advocated by indigenous representatives from the inherent indigenous governmental bodies in the area will be considered a valid information source for proving the success of technologies is applicable to B.C., and providing these technologies are BEST.

(c) If there is a best ecologically sound technique or technology available (BEST), and the current practices in the province are part of what has been described as a sunset industry engaged in ecologically unsound practices, BEST shall be adopted, and industry given support in the transition phases. For example, the full cost principle —the assessment of ecological consequences and the cost of monitoring ecologically unsound practices would encourage the adoption of the “Green Freeze”, rather than the promoting of the continued dependence on the use of ozone depleting substances.

Consideration will be given to innovative technologies if these technologies fulfill the confluence of prevention principles and are thus BEST.

BEST must always strive to incorporate innovative solutions that will make the technology even more sensitive to the ecosystem.

It is important to ensure that, in carrying out an environmental assessment on a particular substance or activity that could have potential adverse environmental effects, other ecologically safe and sound alternative practices are also be assessed.

If the precautionary principle is to be applied in the assessment of costs, the full environmental costs have to be taken into consideration, as well as the full economic costs of monitoring and enforcement of legislation to regulate ecologically unsound practices, and the projected economic costs and environmental costs of accidents, and restoration if accidents occur. “Ecological values are of a class not readily quantified particularly in economic units but must be taken as a given, in that all life is dependent on sustaining the biosphere, the exclusive life-support system” (Knelman)

### PART 3: PROCEDURE FOR ESTABLISHING MANDATORY STANDARDS FOR AUTHORIZATIONS

Prior to consideration of the granting of authorization, all currently identified pollutants that are bio-accumulative [bio-concentration] or persistent shall be phased out. (see zero toxicity principles). For those not yet identified, the precautionary, anticipatory and cautionary principles must apply. Consequently, 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.

#### Setting Standards for Existing Facilities

Existing facilities must comply with the framework of enforceable standards and technical regulations.

by the regional manager will use the province-wide criteria and the pollution prevention planning process to set the standards for an existing facility. The minimum value for a standard in an authorization will be the province-wide criteria.

#### Setting Standards for Existing Facilities Undergoing Major Modification (s),

When there are major modifications of existing facilities, the facilities, as a minimum, will be required to meet existing province-wide enforceable standards and technical regulations based on established principles drawn from international documents. An updated pollution prevention plan that will meet province-wide enforceable standards and technical regulations based on established principles drawn from international documents will have to be in place.

#### Setting Standards for New Facilities

New facilities, as a minimum, will be required to meet existing province-wide *criteria* enforceable standards and technical regulations based on established principles drawn from international documents. In designing new facilities careful long-term planning and operational flexibility must be included to facilitate meeting future international agreements and provincial discharge criteria. The basic assumption should be that allowable discharge levels will always go downward; therefore, the facility should be designed with the potential for upgrading its operations.

Substance focused standards must also encourage emerging technology. These standards would incorporate a time frame.



## PART 4: A TOOLBOX OF METHODS AND TECHNIQUES

### A. Best Ecologically Sound Techniques (BEST)

In determining whether a process or method of operation constitutes the best ecologically sound technique in general or in individual cases, consideration will be given to:

#### a. Ecosystem integrity

b. Extension of framework to address not only the discharge of substances into the ecosystem but also the diminution of the ecosystem:

- to extend this framework to address not only the discharge of substances into the ecosystem but also the diminution of the ecosystem through extractive practices that could cause the reduction or loss of biodiversity or the elimination of carbon sinks. The substances discharged could be toxic or non-toxic. Toxicity has been defined as the potential or capacity of a material of being harmful to the health of a living organism (Fox) (biosphere). Non-toxic substances can through impacting on the non-living environment cause environmental degradation which subsequently causes harm to the biosphere (Agents of ecological degradation). For example, CFC's are not deemed toxic yet through causing depletion of the ozone layer cause harm to living organism. In addition, there are substances that are themselves naturally occurring and harmless but become harmful to the environment when through anthropogenic activity they are increased or decreased in proportional concentration (re concentrated substance—created through imbalance in bio-geochemical cycles).

#### c. Compliance with principles

d. Techniques that have been demonstrated as being ecologically sound, and has been used under similar conditions in the province or other comparable jurisdictions.

e. It follows that BEST for a particular process or method of operation will change with time.

f. High enforceable mandatory standards and technical regulations will encourage innovation in the development of BEST.

### B. Full Cost Methods

Full costs methods are a range of analytical techniques which can be used for the assessment of environmental values. An environmental value refers generically to the worth of the environment whether or not some price is attached to it.

### C. 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.

It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is "a review of projects and activities" and is not a "legitimate environmental impact assessment."

**E. MANDATE TO ADOPT BEST ECOLOGICALLY SOUND TECHNIQUES FROM ANYWHERE IN THE WORLD**

The adoption of technology from anywhere in the world if it is the best ecologically sound technique. This tool identifies and classifies leading edge technologies and jurisdictions.

## PART 5: DEFINITIONS

### Adverse effect

-means any effect that causes, has caused or contributed to or is likely to cause or contribute to significant damage to [the ecosystem, or loss or reduction of biodiversity, or elimination of carbon sinks] or loss of use of the environment and includes pollution and the effects of an environmental accident

### 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic byproducts or breakdown products during its productions, use or disposal (zero Toxics Alliance Statement of Principles) that must not be exceeded to protect the [ecosystem — water, air, sediment, soil or biota) and] the use of the air, water or soil, human health and the health of the environment. *The criteria have no legal standing for enforcement purposes.*

The Framework of mandatory standards and technical regulations will have legal standing so that the mandatory standards and technical regulations will be enforceable, and will give incentive to the development of BEST:

### Ambient air or water quality

refers to the overall or general condition of air or water in a region outside the zone of influence of discharges in contrast to local conditions which may be related to a specific source of contamination. (Water Management Division, Principles for Preparing Water Quality Objectives in B.C, 1986)

### Authorization

means a permit, approval, licence, pollution prevention plan, operational certificate, order, certificate, pest management plan, certificate of compliance, conditional certificate of compliance, approval in principles (BCEPA)

### bio-accumulation

means the increase in levels of toxic substances in an organism and ecosystem over time due to continued exposure. This can only happen if the substances do not break down quickly and are essentially stored in some part of the organism. (Fox).

Bioconcentration of a biologically active contaminant as it moves up the food chain should also be considered under “bio-accumulation.” DDT in water could be present in ppb but as it moves up food chain in the top consumer it could appear as parts per million or even greater.

### Biodiversity”

-is defined as “the variability among living organisms from all sources including, *inter alia*, 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)

### Carbon sinks

-can be organic as in old growth forests or inorganic as in sedimentary rock

sinks and reservoirs of greenhouse gases, including biomass, forests and oceans, as well as other terrestrial, coastal and marine ecosystems.  
(Framework Convention on Climate Change, 1992)

### Contaminant

-is any solid liquid gas, odor, heat, sound, vibration radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect. (draft regulation for clean Air Program, 1990)

### Criteria (objective?)

-means numerical limits or narrative statements with respect to substances which provide policy direction on a provincial basis in the setting of objectives and standards. (BCEPA)

### Discharge

-the release into the air, land, water, soils, and sediment of substances

### Ecosystem

-is defined as "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)

### Environment

-means the components of the earth and includes:

- (a) air, water, land including soils and sediments
- (b) all organic and inorganic matter, including living organisms such as humans and non-humans
- (c) the interacting ecological systems that include components referred to in subclauses (a) and (b)

### Minor amendment

-means an amendment to a permit or approval for any of the following purposes:

- (a) a change of ownership or name;
- (b) a change of legal address or mailing address;

### Major amendments

-any amendment to a permit or approval which is not a minor amendment, as defined (Public Notification Regulation, May 1994)

THE CHANGES BELOW SHALL ALL BE DESIGNATED AS MAJOR AMENDMENTS;  
TOO MUCH DISCRETIONARY POWER GIVEN TO MANAGER

(d) and increase in; the authorized quantity of the discharge, emission or stored material that does not exceed 10% of the authorized quantity.

(e) a change in the authorized quantity of the discharge, emission or stored material such that, in the opinion of the manager, the change has or will have less impact on the environment;

(g) a change to the works, method of treatment or any other condition of a permit or approval such that, in the opinion of manager, the change has or will have less impact on the environment. (Public Notification Regulation, May 1994)

### Objective

-means numerical limits or narrative statement with respect to substances which provide policy direction for application in specified regions, air-shed or watersheds used in the setting of standards.

### Persistent

-means the property of a substance to resist degradation or decomposition in the environment (Fox)

### Pollutant

-includes not only chemicals but also heat, light and electro-magnetic radiation thermal discharges

### Polluting substance

-means any substance alone or in combination with other substances that causes or is capable of causing pollution if it were to escape into the environment (BCEPA)

### Pollution

-means the presence in the environment of a substance or an activity that

- (a) substantially alters the environment,
- (b) impacts on the functioning of the ecosystem substantially or may impair the equitable and ecologically sound use of the environment
- (c) or contributes to the diminution of the ecosystem by extracting substances that could cause the lessening of the functioning of the ecosystem

### Pollution prevention

-means to avoid the creation of polluting substances or to eliminate the release of these substances to the environment through a *hierarchy of activities including* the:

The following is a list of prevention measures that should be addressed concurrently:

1. Applying the principles of pollution prevention such as the precautionary and the anticipatory principles
2. The prevention of the use, generation and release of any substance into the environment in such a manner or quantity as to cause pollution (Pollution Protection Act)

3. The adoption of BEST — technologies that emphasize "protecting, conserving and sustaining the environment from the beginning, and thus avoiding the cycle of rectification of error.
4. The adoption of the "cautionary principle," which can be expressed as follows:  
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
5. The elimination of the use of polluting substances
6. The substitution of polluting substance with non-polluting substances that themselves may not become a polluting substance through concentration imbalance
7. The elimination and reduction in the generation of polluting substances
8. The elimination of, and reduction in, the generation of polluting by products;
9. The reduction and phasing out of non-renewable resources in the extraction of resources, the production of substances, and the disposal of wastes
10. Exclusion of substances of acute toxicity

#### Product stewardship

-means the responsibility of producers for demonstrating that the introduction of a substance or activity will not have harmful ecological consequences *sound environmental stewardship of products* from the point of design or extraction to the point of final use and/or disposal. (Municipal Waste Reduction Branch)

#### Significant amendment

(see above under minor amendment)

#### Substance

-means any product, by-product or waste, and includes sounds, vibrations, light, and radiation heat

#### Sustainability

-means the preservation/protection of nature and the equitable and ecologically sound use, *development and protection* of natural and physical resources which enable people to meet their needs and the needs of the ecosystem without compromising the ability of future generations to meet their needs and the needs of the ecosystem, and includes the following considerations.

(a) the maintenance and enhancement of the life-supporting capacity of the environment,

(b) *the efficient management of natural and physical resources.*

the preservation of ecological heritage

*(c) the use, development or protection of natural and physical resources in a way which provides for the social, economic and cultural needs and opportunities of present and future residents,*

the preservation/protection of nature and the equitable and ecologically sound use of nature in consultation with indigenous representatives from the inherent indigenous governmental bodies in the areas

(d) where the environment could be *is* modified by human activity, and where there could be a possibility of irreversible damage, the adverse effects of irreversible change are fully recognized then the activity shall not proceed

*and avoided or mitigated to the extent practicable.*

(e) the use, development or protection of renewable natural and physical resources so that their ability to yield long term benefits is not endangered. (BCEPA) through ecologically unsound and unsafe practices, and through culturally inappropriate practices.

#### Toxicity

-is the potential or capacity of a material of being harmful to the health of a living organism. (Fox)

NOTE THAT TOXICITY SHALL BE THE GENERIC TERM AND WOULD INCLUDE DISCHARGES THAT WOULD NORMALLY BE ADDRESSED UNDER HAZARDOUS AND ATOMIC WASTES

#### Zero use 1.

-zero use, production, and release of persistent and /or bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero. (Zero toxicity Coalition, July. 1994)

## PART 6. ENVIRONMENTAL BILL OF RIGHTS

THE FOLLOWING BILL OF RIGHTS WAS PROPOSED BY THE BRITISH COLUMBIAN GOVERNMENT, AND THEN WITHDRAWN. THE FOLLOWING IS THE DRAFT DOCUMENT WITH COMMENTS FROM A FEBRUARY MEETING WITH ENVIRONMENTAL GROUPS, AND WITH COMMENTS BY JOAN RUSSOW WHO ATTENDED THE MEETING IN VANCOUVER.

LEGEND:

PLAIN ITALICS: PROPOSED DOCUMENT

UNDERLINED: STATEMENTS FROM OTHER DOCUMENTS

**BOLD: ADDITIONS FROM FEBRUARY 19 MEETING OR BY RUSSOW**

Environmental Bill of Rights

Public Trust

30. (1) Every resident of British Columbia has a right to protect the environment and the public trust from any pollution, impairment or destruction

(2) The government, as trustee, has a duty to conserve and protect the environment of British Columbia

**3. Citizens of British Columbia have the right to have the environment conserved and protected (Suggested Environment meeting, February 19)**

4. Citizens of British Columbia have to right to expect that no person shall **use generate or release**, waste or recyclable maters, or any other substance (**including fugitive gas or leachate**) into the environment in such a manner or quantity as to cause pollution **[moved from 41 (1) (Suggested Environment meeting, February 19)**

**5. Citizens of British Columbia have the right to expect that the government will live up to its obligations (Doctrine of Legitimate Expectation)**

**6. Present and future generations of British Columbia have the right to an ecological heritage (Suggested Environment meeting, February 19)**

**7. ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the act (Suggested Environment meeting, February 19)**

Right to request that a substance be added

Any person may file in writing with the Minister a request that a substance be added to the Priority Substances List and the request shall state the reasons for adding the substances to the List. (CEPA 12.4)



Where the Ministers make an assessment referred to in subsection (1) and decide not to recommend that the substance be added to the List of Toxic Substances in Schedule 1, any person may, within sixty days after publication of the decision in the Canada Gazette file a notice of objection with the Minister requesting that a board of review be established under section 89 stating the reason for the objection. (CEPA 13.2)

Where a substance has been specified on the Priority Substances List for a period of five years and the Ministers have not yet assessed whether the substance is toxic or capable of becoming toxic, any person may file a notice of objection with the Minister requesting that a board of review be established under section 89 (CEPA 14)

#### Right of action

31. (1) The Attorney General or any resident of British Columbia may commence an action in the Supreme Court against any person who has polluted or otherwise degraded the environment and the public trust or who is likely to do so.

2. A person may commence an action under subsection (1) without having to establish that there is, has been or is likely to be an infringement of an authorization issued under this Act or an approval, permit, licence, standard, regulation, rule or order issued by or under an Act listed in Schedule A.

3. A person who commences an action under subsection (1) shall provide notice of the proceedings to the Attorney General and the Minister.

4. This section does not abrogate those common law rights that would normally be available to a plaintiff to commence an action.

5. The need for intervener funding

#### Standing

32 A person may commence an action under section 31 without having to show that he or she has

(1) Any greater or different right, harm or interest than any other person; or

(2) any pecuniary or proprietary right or interest in the subject matter at issue.

#### Burden of proof.

33.

**(1 a) 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**

**If the proposal involves anything that could be hazardous, 0 emissions and waste must apply; if not, the lowest achievable discharge rate should apply (February 19, discussion)**

(1 b) the plaintiff shall establish a prima facie case showing that **the defendant's proposed activities are likely to pollute or degrade the environment**

(1) the plaintiff shall establish a prima facie case showing that the defendants' activities have polluted or degraded the environment or is likely to do so

(1 c. In a prosecution for a contravention the burden of proving compliance is on the defendant [Section 46, ss 4]

*2. Where a prima facie case under subsection (1) is established, the defendant may rebut the prima facie case by showing that there is no feasible and prudent alternative to the defendant's action*

**[If so, there must be some criteria for determining feasible and prudent alternatives in the light of the purpose of the Act; "providing prevention, conservation and sustainability of the environment" determined by an advisory, non-vested interest board or panel with representation from varied areas of expertise and experience]**

*3. It is a defence to an action commenced under this Act that the defendant's action is authorized under this act or an Act listed in Schedule A, unless the plaintiff can establish, on balance of probabilities, that the standard is inadequate to protect the environment and that the defendant's action has caused, or is likely to cause, severe or irreparable contamination or degradation of the environment.*

**The burden of proof must be on the defendant to demonstrate that the defendant's action has not caused or is not likely to cause, severe or irreparable contamination or degradation of the environment (Discussion, February 19)**

Limitation Period

34. The limitation period for an action under section 31 of this Act is postponed and time does not commence to run until the plaintiff becomes aware or ought reasonably to have become aware, of the identity of the defendant and of the material facts surrounding the claim.

Appointment of minister's environmental mediator

37 (1) Subject to section 140, the Minister may, *where he or she deems it advisable* **where it is deemed advisable** and where the conflicting parties concur, appoint an environmental mediator acceptable to the parties to mediate between persons involved in an environmental conflict.

(2) When a mediator is appointed under subsection (1), the mediator shall, within 6 weeks after completion of the mediation, report to the results of the mediation to the Minister and the parties;

38 (c) award damages to (iv) any person who has a concern for the environment

39 ...licence, standard, regulation, rule or order issued under an Act listed in Schedule A affects **the environment** and rights of a person, **any person** shall be furnished with a written statement of the decision setting out....**(c) any dissenting opinions should be made public. (Discussion, February 19)**

**Freedom of information**

**-under the guise of client/solicit relation or confidentially shall not prevent the revealing, disclosing information about any actions that could have .... [wording from purpose]**

#### 40. Whistleblower protection

(1) for the purposes of this section “employee” includes:

- (a) a person, including a deceased person, in receipt of or entitled to payment for labour services performed for another
- (b) a person whom an employer allows, directly or indirectly, to perform work or service normally performed by an employee, and
- (c) a person being trained by an employer for the purpose of the employer’s business.

Where a person has knowledge of the occurrence or reasonable likelihood of a release into the environment of a substance specified in the List of Toxic Substances in Schedule 1, 37 [ but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an inspector or to any person to whom a report may be made under section 36. (CEPA, 37) of a substance in contravention of a regulation made under section 54. (CEPA 58) Request of confidentiality.

A person may request that the person’s identity and any information that could reasonably reveal the identity not be released. (CEPA37 2, and 58.2)

#### Requirement for confidentiality

Where a person makes a request under subsection (2) no person shall release or cause to be released the identity of the person making the request or any information that could be reasonably be expected to reveal the identity, unless the person making the request authorizes the release in writing. (37.3)

2) For the purpose of this section, “employer” includes a person who(a) has control or direction of, or  
(b) is responsible, directly or indirectly, for the employment of an employee, and includes a person who was an employer

3. No person shall dismiss, threaten to dismiss, cause to be dismissed, discipline, coerce, discriminate against, or impose any type of penalty on an employee or an authorized representative of an employee, because the employee or representative  
(a) has reported or proposed to report any violation or perceived violation of this Act or an Act listed in Schedule A or  
(b) refuses to carry out work that the employee reasonably believes would be or would lead to a violation of this Act or an Act listed in Schedule A

Notwithstanding any other Act of Parliament, no employee of a department, board commission or agency of the Government of Canada, or of a corporation named in Schedule III to the Financial Administration Act or of a federal regulatory body shall be disciplined, dismissed or harassed for making a report under subsection (1) (CEPA 37.1and , 57.4

(4) Employers shall keep their employees informed of the protection available under this section

(5) A person who alleges that he or she has been treated in a manner contrary to subsection (3) may file a complaint with the board in the manner set out in the regulations.

(6) The board shall cause an investigation to be made upon the filing of a complaint, and may dismiss a complaint without a hearing where it appears to the board that (a) the employee or representative was proceeding in bad faith or for an improper purpose. **[as defined by the purpose of the act]**

7. The board may conduct a hearing into the complaint, and if the board is satisfied that the employer has contravened subsection (3) the board may make an order directing the employer to do any or all of the following:

(a) cease doing the act or acts complained of

(b) rectify the act or acts complained of

(c) reinstate the person aggrieved with compensation

(d) compensate the person aggrieved in lieu of reinstatement for the loss of earnings or other employment benefits

(e) pay general damages, special damages or pecuniary damages to the employee.

(8) the board may award either party all or a portion of the costs of the hearing as it considers appropriate.

§

## [Further comment to come on subsequent sections]

Contaminant is any solid liquid gas, odor, heat, sound, vibration radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect. (draft regulation for clean Air Program, 1990)

### OTHER CONSIDERATIONS

#### PURPOSE:

*The purpose of this policy is to establish a framework for setting province-wide discharge criteria and standards designed to protect the environment, to integrate environmental, economic, social considerations and to ensure that sustainability is achieved to ensure that sustainability is achieved [Deleted October]*

*[The purpose of this policy is to establish a framework for setting province-wide criteria and standards by integrating environmental and economic decision-making to the mutual benefit of both.] October 18. (Note that in this suggestion for the purpose “environmental and” had been crossed out.)*

Comprehensive protection of the environment and public health including the most sensitive members of the population.

October 20 version of purpose:

*The purpose of this policy is to establish a framework for setting province-wide discharge criteria and standards designed to protect the environment and to promote sustainability by integrating environmental, economic and social considerations.*

proposed by October Committee meeting: Joan Russow, did not concur with purpose of statement of purpose for the following reasons:

1. it did not include a commitment to prevention
2. it did not ensure that the ecosystem shall be given primacy
3. it was not broad enough to include the essence of the following components:

- To establish a framework for the setting of province-wide enforceable mandatory standards and technical regulations designed to ensure the preservation and protection of the environment and the equitable and ecologically sound use of resources, for present and future generations, taking into consideration the advice of indigenous representatives from the inherent indigenous governmental bodies in the area [The standards and technical regulations must be mandatory and emphasis prevention through elimination and toxic use reduction rather than emissions reduction. (added February 20)]

- to extend this framework to address not only the discharge of substances into the ecosystem but also the diminution of the ecosystem through extractive practices that could cause the reduction or loss of biodiversity or the elimination of carbon sinks. The substances discharged could be toxic or non-toxic. Toxicity has been defined as the potential or capacity of a material of being harmful to the health of a living organism (Fox) (biosphere). Non-toxic substances can through impacting on the non-living environment cause environmental degradation which subsequently causes harm to the biosphere (Agents of ecological degradation). For example, CFC's are not deemed toxic

yet through causing depletion of the ozone layer cause harm to living organism. In addition, there are substances that are themselves naturally occurring and harmless but become harmful to the environment when through anthropogenic activity they are increased or decreased in proportional concentration (re concentrated substance—created through imbalance in bio-geochemical cycles).

- To ensure that the bearing of unacceptable risks by disadvantaged groups and individuals, particularly in the guise of job creation is discontinued. For example, in Meadow Lake Saskatchewan, the native community has accepted the use of their land as a permanent disposal site for nuclear wastes from the US military
- to apply principles that will enable the setting of high mandatory standards and technical regulations and that will encourage the development and implementation of prevention technology— ecologically sound technology or environmentally benign technology (Best Ecologically Safe/Sound Technology/Techniques—BEST). BEST is based on the true invocation of International principles, such as the precautionary principle, anticipatory principle, environmental assessment principle, life cycle analysis principle, responsible care principle, cradle to grave principle, polluter pay principle, recognition of inherent worth of nature principle. BAT in contrast to BEST may not necessarily be benign or ecologically sound. In the event that there is no BEST which can prevent the release of persistent or bio-accumulative 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 BEST.
- to ensure that proposed technologies that appear to be ecologically sound such as closed-circuit technologies are evaluated in the context of the full life cycle analysis within the environmental context. The environmental context involves examining the potential impact of supplemental industrial activities, as well as “cross-Media Impacts” in the relevant impact area. Often a technology will be presented as being ecologically sound because it is closed circuit; however, it could be that, because of the reliance on other resources such as water, the problem could be compounded by the presence of contaminants in the water through the activities of adjacent industries. For example, in a proposed closed-circuit operation the required water is drawn from a source contaminated by the precursor elements to the formation of dioxins; the proposed closed-circuit operation by using catalysts such as copper and nickel along with heat, could cause dioxins to be formed and emitted through the air. It would consequently not be enough to claim that a system is a closed system to justify as an appropriate technology, if the closed system itself is dependent upon potentially adverse transformation processes within the larger environmental context.
- to ensure that a mass balance calculation—a measurement of all of the input material/ a measurement of all the output including the finished products and emissions is carried out.

- to ensure that industry will be held responsible for past ecological harm and past health effects caused through contaminated discharge, and that when in documents there is a provision for carrying out a “clean-up of major long standing environmental and work place health problems” it will apply to past damage to the environment and to the workforce, as well as to past off-site damage to the ecosystem and to human health.
- to ensure that the setting up of Provincial Task Forces to assess past health effects of contaminated discharge does not effect a person’s rights to sue industry for the health effects caused from the contaminated discharge and emissions.
- to ensure that obligations are undertaken in good faith, that the reduction in contaminants will be in areas where they will have impact, and to ensure the implementation of the “greatest impact reduction principle.” Often when regulations are put in place for reduction, governments follow the path of least resistance . For example, in the reduction of CFC’s the regulations are applying for the reduction in production to refrigerators and car air conditioners (R12) and not applying to industrial uses(R12).
- to ensure that the public is presented with the real alternatives: the convenience product and contaminants in the ecosystem, and health impacts or less convenient product and no contaminants in the ecosystem and no health impacts.
- to ensure that compliance with high enforceable mandatory standards and technical regulations, and that adoption of BEST, will not place B.C. industry at a disadvantage because of an “uneven playing field.”
- to ensure that there is a provision for the transference of funds from federal and provincial discretionary budgets, such as the federal military budget to assist industry in its compliance, and conversion to BEST.
- to undertake to assist industry in the phasing out of ecologically unsound practices and substances and in the conversion to ecologically sound practices and substances.
- to reevaluate federal and provincial (Ministry of Employment and Investment) “commercial assistance” designed to bolster employment in ecologically unsound industries through the purchase of “equity shares”, “fee concessions” the “job Protection Act” (1991) or “job Protection Commission” (1992). Often government funding is designated for attempted mitigation of the adverse environmental effects rather than through the development of BEST.
- to similarly assess the value of maintaining the production of a product through an ecologically unsound process in one province when a similar product can be produced in an ecologically sound way in another province. For example, Flax stalks — ideal for the production of paper, are being burned in Saskatchewan, while B.C. continues to reduce biodiversity in the forests and to pollute the waters in the production of paper.

- to reassess current government targets in the light of recent zero emissions recommendations, and in the light of the recent EPA findings.
- to consult with non-vested interest (i.e. financial interest) members of the public with a wide range of expertise and experience during all levels of the development of the framework, including the determination of the terms of reference and thought all states and stages of the process of developing the Framework.
- to take into consideration when evaluating BEST, the land base from which the resources are extracted such as the extraction of resources from indigenous territories beyond the treaty frontier.
- to ensure that the ecosystem is given primacy through ecological preservation and equitable and ecologically sound use of resources, and that indigenous representatives from the inherent indigenous governmental bodies in the area are consulted.
- 
- to ensure that the ecological rights of present and future generations are protected

### 1.2.3. ADDITIONAL INTERNATIONAL PRINCIPLES

#### ACKNOWLEDGMENT OF URGENCY OF CONSERVING NATURE

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 (World Charter of Nature)

#### ENSURING THE INHERENT WORTH OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [human], and to accord other organisms such recognition's (World Charter of Nature)

#### ACCEPTANCE OF NEED FOR MORAL CODE OF ACTION IN RESPECT OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans], and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (UN Resolution 37/7) World Charter of Nature)

#### RECOGNITION OF INTERCONNECTEDNESS WITH NATURE

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).

#### COMMITMENT TO NON-TRANSFERENCE OF HARMFUL SUBSTANCES AND ACTIVITIES



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 (Rio Declaration, UNCED)

AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.

recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate (16.3. ii, Agenda 21)

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#### 1.2.4. ADDITIONAL PRINCIPLES THAT SHOULD BE INCORPORATED INTO THE DRAFTING OF THE FRAMEWORK

ENUNCIATION OF THE PRIMACY OF THE ECOSYSTEM PRINCIPLE  
Ensuring that in all decisions made about the environment that the ecosystem be given primacy

RECOGNITION OF LIMITS TO GROWTH PRINCIPLE  
There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are implications of their imminent approach (Knelman)

PRINCIPLE OF COOPERATION WITH AND NON-DOMINATION OVER NATURE  
Humanity's role is to understand and work with the rest of nature, not control, manage, dominate or conquer it

NON-QUANTIFIABILITY OF ECOLOGICAL VALUES  
Ecological values are of a class not readily quantified particularly in economic units but must be taken as a given, in that all life is dependent on sustaining the biosphere, the exclusive life-support system (Knelman)  
No pecuniary payment of costs for environmental destruction can ever fully redress the loss to the environment, the prevention of pollution and environmental destruction should be reaffirmed by using "prevention technologies"

ENUNCIATION OF THE "CAUTIONARY" PRINCIPLE (REVERSE - ONUS)  
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

[NOTE THAT THE HONORABLE SHEILA COPPS, THE MINISTER OF ENVIRONMENT OF CANADA HAS CALLED FOR THE IMPLEMENTATION OF THE REVERSE ONUS.]

#### NON-INTRODUCTION OF HAZARDOUS PRODUCTS IN THE ENVIRONMENT PRINCIPLE

-the onus of proving the non-hazardous nature of the product will be on the proponent of this new type of product [after a full life cycle analysis of all the potential environmental harm has been done by non-vested interest (i.e. financial interest) parties]

#### INCLUSION LEGISLATIVE PRINCIPLE

-ensuring that every activity or substance that could prevent the protection, conservation and sustainability of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19)

#### NON-PROSECUTION FOR ADVOCATING PURPOSES OF THIS FRAMEWORK OF MANDATORY STANDARDS AND TECHNICAL REGULATIONS PRINCIPLE

-ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the framework

#### COMPENSATION NOT JUSTIFICATION FOR NON-FULFILLING OF DUTY PRINCIPLE

-ensuring that compensation can never be used as reason for not exercising the duty to protect, conserve and sustain the environment

#### COUPLING-AVOIDANCE PRINCIPLE

#### ON-ACCEPTANCE-OF- "ENVIRONMENT-INDUSTRY"- BEING- COUPLED-WITH-THE-TOXIC- WASTE-PRODUCTION-INDUSTRY- PRINCIPLE

The coupling of a "clean-up environment" industry with a toxic waste producer shall not be used to justify the continuation of the production of toxic waste.

#### SOLUTION-WORSE-THAN-PROBLEM-AVOIDANCE PRINCIPLE

The advocating of a "solution" that is potentially worse than the problem to be addressed shall be avoided. For example, the civil nuclear power industry is promoting nuclear energy as the solution to climate change.

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### 1. 3. COMPLYING WITH PREVENTION PRINCIPLES IN NAFTA

#### NON-RELAXATION OF STANDARDS TO ATTRACT INVESTMENT

The Parties recognize that it is inappropriate to encourage investment by relaxing domestic health, safety or environmental measures.

Accordingly, a Party should not waive or otherwise derogate from, or offer to waive of otherwise derogate from such measures as an encouragement for the establishment, acquisition, expansion or retention in its territory of an investment of an investor. If a Party considers that another Party has offered such an encouragement, it may require consultations with the other Party and the two Parties shall consult with a view to avoiding any such encouragement, (NAFTA Article 1114 ss 2).

#### 1.4. COMPLYING WITH SIGNIFICANT FEDERAL PRINCIPLES

##### CAUTIONARY OR "REVERSE ONUS" PRINCIPLE

The proponent of an intervention into the ecosystem shall demonstrate the safety of the intervention rather than the opponent of an intervention, being required to demonstrate, harm (Proposed by The Federal Minister of Environment

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#### 6. COMPATIBILITY OF FRAMEWORK WITH POLLUTION PREVENTION

##### *HIERARCHY*

Pollution prevention means to avoid the creation of polluting substances or to eliminate the release of these substances to the environment

The setting up of pollution prevention in the form of a hierarchy will weaken the resolve to address the urgency of the problem of pollution. There should be high pollution prevention mandatory standards and technical regulations in place to drive industry to develop BEST. Industry, if given the opportunity, will probably take the path of least resistance and opt for the lowest rung in the hierarchy.

The Framework of enforceable mandatory standards and technical regulation shall be based on the principles of pollution prevention: The following is a list of prevention measures that shall be addressed concurrently:

1. Applying the principles of pollution prevention such as the precautionary and the anticipatory principles:
2. The prevention of the use, generation and release of any substance into the environment in such a manner or quantity as to cause pollution (Pollution Protection Act)
3. The adoption of BEST — technologies that emphasize "protecting, conserving and sustaining the environment from the beginning, and thus avoiding the cycle of rectification of error.
4. The adoption of the "cautionary principle" 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:

5. The elimination of the use of polluting substances
6. The substitution of polluting substance with non-polluting substances
7. The elimination and reduction in the generation of polluting substances
8. The elimination of, and reduction in, the generation of polluting by products;
9. the reduction and phasing out of non-renewable resources in the extraction of resources, the production of substances, and the disposal of wastes
10. Exclusion of substances of acute toxicity

*5.7. We will ensure that the province-wide criteria are compatible with the pollution prevention hierarchy.*

Pollution prevention means to avoid the creation of polluting substances or to eliminate the release of these substances to the environment *through a hierarchy of activities including the following :*

- (a) Avoidance, elimination or substitution of polluting products;
- (b) *Reduction in the use of pollution products;*
- (d) *Reuse and recycling of polluting by-products;*
- (e) *Recovery of energy from polluting by-products; and if necessary,*
- (f) *Treatment and containment of pollution residual by-products;*
- (g) *Remediation of polluting residual by-products.*

( )

( ) THAT, 1995 AUGUST 24  
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/equal 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,

Public International La

**STATES HAVE CONTINUALLY BEEN PREPARED TO DEDICATE THEMSELVES TO ACHIEVING THE GOALS OF THE UNITED NATIONS CHARTER. THEY ARE, HOWEVER, NOT PREPARED TO DISCHARGE YEARS OF OBLIGATIONS AND EXPECTATIONS. THE GLOBAL COMPLIANCE RESOLUTION CALLS UPON STATES TO DISCHARGE YEARS OF OBLIGATIONS AND FULFILL YEARS OF EXPECTATIONS WHICH IF DISCHARGED AND FULFILLED WOULD DEMONSTRATE THE DEDICATION OF STATES TO ACHIEVING THE GOALS OF THE UNITED NATIONS.**

## EXHIBIT

( ) THAT in 1995 at a session on the Implementation of Agenda 21, I proposed that the Doctrine of Legitimate Expectations be used to persuade states to comply with commitments made through Conference Action Plans; Nitun Desai, the Undersecretary of the UN asked me if I would send him information about the Doctrine [which I did]

## EXHIBIT

### **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).

( ) THAT in 1995 we organized events for the Brazilians who came to Canada as part of the ERA /ECOTROPIC Interdependence of issues project

The project was presented at the plenary of the British Columbia Environmental Network at the 1995 Annual General Meeting. The project was discussed further at the International Affairs Caucus meeting. A network has been established bringing together individuals and groups with a wide range of expertise and experience. This network has representatives from academic community from B.C. and Brazil, and advocates for a wide range of issues, environment, peace, development, social equity, human rights.

To begin to set up a network of individuals we planned several meetings. The first meeting was planned to bring a representative, Ulisses Confalonieri of Ecotropic, to B.C. to meet with the B.C. representatives of the project who were discussing the interdependence of issues. It was suggested by several members in B.C. that a native leader should also be invited to come from Brazil. Ecotropic was contacted and agreed that they thought that the native leader would make a



significant contribution to the project and they arranged to bring a native leader. The Native leader, Marcos Tereno, had been responsible for coordinating the meeting of indigenous peoples in Rio for UNCED. EDSP was contacted about the change in the project.

### Meeting in B.C.

The first meeting was held in British Columbia where the participants included members of the International Affairs Caucus, some representatives of other organizations, and the two Brazilians. The Brazilians then took the ideas from the B.C. meeting back to Brazil where they presented them at a series of meetings held in Brazil.

The members of the International Affairs Caucus of the British Columbia Environmental Network were invited to attend a meeting on Wickinish Island off the coast of Vancouver Island. For the exploratory phase the participants in the project were asked to fill out a questionnaire indicating the nature and the level of their involvement in the exploratory project.

At the end of April, the International Affairs Caucus of the BCEN met. There was considerable interest in the Brazil/Canada Project. There are presently over 35 groups represented in the International Affairs Caucus.

Two Brazilians came up for the project: Ulisse Confaloneri, and Marcos Terena. Marcos Terena is currently the president of the Intertribal Committee. At UNCED he was the co-ordinator of the meeting of indigenous peoples. Ulisses Confalonieri is Vice President of Ecotropic, and is Vice President of the Brazil wing of an International Physicians organization. He is a professor at the University in Rio, and works in the Ministry of Health as a specialist in indigenous medicine.

The Brazilians arrived in Victoria on May 30. Several events were organized in the local community prior to the meeting on the Island. On Wednesday they met with Ministry of Health representative who specializes in indigenous medicine. On Thursday Morning they attended a special meeting with one of the Saanich Indian Bands. On Thursday they were present at a luncheon at the Faculty Club attended by representatives from the ERA and by the Consul of Brazil, professor in anthropology and Latin American studies, and several other Brazilians. An evening presentation was sponsored by the Native Association at the University of Victoria, and by the local Central and South American Support Group. At that evening's presentation, the public and the University community was introduced to the Project, Integration and Interdependence of Issues. Both representatives from Brazil spoke to the audience on issues related to the project and to Brazil generally.

All the members of the International Affairs Caucus were invited to attend the meeting on Wickinish Island near Tofino, B.C. Some of the members were not able to attend so the meeting was opened up to other individuals who would reflect different aspects of the interdependence of issues. For example, a lawyer who is the president of the Vancouver Human Rights Coalition, and a Chinese-Canadian sociologist who did her doctorate on Global Change were invited. Over fifty people were contacted about their participation in developing the project. About 40 individuals representing different groups within the International Affairs Caucus of the BCEN along with other individuals who were interested in the Project met on the island.

On the way to the Island, the group met with Merv and Ann Wilkinson at Wildwood, and had an opportunity of being introduced to his way of working in an interdependent way with the forest.

The Group was comprised primarily of academics, advocates and activists. Lucia Lopes, a member of the ERA, and Veronica Armstrong assisted Marcos and Ulisses with translation throughout all of the meetings. As well as attending the meeting on interdependence of issues, Ulisses and Marcos had an opportunity to meet with various members of the Indian bands on Vancouver Island. They returned from Wickinish late on Monday night. On Tuesday morning, they were invited to attend a special meeting arranged by B.C. Aboriginal Affairs that was organized for a visiting Delegation of Australian Aboriginal peoples. On Tuesday there was a meeting between ERA Ecological Rights Association and Ulisses and Marcos, to discuss the future direction and next phase of the project.

### Meeting in Rio de Janeiro

Two group discussions were held with the Ecotropic staff in Rio de Janeiro in the months of April and May. In the first meeting, the general background for the discussions were set and in the second, five papers prepared by members were presented and discussed. These covered the areas of climate change, population issues, native issues, biodiversity, technology for the Third World and public health. An input was also received from two invited participants from the city of Brasilia.

The components of the group were:

- Ulisses E.C. Confalonieri - physician
- Heitor N. Damazio - climatologist
- Rui Cerqueira - ecologist
- Marcelo Firpo - engineer
- Ana Costa - anthropologist
- Carlo Castro - forestry engineer
- Milena Duchjade - demographer

After the return from the trip to Canada and to the Amazon, a meeting of the Board of Directors was held to explain what happened in Canada, to discuss the perspectives for the continuation of the Interdependence of Issues Project as well as matters regarding Institutional Development.

### Meeting in Belem

In the month of June (16th to 19th), the vice-president of Ecotropic traveled to the city of Belem to meet with the Amazonian branch of Ecotropic which has been very active on social and community issues in the last few years. A one-day meeting was held with Francisco Martins, the local coordinator, and the other members of the organization. The main topics covered were the social and environmental problems in the Amazon. After that, a weekend trip was made to the municipality of Baiao, located at the region of the lower Tocantins River. Meetings were held with members of three local organizations: The Association of Small Farmers, the Union of Rural Workers and Women's groups. One of the meetings was in a small riverine community where a water supply project was established by Ecotropic with the aid of German NGO's. The main topics discussed were subsistence problems, environmental and health issues and women's participation in the community decision making. The communities in the region were severely affected by the construction of the big dam at Tucuruí in 1982 which supplies hydroelectricity to

the huge mining project in Para. The consequence of the dam construction on local communities were a sharp decline in the stock of nine fish species, poor water quality, and also no electricity was provided to local communities after dam construction.

## EXHIBIT

**( ) THAT in July 1995, we worked on set of principles of sustainability**

## EXHIBIT

### CONDITIONS FOR GLOBAL SUSTAINABILITY

Dr Fred Knelman and Joan Russow

**The recognition of the interdependence of the guaranteeing of human rights, the preservation and protection of the environment, the removal of the threat of war and attainment of peace, and the participating in socially equitable and environmentally sound development**

1. A stable world population, whose size is within the carrying capacity of the earth, *to sustain as far as basic needs*

**- The fulfillment of basic needs including the right to food, shelter, safe environment, and universal health care, and the guaranteeing of fundamental human rights**

2. All use of renewable resources at a rate of consumption not exceeding the capacity for regeneration, i.e. true sustainable yield of all-natural resources (will not be maximum sustained yield).

3. All use of non-renewable resources at a rate of consumption equal to the rate of replacement by substitutes and renewables.

4. A low throughput of all non-renewable-based products by prior design, i.e. a high level of durability (low depletion rates).

5. All products using non-renewable materials to be designed for re-use, recycle and timely replacements

6/. all environmental impacts at a level commensurate with the assimilative capacity of the environment

7. All energy from renewable resources at a rate equal to their replacement of non-renewable energy sources;

a) both fuels and electricity ex renewables;

b) a moratorium and phase-out of nuclear power

**No solution shall be deemed as a solution it creates equal or more serious problems ( e.g.. Nuclear power is not the solution to preventing climate change)**

An equitable distribution of resources and opportunities to all persons on earth

9. Ecological rights, i.e. the protection of the integrity of ecosystems to be universally recognized and entrenched in national and international law.

**to respect the inherent worth of nature beyond human purpose**

10. Universal participatory democracy **based on a firm foundation of globally established principles**

11. A universal system of anticipatory process embodying the precautionary principle, the inclusion **of the costs of ecological harm**, environmental and *social* assessment, and the promotion of socially equitable ecologically sound development

12. A global governance system for common security **based on established international principles, standards and regulations** with powers to enforce

13. A high level of decentralization and social diversity within the bounds of common security EXPAND CLARIFY

14. **“preparing for peace not war” (Knelman, at Defence hearing), based on prevention and involvement of NGOs who are knowledgeable of the culture and language in areas of potential conflict.** A mediation system for inter-nation conflicts

15. Universal guaranteed annual income supported by acceptable rules

**Inter-generational equity - to ensure that current practices and activities will not jeopardize the rights of future generations to a safe environment and to their ecological heritage**

- **the reduction of the military budget and transference of the peace dividend to socially equitable and environmentally sound development**

- **the revocation of charters of the transnationals that have contributed to violation of human rights, to degradation of the environment, the escalation of conflict, and the denial of social justice**

- **Standards shall not be relaxed in order to attract industry**

- **principle shall drive industry rather than industry driving principle. High regulations shall be established to encourage the development of BEST (Best ecologically sound techniques)**

- **Bad money should not drive out good (Knelman)**

• **extraterritoriality principle shall not be used to justify the transfer substances and activities that are harmful to human health or to the environment.**

( ) **THAT** in 1995, I received a CIDA exploratory grant to carry out a comparative analysis in Canada and Brazil on the approaches in the two countries related to the complexity and interdependence of issues: peace, environment, social justice and human rights

EXHIBIT

PROJECT TITLE: INTEGRATION AND INTERDEPENDENCE OF ISSUES:  
CANADA/BRAZIL STUDY

Please find enclosed the following documents.

- Letter of support from Ecotropic group
- Authorization from the ERA Ecological Rights Assoc.
- Project: Integration and Interdependence of issues: Canada/Brazil Study
- Outline of previous projects from the ERA
- Outline of previous projects from Brazil
- Overview of principles of Ecotropic
- Charter of Ecological Rights



## 1. PREVIOUS CONTRIBUTIONS:

The Chair of the International Affairs Caucus worked on the final draft of the NGO Earth Charter at the Global Forum at UNCED. The International Affairs Caucus has been circulating and working on a Charter of Ecological Rights which sets out a basis drawing from accepted international principles. This Charter along with a preliminary Charter of Rights and Responsibilities - linking human rights, peace and Environment issues could be used as initial discussion pieces.

### ERA ECOLOGICAL RIGHTS ASSOCIATION

The ERA Ecological Rights Association has been formed for the purpose of lobbying for the enshrinement of ecological rights in the Canadian Charter of Rights and Freedoms, (and in other national charters or constitutions), for the establishment of an institutional framework to ensure that these ecological rights are protected, for a UN. Covenant for the protection of Ecological Rights, for the inclusion of ecological rights within trade agreements, for the criminalization of acts causing ecological damage, for access to the courts for individuals and community groups wishing to prevent the destruction of their ecological heritage, for monitoring and reporting on compliance with international obligations and with federal and provincial statutes, and for documenting and compiling definitions and descriptions of what would constitute ecological rights.

ERA Ecological Rights Association, Victoria, B.C., Canada

Contacts:

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Dr. Fred Knelman Director of Research 4-4631 Lochside Victoria, B.C.  
Ph/FAX(604) 658-2740

## PROJECTS:

### ANALYSIS OF INTERNATIONAL OBLIGATIONS

- Carried out a content analysis of international documents. such as the following International legal instruments and UN resolutions:

A preliminary analysis of the following international instruments and documents has been completed by Joan Russow. The documents include the following:

- (i) legally binding International Conventions, Treaties, Covenants and Declarations
- (ii) Globally adopted UN documents and resolutions
- (iii) Globally adopted NGO documents and resolutions

### HUMAN RIGHTS INSTRUMENTS:

International Declaration of Human Rights (1948), International Covenant of Economic, Social and Cultural Rights (date), International Covenant of Civil and Political Rights (1976), Convention on the Political Rights of Women (1953), Slavery Convention signed at Geneva, 1926 and amended by the Protocol (1953), Convention on the Nationality of Married Women (1957), *International Convention on the Elimination of All forms of Racial Discrimination* (1966); Convention on the Elimination of all Forms of Discrimination against Women (1975)\*, UN Convention on the Rights of the Child (1989), Youth Treaty (1992)

#### ENVIRONMENTAL RIGHTS INSTRUMENTS:

Stockholm Conference on the Human Environment (1972), 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 General Assembly Resolution 35/8 "Historical Responsibility of States for the Preservation of Nature for Present and Future Generations* (1980), World Charter of Nature (1982), Vienna Convention for the Protection of the Ozone (1985), ASEAN Agreement on the Conservation of Nature and Natural Resources (Kuala Lumpur, 1985),

Montreal Protocol on Substances that Deplete the Ozone Layer (1987) (including London and Copenhagen Protocols), *Convention for the Control of Transboundary Movements of Hazardous Wastes (Basel Convention, 1989)*, International Chamber of Commerce: Business Charter for Sustainable Development (1992), Rio Declaration and Agenda 21\*\* (1992), Convention on Biological Diversity, (1992), UN Framework Convention on Climate Change (1992),

#### PEACE INSTRUMENTS:

*Non-proliferation Treaty of nuclear weapons* (1968); *The Atmospheric Test Ban Treaty : Prohibiting the testing of Nuclear weapons in the Atmosphere* (1963); *Strategic Arms Limitation Talks (SALT 1 & II)* ; *Strategic Arms Reduction Treaty (START I (1989) & II (1992) :* *Comprehensive Test Ban Treaty (in progress) meeting, August 1995)* . *Treaty of Tlatco (declaring South America as a nuclear Free weapons zone.)*

The Vienna Convention on the Law of Treaties (1969)

#### INTERNATIONAL NGO RESOLUTIONS AND DOCUMENTS:

The Imperative of Equity: the Missing Dimension of UNCED: Statement of the South Asia NGO Summit, New Delhi, February 17-19, (1992), Earth Charter, (Global Forum, 1992), *NGO Treaty on Militarism, Environment and Development ( Global Forum, 1992)*, *NGO Treaty on Population, Environment and Development (Global Forum, (1992)*; *NGO Treaty on "Overconsumption" (1992)*



- Reviewed international documents such as the UNCED Forest Principles document, and indicated its inconsistency with other international documents;
- Did a content analysis of the UNCED documents, and extracted over 200 principles enunciated in those documents.
- Prepared a content analysis of Agenda 21 and other UNCED documents for a work shop organized by the United Nations Assoc. (July 1992)
- Gave numerous workshops on international obligations to groups like the 1994 B.C.E.N. Annual General Meeting, Western Canada Wilderness Committee, the West Coast Environmental Youth Alliance, the Friends of Clayoquot Sound, and the Forest Action Camp, the Environmental Law Conference (University of Victoria), and the International Law Caucus, B.C. Bar Association

#### ANALYSIS OF FEDERAL LEGAL DOCUMENTS

- Reviewed federal documents such as the proposed Charlottetown Accord - the proposed Constitutional document, and submitted a proposal to extend "the right to security" to include the right to common security (including environment and human rights provisions)
- Sent a submission to Government for the entrenchment of ecological rights in the Charter of Rights and Freedoms, and presenting a brief to the Constitutional Committee.
- Proposed more stringent provisions drawn from international principles for the CIDA (Canadian International Development Agency) guidelines for international projects, and indicated the inconsistency of these documents with other international and federal documents.

#### ANALYSIS OF PROVINCIAL DOCUMENTS

- Submitted to the CORE (Commission for Resources and the Environment) a document entitled "Statement of Obligations" where ERA indicated that these obligation should form the basis for the discussion - the minimum standards that had to be agreed to.
- Reviewed the CORE charter, and demonstrated the inconsistencies with internationally agreed to principles
- Reviewed provincial documents such as CORE Charter, B.C. Environmental Bill of Rights, the B.C. Prevention Act, the Forest Practices Code; B.C. Standards for Pollution Prevention, and indicated the inconsistency of these documents with other Federal and international documents.

#### AN ANATOMY OF ANTI-ECOLOGICAL THOUGHT

- Preparing a manuscript for a publisher for a book which reports on content analyses of documents from organizations, institutions, and government documents

#### CANADIAN MILITARY POLICY

- participated in the review of Canada Military Policy representing the Vancouver Peace Society and the Greater Victoria Disarmament group.

## CHARTERS

- Drafted an Earth Charter as part of the 1991 Royal Society of Canada Conference on Global Change. When the ERA suggested that a proposed Charter for UNCED should emerge from this conference, the President of the Royal Society challenged the ERA to prepare one. This Charter was presented at conferences, received input from different organizations, and was then distributed at the New York Prep Com and at the Earth Summit.
- Had input into the drafting of several international documents: the NGO Earth Charter at the UNCED Global Forum; and the IUCN "Covenant" prepared by the IUCN Commission on Environmental Law.
- Initiated and collaborated with different organization on the drafting the Nobel Laureate Proclamation— a Proclamation signed by 37 Nobel Laureates, and distributed the Proclamation at the Earth Summit (1992)
- Prepared a diagram of different charter proposals for UNCED at the "Path to Brazil Conference"; this diagram delineated the contrast between the proposals from the different countries, the NGO proposals and the Alternative Charter prepared by the ERA.
- Prepared a series of new charters based on principles already agreed to in international documents

## CLIMATE CHANGE

- Worked on an international (8 country )project based in Harvard, on assessing Social Change in attitudes towards the issue of Climate Change in Canada.
- Prepared a diagram integrating different dimensions within the social learning project.
- Prepared charts linking climate change and forestry
- Participated in a panel discussion on Climate Change at the Public Interest and Environmental Law Conference.
- Submitted a proposal for "Option 6" — a proposed programme for addressing obligations under the Framework Convention on Climate Change

## COMMUNITY PARTICIPATION ACT

- Participating in the Committee for promoting changes in legislation related to "Slapp suits" . This Committee has drafted an act and is negotiating with government to have it presented to the legislature in the next session.

## CONNECTION WITH BRAZIL

- Submitted a proposal to the CEN (Canadian Environmental Network) for an exchange between the ERA and the Amazon Working Group in a community forest project.
- Worked with a Brazilian on a video on B.C. Forests.
- Currently drafting a proposal for a Brazil/Canada study of the "interdependence and complexity of issues"

## CORE PROCESS

- Published an article criticizing the Core Process as an "arena of competing interests" where there was the "glorification of conflict of interest." In particular, there was a criticism of CORE (Commission on Resources and Environment) for failing to have as a basis to discussion, non-negotiable international obligations, and to seek expert advice beyond the table

#### ECO-INFORMATION TOURS

- Organized tours of community leaders and Members of the Legislature to the Walbran, an old growth forest on Southern Vancouver Island

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- Prepared a diagram criticizing the notion of "sustainable development" for university course in Global Issues
- Supported the change in the IUCN (World Conservation Union) mission statement from "sustainable development" to "ecologically sustainable development"

#### EDUCATION (REVIEW)

- Prepared an initial draft for a series of guidelines for the selection of materials for environmental education
- Reviewed and critiqued the Round Table document on Education for Sustainability
- Reviewed and criticized educational materials prepared by the Ministry of Forests, called "All Things Considered" and published the review in "Ecolacy"

#### EDUCATION (DEVELOPMENT OF PROGRAM AND MATERIALS)

- Developed educational material for an environmental Studies course on Global issues. Different themes were selected and the relevant principles from international law were applied. A series was done on "Ozone", "Climate Change", "Equity" "Biodiversity" (1993-94)
- Extracted over 200 principles from the UNCED and other international documents and developed a method of teaching issues based on International principles. A proposal for a course in the Faculty of Education on "Principle Based Education" (1994-5) has been submitted.
- Presented a paper on "Principle-based" education at the IUCN (World Conservation Union, January, 1994)
- Presented papers at ECO ED October, 1992 on "Miseducation through Rhetoric: implications for Global Education" and on the "Role of Industry in Environmental Education" .
- Preparing a paper on "Principle-based education" for the Tri- University Global Education

#### ENVIRONMENTAL ASSESSMENT REVIEW

- Participated in a consultation by government on the proposed Environmental Assessment Act.

- Presented a critique on the contrast between Preventive environmental assessment reviews (assessing whether the intervention should proceed or not) and Mitigative environmental assessment reviews (assessing what can be done to minimize the impact of an intervention into the ecosystem).
- Involved in a court case calling for an environmental assessment review of nuclear powered and armed vessel visits in the urban Port of Victoria.
- Submitted Brief to FEARO review of the Deposit of Nuclear Waste

#### ECOLOGY BOOK

- Supporting the "story book of ecology" a method of teaching Ecology by Dr Fred Knelman, a Director of the ERA.

#### FOREST PRINCIPLES DOCUMENT (UNCED)

- Reviewed international documents such as the UNCED Forest Principles document, and indicated its inconsistency with other international documents; this document was circulated through the Canadian Environmental Network Forest Caucus and was reported on in the Treeroots Network Newsletter. This document has been submitted to Dr. Jag Maini, Deputy Minister of Forests,

#### FOREST CODE

- Attended a BCEN workshop analyzing and commenting on proposed Forest Code. The ERA submitted review of the Code to the Ministry of Forests
- Prepared numerous documents calling for government to enforce sections 59, 60 and 61 of the Forest Act; these sections allow for suspensions of licenses if there has been misrepresentation, or damage caused to the natural environment. In addition section 61 is a provision for suspension of licenses.
- Authored a paper on "Discrepancies within the NDP Environmental Policy.

#### FOREST PROTOCOL

- Supported IUCN resolution to call for a "Forest Protocol" associated with the Convention on Biological Diversity, rather than a "Forest Convention"

#### FREEDOM OF INFORMATION

- Has made several applications through the Freedom of Information act
- Obtained a document from the Freedom of Information Act which indicated that British Columbia had endorsed the UNCED Conventions at the Cabinet Level
- Exposed unpublished government document which indicated that Mac Millan Bloedel had overestimated the inventory in the Queen Charlotte island by over 40%, and used this inventory as the basis for forest extraction since 1963.

#### GLOBAL COMPLIANCE PROJECT

- Attended the conference on Women and Sustainable Development where the ERA Initiated a project called the Global Compliance Project in which a framework for examining international obligations has been devised and will be circulated to a committee with representation from Chili, China, Thailand,

Pakistan, and Nepal. The project will involve determining which countries have signed agreements, which countries have both signed and ratified agreements, and how have different countries implemented these obligations. This is as a project for the Beijing Conference on Women, September, 1995.

#### GLOBAL EDUCATION (GLOBAL ISSUES COURSE )

- Developed a course on teaching global issues for fourth year course in the Environmental Studies Program. This course is closely related to examining issues within the context of interdependence of peace, environment, equity and human rights, drawing upon globally adopted principles.

#### HUMAN RIGHTS AND THE ENVIRONMENT

- Prepared a large diagram delineating international human rights as recognized in the Universal Declaration of Human Rights, the international Human Rights Covenants and extended the notion of Human Rights to include principles from UNCED. This diagram was circulated to the International Conference on Human Rights in Vienna June 1993  
Developed a course outline for an environmental program in the Masters program in Business Administration

#### INJUNCTIVE LAW

- Attempted (September 1993) to rescind the Clayoquot injunction which resulted in the arrest of over 800 citizens on the grounds that there was failure to inform the judge that the granting of the injunction could contribute to non-compliance with international obligations. Currently seeking leave to appeal a decision by the Chambers judge that "international law not expressed in Canadian Law is irrelevant in this case"

#### INNU ISSUES

- Submitted proposal for intervention in the Environmental Assessment of Low level Flights over Innu territory in Labrador; this funding proposal examined the international obligations that were violated by the continuation of low level flights
- Is currently assessing the Environmental Assessment Review Report on Low level Flights over Innu territory

#### INTERNATIONAL AFFAIRS CAUCUS BCEN

- Initiated and organized the "International Affairs Caucus" of the BCEN, and currently acting as chair
- Drafted mission statement
- Circulating founding Charter for international Affairs Caucus (BCEN) on Ecological Principles

#### INTERNATIONAL LAW AND OBLIGATIONS INSTITUTE (ILOI)

- Organized a panel discussion on "International Law and Obligations: Implications for the Clayoquot" ; Out of which was formed the ILOI

- Founded an institute to monitor government compliance to international obligations

#### NAFTA

- Assisted in preparation of paper for presentation at NAMI on the need for all three countries to establish the highest tenable principles drawn from all three countries before entering into any agreement
- Appeared on a Panel on NAFTA at the Public Interest and Environmental Law Conference
- \* Presented information at Public Forums on discrepancies between the environmental provisions in NAFTA and the Canadian Government's interpretation of those provisions in the Government's publication entitled " An Environmental Assessment Review of NAFTA
- Prepared a diagram showing with the contrast between the environmental provisions in NAFTA and the Canadian Government's interpretation of those provisions in the Government's publication entitled " An Environmental Assessment Review of NAFTA

#### NATIVE ISSUES

- Prepared a paper on references to native issues in the UNCED Documents and circulated it to native groups
- Presented a paper at the Forum "500 years .." on "the UNCED Documents: Commitments or Vacuous Promises"
- Organized a community forum on native sovereignty
- Prepared a diagram for the forum on the aspects of the native sovereignty. issue
- Authored "Five Valleys Proposal: and socioeconomic Development Plan for the Remaining Old Growth Area of South Vancouver Island" - prepared for various native bands and groups in the region

#### NUCLEAR ISSUES

- Circulated a Nobel Laureate Proclamation which called for the elimination of nuclear weapons and the phase-out of nuclear power
- Wrote to the President of the Concerned Scientists on the issue of the nuclear industry's use of the Concerned Scientists' document "A Warning to Humanity" in which the Nobel Laureates and scientists failed to address the nuclear issue.
- Drafting with the Nuclear Age Peace Foundation a brief to be presented at the World Court hearings on the "illegality of nuclear weapons"

#### NUCLEAR SUBMARINE CASE

- Wrote an affidavit for the case on a content analysis of federal environmental documents that could be contravened by continuing to permit the berthing of nuclear armed or nuclear powered ships in the urban Port of Victoria.
- Participated in a briefing session with government, and in particular distributed information on the way international obligations could be contravened by the continued visits of nuclear armed or powered ships in the Port of Victoria.

#### OMBUDSMAN INVESTIGATION

- has filed a complaint with the B.C. Ombudsman about the Ministry of Forest's non-compliance with the B.C. Forest Act; the complaint is currently being investigated and also an inquiry with the Ombudsman's office into the way B.C. is attended to

#### OZONE DEPLETION AND ULTRAVIOLET RADIATION

- Assisted in the co-ordination of an International Conference on Ozone Depletion and Ultra Violet Radiation
- Presented a paper at the Plenary of the Ozone Conference on the "Beyond the Precautionary Principle: the Cautionary Principle"
- Presented a paper at the Plenary
- Chaired the session on Education at the Ozone Conference

#### PRINCIPLES FROM INTERNATIONAL DOCUMENTS

- Submitted 10 principles extracted from UNCED documents at the request of the Director of Conservation, in the Federal Ministry of Environment, as being the 10 most important principles with which Canada is failing to comply.

#### PROCLAMATIONS

- Drafted the old Growth Proclamation (March, 1992) which demonstrated the way Canada had been in violation of UN Resolution 37/7.
- Drafted a proclamation called the United Nations Proclamation for Translating Rhetoric into Action. This Proclamation was part of a presentation entitled "Miseducation through Rhetoric: implications for Global Education. (October, 1992)
- Drafted the UN Proclamation entitled "The 1994 Old Growth Proclamation" which demonstrates the way Canada, through the actions of B.C has been in violation of the Biodiversity Convention.
- Circulated petition calling for a permanent injunction against logging of non fragmented old growth forests

#### PUBLIC FORUMS

- Organized public forums on community issues: such as Native Sovereignty, Sewage Disposal: Waste or Resource, Nuclear sub Case, and Community Development

#### RESOLUTIONS SUPPORTED AND PROPOSED:

- Circulated at the Earth Summit, the Resolutions from the 4th International Conference on Peace and the UN (the Path to Brazil conference, February, 1992)
- Worked with the Sierra Club international on drafting a resolution at the 1994 Annual General Meeting IUCN (the World Conservation Union) —an organization that has both non-governmental and governmental representation, and academic and professional representation from 125 countries. The resolution was the "North American Temperate Rainforest" Resolution which passed with only one state abstaining, Canada. The IUCN undertakes to circulate any resolution passed at the Annual General Meeting to all states in the United

Nations, and it is the responsibility of the proposer of a resolution to monitor the fulfillment of IUCN resolutions, and to submit documentation about the fulfillment of the resolutions for distribution at the next IUCN Annual General Meeting. There has consequently been international condemnation of British Columbia for its forest practices that contribute to loss of biodiversity and for its failure to preserve significant network of ancient temperate rainforests through a resolution from IUCN, an international organization with representation from 125 countries, including representation from governments and non-governmental organizations. It should be noted that the IUCN is the organization that has been given the responsibility by the United Nations of determining whether proposed sites should be nominated as World Heritage Sites.

- Proposed and worked on a draft of a resolution calling for the waiting until there were North American principles of enforceable law related to Human Rights, Environment, and equity issues. This resolution was supported unanimously by the 200 participants at the NAFTA session Public Interest and Environmental Law Conference
- Proposed a resolution at a post-Rio meeting to report on transferring of the Military budget to address equity and environmental concerns. Passed Unanimously
- Proposed a resolution condemning the violation of human rights and ecological rights in Clayoquot Sound. Proposed at a session on "B.C. Forests" the Public Interest and Environmental Law Conference. Passed unanimously.
- Proposed a resolution at the panel discussion on "International Law and Obligations" calling for the Canada's compliance to the UN Conventions signed at the Earth Summit, and indicating how Canada is in violation of these obligations. This Resolution was sent to UNEP (United Nations Environmental Program) Passed unanimously
- Proposed a resolution at the International Affairs Caucus meeting at the Canadian Environmental Network Annual General Meeting, on the drafting of a NGO report card on Canada's compliance or non-compliance with international obligations.

#### REPORT CARDS ON COMPLIANCE TO INTERNATIONAL OBLIGATIONS

- Issued a Report Card on B.C. Non-compliance to the Biodiversity Convention on December 29, 1993 — the date of the coming into force of the Biodiversity Convention.
- Circulated a Report Card on how the Climate Change Convention will be violated by the construction of the Island Highway
- Currently drafting a report card on Canada's non-compliance with international obligations. The Report card is to be released on August 24, during the Commonwealth Games.

#### TRANSPORTATION ISSUES:

- Initiated and served on a Municipal Committee for establishing "Car Free Day"



- Organized a panel discussion in collaboration with the United Nations Association and the World Federalist on "International Law and Obligations Institute: implications for the Clayoquot"
- Served on a Committee to call for alternative transportation and cessation of the Island Highway Project

**( ) THAT in 1995 Clayoquot Sound at the meeting of International Affairs Caucus and the Ecotropic came up with projects**

**EXHIBIT**

INTERNATIONAL AFFAIRS CAUCUS Period from July 1995 to March 31. JOAN RUSSOW

Proposed budget:

Phone: Fax	\$500
Printing of materials and monographs on different issues	\$200
On-line charges	\$300
Inter-caucus distribution of relevant international agreements	\$200
Distribution of materials	\$300
	\$1500

MEMBERSHIP IN CAUCUS: 30

Issues and Campaigns suggested at the meeting:

1. Lobbying for an International Environmental Court where citizens could bring evidence of Non-compliance

*2. Interdependence of issues*

3. Promotion of a Forest protocol to Biodiversity Convention, rather than a Forest Convention

4. Environment/ peace issues: renewal of Nanoose submarine Base

5. Proposing Alternative modes of decision making

6. Promoting zero toxics and examining implications of transfer of harmful substances

*7. Distribution of material about what are Canada's international obligations*

**8. Linking with North West Watch on dissemination of information on Eco trends**

9. Linking with international ocean issues: member in contact with Belize

**10 Compiling international perspective on specific issues**

11. Role of international law in controlling globalization of food industry  
Promoting the term Socially equitable and environmentally sound development (linking with unions)

12. Use of international agreements in fisheries issue (in particular promoting native ecology and salmon protection)

**13. Information network on transnational practices as an instrument for developing high standards nationally (in particular, Mining practices)**

14. Ethical implications of displacement of problem because of increased standards (implication of NAFTA provision for states not to relax standards to attract industry)

*15. implications of "civil society" on the determination of what constitutes an NGO and on the accreditation of NGO*

*16. Developing a "Civil Society" code based on previous precedents*

**17. Document Transnational practices of Canadian companies**

**18. Developing a code of conduct for Transnationals**

19. Distribution of material of B.C. issues at International conferences

**( ) THAT in 1995 the Global Compliance project resolution was sent to all the organizing committees of the 50<sup>th</sup> Anniversary of the United Nations**

**EXHIBIT**

August 1995 LETTERS SENT TO ALL THE COMMITTEES FOR THE UN 50TH

NATIONAL COMMITTEES ESTABLISHED FOR  
THE UNITED NATIONS FIFTIETH ANNIVERSARY

- 106 countries have established National Committees -
- 24 countries have expressed intention

**( ) THAT in 1995**, I wrote the Charter of Obligations- 350 pages of obligations incurred through Conventions, Treaties, and Covenants; of commitments made through UN Conference Action Plans, and Expectation created through UN General Assembly Resolutions [related to peace, environment, social justice and human rights]

**EXHIBIT**

NOTE;

In this Charter, the references to the International Instruments were not, at that time on line: Therefore, the citations were typed from texts In the Law Library. There may be errors In punctuation and spelling.

## **ACKNOWLEDGMENTS:**

**We would like to thank the Canadian International Development Agency (CIDA) for their financial contribution to this project, and for their cooperation, and support.**

**We would like to thank (British Columbia Council of International Cooperation) under whose auspices the Global Compliance Research Project for Beijing has functioned, for their continued input and support.**

**We would like to express our appreciation to the United Nations for the access to United Nations documents through the internet, and through printed medium.**

## **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)

## **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 violation of human rights, the escalation of war and conflict, the degradation of the environment, and the denial of equity and social justice; 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, 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,

The 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;

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 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 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 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.

This project will cluster and clarify these obligations and commitments through content analyses of international instruments, through graphic representation, and through the development of a Charter of Obligations. With a deeper understanding and knowledge of these commitments, members of “civil society” can become more effective as equal participants in the decision-making process.

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 content analysis and Charter 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.

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

At the meeting of the UN Congress on International Public Law, we had the opportunity of addressing the plenary which was held in the General Assembly. 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: CIDA By DAVID HARBOUR. INDIA. PARADOX OF JUSTICE



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

We prepared the following draft resolution for the "We the Peoples Conference: The Role of Civil Society in the History and Future of the United Nations."

<https://www.commondreams.org/news/2020/04/10/sanders-and-jayapal-put-forth-bill-provide-no-cost-health-care-all-during-pandemic>. 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 assembly agreed that the resolution should be passed on to Dr. Boutros Ghali who subsequently addressed 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 two proposals for resolutions have been further circulated: one to be presented to the September 15 plenary, and at the 50th Anniversary October 26, 1995 in the General Assembly,

### **(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*

The Global Compliance Project could play a vital role in continuing to do research into the obligations that states have already undertaken either through legally binding conventions and treaties, or through globally adopted resolutions and conference statements. The Project is also compiling carefully crafted statements from NGOs in areas where there are no outstanding State obligations.

## **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 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 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. Over the past two decades there have been three significant United Nations conferences that have addressed women's demands for equality. The first conference took place in Mexico City in 1975, which was proclaimed 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 Beijing.

At the New York Prep Com, we circulated a 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.

The Global Compliance Research 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 Human Rights, Peace, Environment, Equality and 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 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. In particular, to link the Beijing Conference with the fiftieth Anniversary of the United Nations and 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" We 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 we suggested about twenty inclusions in such a Declaration.

In the May 15, draft version of the official Advance Unedited Platform of Action for the UN Conference on Women: Equality, Development and Peace, there 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. We have prepared a draft proposal for a declaration based on the data that we have collected for the Global Compliance Research Project; 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.

We have gone through the Advance Unedited May 15 Platform of Action, taking out several of the bracketed sections of the document, and included those sections in the June 21 and August 24 versions of the Charter of Obligations Booklet. 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 principles.

In the August 24th version of the Global Compliance Research Project booklet, the "Charter of Obligations", we have included several bracketed sections from the Platform of Action. Eventually, for the booklet that will be prepared for the workshop in Beijing, we will have an index linking the different critical areas of concern, and the bracketed sections to project booklet. We will also have an accompanied appendix, perhaps on disk of a clustering of UN resolutions (1981-1995) around different themes.

For the Global Compliance Research Project Workshop in Beijing, we will be working on drafting sections for the Declaration, including on future commitments, 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 principles can be implemented, and thus assist the States in fulfilling both their past obligations and their future commitments. The Global Compliance Research Document was circulated at the March, 1995 Prep-Com for the Fourth UN Conference on Women in New York. The project was presented to the UN

Commission on the Status of Women. After further re-examination, our proposed Charter and analysis will be presented at a proposed workshop at the Beijing Conference and distributed to both governmental and non-governmental representatives at both the NGO Forum and the UN Conference.

This booklet will also contain a diagrammatic representation of the interdependence of development, social equity, environment and peace issues, and a diagram on various legal instruments. In particular, the booklet will be indexed so as to be cross referenced with the Platform of Action, the Beijing Declaration, and be linked with the "Conference of Commitments" which was suggested by the Australian delegation at the New York Prep Com. In addition, the booklet will also contain an analysis of systemic constraints that are preventing the necessary socio-political Global Change, and an outline of a method of teaching issues through the Charter of Obligations: Principle-based Education.

Input from the workshop at the Beijing Conference will be incorporated so as to revise the booklet and to launch the booklet on the October 24, the 50th Anniversary of the United Nations.

It is hoped that a subsequent educational booklet on a method of teaching global issues through principle-based education drawing on globally adopted principles and obligations will be prepared. In addition, we will be working on a way of conveying these principles graphically to have the document used in literacy campaigns.

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

The following women have agreed to serve on this Committee and contribute to the project in different ways:

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

**(4) DRAFT DECLARATION FOR BEIJING**



## **(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 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"*

## **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).

## **(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, 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':

With regard to your query about "business councils"; it may be appropriate to define the operations of these bodies in relation to the sector in which they work/. For example, many rural communities have "councils" that are responsible for the marketing of agricultural products to buyers offering stable prices. In this regard, we may think of these "councils" as being an extension of the community, hence part of civil society. If these entities were to expand and upgrade operations that include storage and transport, then they enter the realm of the market in that they are now an intermediary between producers and buyers, providing each with a particular service (Personal Communication, August 2, 1995).

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 “round-table 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**

- **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:

- a) 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; or
- b) 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 (Art.18, Convention on the Law of Treaties, 1968)

### **1970s**

- **Under taking 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 on Civil and Political Rights—adopted 1966)

## 1980s

- **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

- **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).

..The Conference therefore 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)

- **Urging 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)

- **Inviting [urging] all states to put into practice**

the World Conference on Human Rights calls upon all Governments to take all appropriate measures 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)

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)

• **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)

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)

## (C) LEVELS OF OBLIGATIONS

The Charter of Obligations includes not only the obligations that states have undertaken through international instruments, but the obligations that would be necessary for the global community to discharge the obligations reflected in the international instruments. The later level of obligations is often those suggested 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 additional 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.

## 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 Sovereign rights shall not be used to justify the continuation of a practice that is in violation of human rights, ecologically destructive, contributes to violence, conflict and war, 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.



## **PART 1: OVERVIEW**

### **A. OVERVIEW OF CHARTER OF OBLIGATIONS**

**(1)**

#### **RATIONALE BEHIND SELECTION OF DOCUMENTS**

Since the purpose of this project is to research and to carry out a content analysis of international obligations, the project will be striving to find what could be described as the strongest enunciation of the obligation within first the legally binding documents. The document is attempting to examine the interdependence of issues. The problem with examining the interdependence of issues is the translation of this interdependence to a linear sequential medium. Although many of the statements 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 categories are 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."

We have attempted to follow a pattern of reporting on the statements through a sequence of categories: General recognition or principle; 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 documents for booklet**

**(i) No issue is specifically excluded**

**(ii) This Charter has statements from the different international instruments. As a result of distributing the pledge in New York, and of giving the draft Charter to women on the Global Compliance Research Project, additional areas to be examined were suggested:**

- Health resolutions related to related to nutrition**
- International labour conventions**
- Refugee, and migrant workers**
- More on the right to shelter**

**(iii) Legally binding documents such as the UN Charter, Conventions, Covenants, Declarations 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 sufficient number of states to enable the document to be in force**

**(iv) United Nations Conference statements, platforms of Actions, Agendas that have been globally adopted by the member states of the United Nations**

(v) **United Nations General Assembly resolutions which have been passed by the majority of states of the United Nations**

(vi) **Several statements of the same principle will be enunciated in order to suggest a foundation for international customary law**

(vii) **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.**

(viii). **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.**

(ix) **In addition, there will be throughout the Charter statements, expressions, and words in Bold type. In these cases, the authors and participants involved in developing the document have introduced terms to suggest ways of strengthening the international documents (both state and NGO).**

(x) **In some cases, wording that was in one international document will 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 used. In this Charter, the latter term has replaced the former.**

(xi) **A “coding title” appears above all the statements.**

## **1.2. 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:**

**• 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)

**If, however, the statement has components that could apply in different sections of the Charter then the statements will appear twice.**

### **1.3. “Group sensitive” wording**

**(i). In the Global Compliance Charter document care has been taken to respect “group sensitive term” — 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 the 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, it was initially thought that the term “equity” was the broader term that would include “equality.” In the Charter of Obligations given to the members of the Global Compliance Research Project, International Advisory Committee at New York, the expression “gender equity” as well as “equality” was used. As a result of the debate at the New York Prep Com, Iran, along with some other countries, insisted on the term “equity” being used instead of “equality. This version of the Global Compliance “Charter of Obligations” has replaced the term equity with “equality/equity.”**

This draft charter is being circulated for comment, and can be amended, added to, etc., by using the following legend for making changes. Please look at the legend and use the formatting codes that are indicated so we can incorporate your concerns, ideas, etc.

(2)

## CODE FOR INTERPRETING CHARTER

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**

aa |

- 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.

**Q** legally binding documents that have come into force (required number of ratifications have been filed with the United Nations)

**F** legally binding documents that have not yet come into force because the required number of ratifications have not been filed with the United Nations

**S** Globally adopted documents from UN Conferences (by member states of the UN)

**R** Globally adopted documents from UN Conferences (by member states of the UN)

**W** Globally adopted NGO resolutions from a specific group

**P** Recommendations by the International Committee for the Global Compliance Research Project

(Note: these symbols have not been used yet)

B.

## DEFINITIONS, REDEFINITIONS REPLACEMENT OF TERMS

### *[RE] DEFINITIONS AND REPLACEMENTS*

#### *(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)



#### *(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:**

##### **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**

##### **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 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 **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 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)**

##### **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**

##### **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 socioeconomic 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 respects 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 people's lives.**

**(vi) the extent to which there is the absence of religious fanaticism and intolerance**

## **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**

## **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**

## **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**

### ***(5) RE-DEFINITION OF ECOSYSTEM INTEGRITY***

[See further development of environmental principles in the Appendix]

#### **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.**

#### **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).

#### **Ecosystem integrity builds on definitions established in the Convention on Biological Diversity:**

- “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)

- “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)

- “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)

Ecosystem integrity arises from adhering to the following measures:

- **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)

- **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)

- **Rehabilitating and restoring degraded ecosystems**

Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies (Article 8 f, 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 3)

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.

## **PART II ACKNOWLEDGMENT OF URGENCY OF THE GLOBAL SITUATION**

### **A. GENERAL ACKNOWLEDGMENT OF URGENCY**

#### *CONCURRING WITH THE GLOBAL RECOGNITION OF THE URGENCY OF THE 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 illiteracy and the continuing deterioration of the ecosystem on which we depend for our wellbeing (Preamble, Agenda 21, UNCED, 1992)

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)

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)

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 poses 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]**)

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)

## **B. ACKNOWLEDGMENT OF URGENCY IN SPECIFIC AREAS**

### **(1) IMPACT OF CONTINUED IMPOSITION OF CONSUMPTIVE MODEL OF DEVELOPMENT**

- **Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption**

[The major cause of the continued deterioration of the global environment is the unsustainable patterns of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances.] Therefore, equitable social development (Art. 37, Advance draft, Platform of Action, UN. Conference on Women, May 15)

**[need much stronger statement here regarding globalization... the role of international financial institutions... the role/power of capital, the weakening of the state, the power of GATT, etc.]**

- **Continued impact of unsustainable patterns of consumption**

...the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances. (4.3. Changing consumption patterns, Agenda 21. 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. International Conference on Population and Development, 1994)

- **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 over-consumption, 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)

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

- **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)

- **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)

- **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)

- **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)

- **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)

- **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)

- **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)

### **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 under-employment**

Considering the widespread unemployment and under-employment 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 no 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 worldwide (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. 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)

### **3.2. Linking of health population and over-consumption and inappropriate development**

[Health and development are intimately interconnected. Both insufficient developments 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)

### **3.3. 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 socioeconomic 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. Continued production and export of products that have been banned... or withdrawn**

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)

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)

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,

Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,

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,

Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,

Taking into account that the primary responsibility for consumer protection rests with each State,

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,

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)

#### **4.3. 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)

#### **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 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 risks from transboundary movement of 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)

#### **4.7 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)

#### **4.8. 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)

#### **4.9. Continued awareness of the harm of exporting banned or 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, Protection Against Products Harmful to Health and the Environment, Resolution 37/137, 1982)

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)

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

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)

(5)

### **ACKNOWLEDGMENT OF URGENCY:**

#### **ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE**

##### **5.1. 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)

##### **5.2. 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)

##### **5.3. Increased deforestation and land degradation**

Forests worldwide 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 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)

#### **5.4. Increased loss and degradation of mountain ecosystems**

Mountain ecosystems are, however, 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)

#### **5.5. 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)

#### **5.6. 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)

#### **5.7. Increased land degradation**

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)

#### **5.8. 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)

#### **5.8. Increased 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))

#### **5.9. Increased Loss of biodiversity through ecologically unsound practices**

Despite mounting efforts over the past 20 years, the loss of the world' 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)

#### **5.10. Increased deterioration of the environment through anthropogenic actions**

The improvement of 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))

#### **5.11. 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 over-consumption, the quantities of waste generated and the degree of unsustainable land use appear likely to continue growing. (16.22., Biotechnology, Agenda 21, UNCED, 1992))

#### **5.12. 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)

#### **5.13. 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)

#### **5.14. 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))

#### **5.15. 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. 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)

#### **5.16. 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)

### **5.17. 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 no 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)

### **5.18. Continuous degradation of human health and the environment from hazardous waste**

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))

### **5.19. Continued use of banned and restricted Pesticides**

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)

### **5.20. 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))

### **5.21. 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 in order to protect public health and the environment (19.66 Toxic chemicals) UNCED, 1992)

### **5.22. 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)

### **5.23. 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, *as some importing countries lack the ability to ensure safe use, owing to inadequate infrastructure for controlling the importation, distribution, storage, formulation and disposal of chemicals* (19.67 Toxic chemicals) UNCED, 1992))

### **5.24. Increased generation of nuclear wastes**

Annually about 200,000 m<sup>3</sup> of low-level and intermediate-level waste and 10,000 m<sup>3</sup> of high-level waste (as well as spent nuclear fuel destined for final disposal) is generated worldwide 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)

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## **ACKNOWLEDGMENT OF URGENCY VIOLATION OF HUMAN RIGHTS**

### **• 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)

**In Addition, the following violations of human rights continue:**

- **Mistreatment, and hasty judicial procedures**
- **Lack of respect for due process of law (access to a lawyer or visiting rights)**
- **arbitrary detentions**
- **Lack of respect for due process of law**
- **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**
- **Extreme and indiscriminate measures in the control of civil disturbances**
- **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**
- **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 of opposition politically**
- **Motivated murders rampant extortion suppression of opposition**
- **Student and strikers are severely suppressed**
- **Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks**
- **Failure to grant exit permits**



- **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)

- **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)

- **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)

- **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 socioeconomic 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)

- **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)

- **Denial of fundamental rights and freedoms**

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

### **• Denial of moral and humanitarian values through religious intolerance and extremism**

-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,

-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)

### **• 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)

### **• Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence**

### **• 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)

### **• 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)

### **• Continued xenophobia**

- **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)

- **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)

- **Increased violation of rights of indigenous peoples**

- **Increased violations of the rights of refugees**

- **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)

- **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)

- **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)

- **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)

• **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 not remunerated 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. Continued high portion of global military bud**  
 [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)

#### **7.2. 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)

#### **7.3. Perpetuation of the global expenditures being devoted to production, trafficking and trade of arms**

#### **7.4. Forcing developing countries to undertake structural adjustment and thus Increasing poverty**

#### **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 buildup 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 • “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 of 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**

- Taking note with appreciation of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation,
- Concerned about the potentially harmful effects on present and future generations, resulting from the levels of radiation to which *man humans* are *is* exposed,
- 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)

*FAILURE TO SUMMON UP THE POLITICAL WILL AT THE GOVERNMENT LEVEL TO ACT UPON THE RECOGNITION OF URGENCY AND TO BE CONVINCED THAT "INACTION IS NEGLIGENT" (DIGBY MCLAREN)***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)

**1.4. 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)

### **1.5. 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)

### **B. UNDERTAKING TO COMPLY WITH PRINCIPLES THAT WOULD ADDRESS THE URGENCY**

NOTE SECTION IN PART 1

### **C. 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:

- a) 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; or
- b) 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 (Art. 18, Convention on the Law of Treaties, 1968)



**2.3. [This principle affirms the Doctrine of Legitimate Expectations which holds that]**

- "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**

- 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 navigation, 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 persona**

(on the maxims, see generally 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).

(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, 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 inter-generational 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**

**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** 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**

(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  
(see section on environment)**

**15.3. ANTICIPATORY PRINCIPLE**  
**(see section on environment)**

**15.4. REVERSE ONUS PRINCIPLE**

- **The onus of proof shall shift from the opponent, of an intervention into the ecosystem, having to demonstrate harm to the proponent, of an intervention into the Ecosystem, having to demonstrate the safety of the intervention**

- **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**

**(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**

**[FIND CORRECT HUMAN RIGHTS TERM AND EXTEND]** Where violations are such that intervention is necessary.

**(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-arm's 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 PROMOTE 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]**

## **D. PROPOSED PRINCIPLES OF ACTIONS TO ADDRESS URGENCY**

(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<sup>∞</sup>] 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) **The need for society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.**

### **1.10. questioning the necessity of milk**

### **1.11. 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)

### **1.12. 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)

### **1.13. 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)

**1.14. 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)

**1.15. 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 socioeconomic 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.I., 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:**

#### **ENDORING 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 "inter-transfer" 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 coalitions 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)

(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. Restituting 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).

(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 an 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. l., 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)

## **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 these 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)

*FAILURE TO SUMMON UP THE GLOBAL POLITICAL WILL TO ENSURE THE PROTECTION OF FUNDAMENTAL RIGHTS TO SAFETY, SECURITY AND SURVIVAL*

(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 quality of education to ensure that women are provided with useful knowledge ... to develop full capacities in health**

[Improve the quality 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 prenatal 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)

(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 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

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### **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 cost to a country that did not incur it. 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. In cases where such a transboundary movement is not deliberate but as the result of the forces of nature, for example the direction of the prevailing winds, the affected state should have a greater say in whether or not the production should continue.**

**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.**

***SYSTEMIC CONSTRAINT THROUGH DELUSION OF APPARENT CARE***

**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.**

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## **OBLIGATIONS TO ADDRESS THE URGENCY ENSURING ENVIRONMENTAL INTEGRITY AND THE PRESERVATION OF THE ENVIRONMENT**

### **12.1. [Being entitled] to a healthy 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 inter-connectedness 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 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 surroundings, 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)



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## **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)

### **13.6. 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)

### **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, 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)

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## **OBLIGATIONS TO ADDRESS THE URGENCY ENDORISING 'SOCIALLY 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).

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## **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)

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**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, bio-accumulation, 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 socioeconomic 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).

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**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 bio-accumulative 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)**

**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,

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### **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 a 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative 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)

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## **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)

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**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 not 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).**

(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

## **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 inter-generational 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, bio-accumulation, 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 bio-accumulative 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 a 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative 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)

**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)

**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 practiced 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)

### **23.15. Supporting the development of indigenous forms of social control for crime prevention**

Invites Member States to intensify efforts to make their criminal justice systems more responsive to changing socioeconomic conditions, also through the appropriate development of indigenous forms of social control (3., Crime prevention and criminal justice and development, the General Assembly Resolution, 1981)

(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 wood fuel 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, though, 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 unnecessary use of pesticides (v., Youth Treaty, UNCED, 1992)

against the use of nuclear power and the abuse of fossil fuels (ii., Youth Treaty, UNCED, 1992)

*FAILURE OF STATES TO EMBRACE "PREVENTION TECHNOLOGY" —DOING IT RIGHT THE FIRST TIME— AND TO BE ABLE TO COUNTERACT THE STRONG LOBBY FROM THE NON-RENEWABLE RESOURCE, FOSSIL FUEL ENERGY AND NUCLEAR ENERGY INDUSTRY LOBBY*

(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 *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)] (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** (Action 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).

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**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 on 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**

**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 on 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 on 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 on Civil and Political Rights, 1966)

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**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)

**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)

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**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.**

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## **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)

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## **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 worldwide **[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)

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**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 on 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 on 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 on 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 socioeconomic 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 on Civil and Political Right, 1966)

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**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 grounds 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, polices 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 and 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 on 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)

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## **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, though, 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 on 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)



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**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)

*FAILURE OF SOME STATES TO RECOGNIZE THESE RIGHTS; FAILURE OF OTHER STATES TO ENSHRINE THESE RIGHTS; OR FAILURE OF STILL OTHER STATES TO ENSURE THE FULFILLMENT OF THESE RIGHTS*

(41)

## **OBLIGATIONS TO ADDRESS URGENCY: ENDORSING 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. 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)

#### **41.5. 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)

#### **41.6. 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)

*FAILURE OF SOME STATES TO RECOGNIZE THESE RIGHTS; FAILURE OF OTHER STATES TO ENSHRINE THESE RIGHTS; OR FAILURE OF STILL OTHER STATES TO ENSURE THE FULFILLMENT OF THESE RIGHTS*

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**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 person with a disability**

[the General Assembly] bearing in mind the necessity of assisting **person with a disability** 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 person with a disability* (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 Person with a disability* is 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* **Person with a disability** 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)

**42.20. Right to consultation**

Organizations of *disabled* person with a **disability** 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**

**Persons with disabilities**, Person with a disability and his/her family 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 a women with a disability 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 a woman with a disability**

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**

(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).

### **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, trademarks, 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)

#### ***OBLIGATIONS TO ADDRESS URGENCY: AFFIRMING THE RIGHTS OF INDIGENOUS PEOPLES***

• **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)

• **Urging ratification, and effective implementation of ILO convention No. 169**  
[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)

• **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 People. s] (Art.63 e Advance draft, Platform of Action, UN Conference on Women, May 15)

- **[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)

- **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)

- **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)

- **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)

- **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)

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)

- **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)

- **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)

- **Recognizing and supporting the identity, culture and interests of indigenous peoples**

- **Enabling their effective participation in the achievement of [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)

- **[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)

- **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)

- **[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)

- **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)

- **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)

- **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)

- **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)

;

- **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)

- **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)

- **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)

- **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)

- **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, watershed *management*, sanitation, coastal zone and 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)

- **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)

- **[Recognizing the particular knowledge of ecological linkages by indigenous women**

...Women, especially indigenous women, have particular knowledge of ecological linkages and **ecologically sound practices in a fragile ecosystem management**. 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)

- **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)

- **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)

- **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]** (Art.256 (a) Advance draft, Platform of Action, UN Conference on Women, May 15)

- **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)

- **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)

- **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)

- **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)

- **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)

- **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)

- **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)

*OBLIGATIONS TO ADDRESS THE URGENCY  
RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY*

- **Recalling Convention on the Means of Prohibiting and preventing Illicit Import, Export and Transfer of Ownership of Cultural Property(1970)**

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)

- **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)

- **Restituting in case of illicit appropriation to a country of its cultural property to country of origin**

- **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)

- **Restituting 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)

*OBLIGATIONS TO ADDRESS URGENCY:*

*AFFIRMING THE RIGHTS OF PEOPLES TO SELF DETERMINATION*

- **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}

- **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)

- **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}

- **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)

- **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)

Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under Colonial Domination and Efforts to Eliminate Colonialism..)

• **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)

• **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))

**OBLIGATION TO ADDRESS THE URGENCY: LINKING HUMAN RIGHTS AND PEACE, DEVELOPMENT**

**OBLIGATIONS TO ADDRESS THE URGENCY**

**RECOGNIZING THE NEED TO INTEGRATE PEACE, EQUALITY, DEVELOPMENT AND HUMAN RIGHTS**

• **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)

§§ • **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)

**§§ • 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)

**• 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 though 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)

*OBLIGATION TO ADDRESS THE URGENCY:*

*ELIMINATING ENVIRONMENTAL IMPACT OF MILITARY ACTIVITY*

**• Preventing, eliminating and condemning 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)

**• 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)

- **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)

- **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)

- **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)

- **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)

### ***OBLIGATION TO ADDRESS THE URGENCY: ENVIRONMENT AND PEACE***

#### ***OBLIGATION TO ADDRESS THE URGENCY:***

#### ***UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR MILITARY PURPOSES***

- **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)

### ***OBLIGATIONS TO ADDRESS URGENCY: HUMAN RIGHTS AND PEACE***

#### ***OBLIGATIONS TO ADDRESS THE URGENCY***

#### ***CONTROLLING THE MILITARY BY GOVERNMENT, PROMOTING CIVILIAN RULE***

- **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).

*OBLIGATIONS TO ADDRESS THE URGENCY:  
RESPECTING HUMAN RIGHTS OF CIVILIANS*

**• 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)

**• Protecting victims of International armed conflicts**

Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-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)

• **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)

*OBLIGATIONS TO ADDRESS URGENCY  
PREVENTING OF GENOCIDE*

• ***Declaration 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)

• **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)

• **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, ethnical, 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)

- **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)

- **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)

- **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)

- **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)

- **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)

## ***OBLIGATIONS TO ADDRESS URGENCY: PEACE WITH JUSTICE***

*COMMITMENT TO PEACE BY MOVING AWAY FROM INSTRUMENTS OF WAR AND TOWARDS PEACE WITH JUSTICE*

*SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE*

- **Establish a new cooperative non-military preventive approach**

A new cooperative non-military preventive approach is mandatory. This approach could be to have peace force that is knowledgeable of culture, and language etc. of different states, and capable at anticipating conflict.

- **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)

- **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)

- **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)

- **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)

- **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.

- **Eliminating the threat inherent in the arms race**

A basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, tribe, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance the principles agreed upon within the United Nations and relevant

international agreements. (6. Declaration on the Preparation of Societies for Life in Peace **Date**)

*OBLIGATIONS TO ADDRESS THE URGENCY:  
ENSURING THE PEACEFUL USE OF COMMON HERITAGE*

• **Undertaking to not implant or emplace on the seabed and the ocean any nuclear weapons or weapons of mass destruction**

Seabed Treaty of 1971, in force 1972

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 such weapons. (Art. 1.1. Seabed Treaty of 1971, in force 1972)

• **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)

• **Carrying out the use of outer space for the benefits of [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 [humankind]....

(Art. 1 Outer Space Treaty of 1967 in force 1967)

...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)

• **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)

- **[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)

- **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)

*OBLIGATIONS TO ADDRESS THE URGENCY  
PROVIDING FOR AND PROTECTING CONSCIENTIOUS*

- **Enact legislation to allow for taxpayer conscientious objectors to allocate the military portion of the state budget to peaceful purposes**

Conscience objection is exercised through a simple declaration that one is against military service on the grounds of conscience

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.

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, ∞ )

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.

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 objecion de conciencia”)

- **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)

- **Enact legislation to allow for taxpayers to direct military portion of taxes to socially equitable and environmentally sound development**

- **Ensuring the right of [conscience] to non-cooperation with Military expenditure**

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.

**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 or **injuring, maiming** of our fellow human beings **(and the environment)**.

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.

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 are is* 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)

#### *OBLIGATIONS TO ADDRESS THE URGENCY ELIMINATING THE PRODUCTION, SALE, AND USE OF LAND MINES*

- **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;**

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)

- **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).

- **Declaring that the preservation of the right of peoples to peace in 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)

- **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)

- **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)

- **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.)

- **Prohibiting any propaganda for war**

Any propaganda for war shall be prohibited by law (Art. 20, International Covenant on Civil and Political Rights, 1966)

*OBLIGATIONS TO ADDRESS THE URGENCY*

*PROHIBITING DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES*

- **Ban all trade fairs for weapons and military equipment;**

- **Eliminate all subsidies to military research, production, marketing and trade**

- **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 worldwide, as well as international trade, trafficking and proliferation of weapons... (139, May 15 draft of the Platform of Action)

- **Supporting the international campaign to ban Landmines**

**States and all citizens shall support the international campaign to ban landmines and demand that countries responsible for laying mines, and countries which have profited from the sale of landmines contribute to the costs of the demining process (drawn from Landmine Abolition, A Background Report on Cambodia)**

- **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)

- **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)

- **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)

- **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)

### *OBLIGATIONS TO ADDRESS THE URGENCY PREVENTION OF NUCLEAR CATASTROPHE*

- **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)**

- **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)

## **OBLIGATIONS TO ADDRESS THE URGENCY ELIMINATING WEAPONS OF MASS DESTRUCTION**

### **• 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)

### **• 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)

### **• 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 May, 15, 1995 Advance Unedited Draft Declaration and Platform for Action).

### **• [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)

### **• 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)

### **• 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)

- **Being convinced that prohibition of the use or threat of use of nuclear weapons would lead to complete elimination and 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)

- **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)

- **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,

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, ∞)

## **OBLIGATIONS TO REMOVE THE THREAT OF NUCLEAR WAR AND CONDEMNING NUCLEAR WAR**

- **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)

- **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)

- **Reaffirming call for 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)

- **Condemning of nuclear war as being contrary to human conscience and reason**
- **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)

- **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)

#### *OBLIGATIONS TO ADDRESS THE URGENCY BANNING THE TESTING OF NUCLEAR WEAPONS*

- **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 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. (General Assembly Resolution A/RES/38/63 Urgent need for a Comprehensive Nuclear-test-ban Treaty, 1983)

- **Condemning nuclear testing**

vi against nuclear testing and in favor of the dismantlement of nuclear plants (Youth Treaty, UNCED, 1992)

- **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: (a) in the atmosphere; beyond its limits, including outer space; or under water including territorial waters or high seas; or (b) 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... 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")

#### ***OBLIGATIONS TO ADDRESS THE URGENCY***

#### ***RECOGNIZING THE LINKING BETWEEN CIVIL NUCLEAR ENERGY AND NUCLEAR ARMS AND NEED TO PHASE OUT CIVIL NUCLEAR POWER***

- **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)

- **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)

**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.**

- **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)

- **Condemning the use of nuclear power, the abuse of fossil fuels and the unnecessary use of pesticides**

v) against the unnecessary use of pesticides

ii) against the use of nuclear power and the abuse of fossil fuels (Youth Treaty, UNCED, 1992)

- **Undertaking to not receive or transfer nuclear arms devices or information to other states**

Nuclear-weapon Non-proliferation Treaty of 1968, in force 1970

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)

**\* Limiting of means of injuring belligerents**

Annex Article XXII *the right of belligerents to adopt means of injuring the enemy is not unlimited* **No belligerent state has the 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)



## COMMENT ON VIOLATION IN ARMS CONTROL

### **Non-Proliferation Treaty (NPT)**

Article 1: 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.)

### **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.**

### **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 NWSs 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 1 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 Russia and the US are having second thoughts. But there is also an even greater deception regarding Article VI. While the actual number of strategic weapons of the US and Russia will be reduced significantly. 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. The attached paper will explain this loophole. 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, (e.g. 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.

*FAILURE OF THE STATES MOST RESPONSIBLE FOR THE ESCALATION OF WAR TO SIGN, RATIFY OR IMPLEMENT THESE UNDERTAKINGS, AND FAILURE TO GO FAR ENOUGH TO ENSURE THAT THE ESCALATION OF WAR WILL NOT OCCUR.*

**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]*

**• 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 worldwide, 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)

**• 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 (Relationship between Disarmament and Development, UN resolution 38/71, 1983)

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)

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 ∞)

- **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)*

- **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)

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)

- ¶• **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)

- ¶• **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)

- **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)

**OBLIGATIONS TO ADDRESS URGENCY:**

**TRANSFERRING THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ECOLOGICALLY SOUND DEVELOPMENT**

- **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)

- **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)

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)

- **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)

- **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

- **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)

- **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)

- **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)

- **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)

- ¶ **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)

*We urge* an immediate 50% reduction in military spending with the money saved reallocated to socially useful and environmentally friendly purposes.... **with an complete reduction by the year 2000** (Women's Action Agenda)

- **Transferring of the global military budget**

.. the global military budget 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)

- **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)

- **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)

- **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)

- **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)

- **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)

**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.**

- **Increasing. 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)

- **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)

• **Demanding Cancellation of Foreign Debt**

- In full knowledge that the industrialized nations have been the net beneficiaries of exploitation of the abundant natural resources of poor nations,
- Observing the disastrous social, environmental, and economic consequences of international lending practices and current terms of trade between industrialized and non-industrialized nations,
- Concerned about the negative impact on the poor, especially women and children, of the International Monetary Fund and World Bank structural adjustment policies
- 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
- Recognizing the grievous consequences of this practice for poor families in the developing countries and for the natural resources upon which we all depend,
- We demand immediate official foreign debt cancellation..
- 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
- 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.
- We demand a total ban on the export of goods rejected for local consumption in or by the country of origin
- 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)

*OBLIGATIONS TO ADDRESS THE URGENCY  
ENSURING EQUALITY AND PEACE*

- **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)

• **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)

*FAILURE TO REDUCE THE BUDGET OR FAILURE TO TRANSFER THE BUDGET TO SOCIALLY EQUITABLE AND ECOLOGICALLY SOUND DEVELOPMENT. IF TRANSFER OCCURS AT ALL IT WOULD BE TRANSFERRED TO REDUCE DEFICITS*

#### **PART IV**

.DECISION MAKING, RESEARCH AND INFORMATION DISSEMINATION

*ESTABLISHING ADVISORY BODIES DRAWN FROM NON-VESTED INTEREST INDIVIDUALS AND REPRESENTATIVES WITH VARYING EXPERIENCE AND EXPERTISE*

¶ FIND STATEMENT FROM AGENDA 21 ON NON-VESTED INTEREST, AND FROM SCIENCE RELATED DOCUMENTS

**Only the individuals and the representatives that have been promoting and demonstrating in their total operation and experience adherence to socially equitable and environmentally-sound development shall 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; increased reliance on multisectoral stake holder vested interests decision making process (an arena of competing interests where conflict of interests have been glorified).**

*ENSURING ARMS-LENGTH RESEARCH*

- **Providing arm's length research**

Arm-length testing, and monitoring, by the scientific community and with an analysis by a range of government and non-governmental organizations

- **Encouraging scientists to be environmentally responsible**

The encouragement of scientists to be environmentally responsible and to use their knowledge and skill to help alleviate environmental problems. (Interfaith charter response through the Internet)

- **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)

- **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).

## 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 industries, then the criticism becomes yet another grounds to support the claim of “miseducation” through industrial rhetoric].***

*FAILURE TO ENSURE ARMS LENGTH RESEARCH INTO THE INTERDEPENDENCE OF ISSUES. UNIVERSITIES ARE RECEIVING INCREASED FUNDING FROM VESTED INDUSTRY INDUSTRIES*

## **REFORMING THE MEDIA**

*PROVIDING A MEDIA THAT RECOGNIZES ITS RESPONSIBILITY TO PUBLIC TRUST PROMOTING HUMAN VALUES AND DIGNITY ON THE PART OF THE MEDIA*

- **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)

- **[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)

- **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)

- **[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)

- **Serving the general welfare**

- **[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)

- **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).

- **[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.

(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).

- **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)

- **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, )

• **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)

• **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).

• **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).

• **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)

• **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)

### *PROVIDING A MEDIA THAT RESPECTS HUMAN RIGHTS*

• **[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)

• **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)



- **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)

- **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)

- **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)

- **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)

- **[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)

- **Avoiding prejudicial or pejorative 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).

- **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).

### *PROVIDING AN INFORMATIONAL, EDUCATIONAL AND ADVOCACY ROLE*

- **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)

- **[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 wellbeing 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)

- **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)

- **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).

- **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).

## **INSTRUMENTS OF CHANGE**

### *ALTERNATIVE ACTIONS OF PERSUASION AS INSTRUMENTS OF CHANGE*

- **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)

## **APPENDIX 1.**

### **INTERNATIONAL INSTRUMENTS THAT HAVE BEEN EXAMINED FOR THE GLOBAL COMPLIANCE PROJECT**

**NOTE: That the instruments will be reexamined for additional pertinent sections.**

*Note: that the instruments in italics have not yet been examined.*

- (i) legally binding International Conventions, Treaties, Covenants and Declarations
- (ii) Globally adopted UN documents and resolutions
- (iii) Globally adopted NGO documents and resolutions

#### VIENNA CONVENTION ON THE LAW OF TREATIES

The Vienna Convention on the Law of Treaties (1969)

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.

#### COMMUNICATIONS:

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)

#### CONFERENCES:

UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT, AND PEACE  
Advanced Unedited Draft Declaration and Platform for Action, May, 15, 1995

#### HUMAN RIGHTS DECLARATIONS, CONVENTIONS, COVENANTS:

- (i) legally binding International Conventions, Treaties, and Covenants

International Declaration of Human Rights (1948),

Convention on the Prevention and Punishment of the Crime of Genocide 1948

International Covenant of Economic, Social and Cultural Rights (1966),

International Covenant on Civil and Political Rights (1966),

Convention on the Political Rights of Women (1953),

Slavery Convention signed at Geneva, 1926 and amended by the Protocol (1953),

Convention on the Nationality of Married Women (1957), International

Convention on the Elimination of All forms of Racial Discrimination (1965);

Convention on the Elimination of all Forms of Discrimination against Women (1975)\*,  
UN Convention on the Rights of the Child (1989),  
Declaration on the Rights of Disabled Persons (Proclaimed by General Assembly Resolution 1975)  
Declaration on the Rights of Mentally Retarded Persons ( )  
Convention Concerning Indigenous and Tribal Peoples in Independent Countries (1990 )  
Convention concerning Employment Promotion and Protection against Unemployment, (1988)

#### ENVIRONMENTAL RIGHTS INSTRUMENTS:

Stockholm Conference on the Human Environment (1972),  
UN Convention for the Protection of Cultural and Natural Heritage (1972, in force 1975), UN Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973), *UN General Assembly Resolution 35/8 Historical Responsibility of States for the Preservation of Nature for Present and Future Generations (1980)*,  
UN Resolution, 37/7, World Charter of Nature, 1982),  
Law of the Seas (1982)  
Vienna Convention for the Protection of the Ozone (1985),  
ASEAN Agreement on the Conservation of Nature and Natural Resources (Kuala Lumpur, 1985),  
Montreal Protocol on Substances that Deplete the Ozone Layer (1987) (including London and Copenhagen Protocols),  
Convention for the Control of Transboundary Movements of Hazardous Wastes (Basel Convention, 1989),  
Convention on Environmental Impact Assessment of Transboundary (1991)  
Rio Declaration and Agenda 21 UNCED(1992), Convention on Biological Diversity, (1992), UN Framework Convention on Climate Change (1992),  
Convention for the combating of desertification

#### PEACE INSTRUMENTS:

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  
Geneva Conventions of 1949 relating to Protection of Victims of Armed Conflicts.  
Antarctic Treaty (1959, in force 1961)  
The Atmospheric Test Ban Treaty: Prohibiting the testing of Nuclear weapons in the Atmosphere (1963 in force 1963  
(Art. IV Outer Space Treaty (1967 in force 1967)  
Nuclear-weapon Non-proliferation Treaty (1968, in force 1970)

Seabed Treaty (1971, in force 1972)

Bacteriological and Toxin Weapon Convention of 1972 in force 1975)  
(Article 1, Bacteriological and Toxin Weapon Convention of 1972 in force 1975)

Environmental Modification Convention (1977 in force 1978)

Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts (in force 1978).

Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts (in force 1978).

Moon Agreement (1979, in force 1984)

Inhumane weapon Convention (1981, in force 1983)

*Strategic Arms Limitation Talks (SALT 1& II) ; Strategic Arms Reduction Treaty (START I (1989) & II (1992): Comprehensive Test Ban Treaty (in progress) meeting, August 1995). Treaty of Tlatco (declaring South America as a nuclear Free weapons zone.)*

Declaration on the Use of scientific and technological progress in the interests of peace

## SOCIALLY EQUITABLE AND ENVIRONMENTALLY-SOUND DEVELOPMENT

Programme of Action of the United Nations International Conference on Population and Development 1994 (unofficial document)

Social Development Summit (Draft submissions)

## EQUITY

Universal Declaration on the Eradication of hunger and malnutrition

## UN RESOLUTIONS FROM

Resolution 37/137 Protection against products harmful to health and the environment, 1982

United Nations Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12, 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 endorsed by the 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

#### INTERNATIONAL NGO RESOLUTIONS AND DOCUMENTS:

Alternative Earth Charter, ERA Ecological Rights Association, 1991  
Citizens Association to Save the Environment- CASE, 1995  
Declaration of Conscientious objection  
Declaration, Summit of the Americas, 1994  
Earth Charter, (Global Forum, 1992)  
ERA Ecological Rights Association UN Declaration for Translating  
Rhetoric into Action  
International Union of Geological Sciences, 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,  
(1992);*  
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  
5/93 for PAN International by PAN North America Regional Center.  
The Imperative of Equity: the Missing Dimension of UNCED: Statement of  
the South Asia NGO Summit, New Delhi, February 17-19, (1992), Earth  
Charter, (Global Forum, 1992), *NGO Treaty on Militarism, Environment  
and Development (Global Forum, 1992), NGO Treaty on Population,  
Environment and Development (Global Forum, (1992);* NGO Treaty on  
"Overconsumption" (1992)



Women's Health in Women's Hands, 1995  
Women's Action AGENDA, 1992  
5/93 for PAN International by PAN North America Regional Center.

## VIENNA CONVENTION ON THE LAW OF TREATIES

The Vienna Convention on the Law of Treaties (1969)  
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.

Legally binding International Conventions, Treaties, Covenants and Declarations

## HUMAN RIGHTS INSTRUMENTS:

African Charter on Human Rights ( )  
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 Marriage ( )  
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 (Proclaimed by General Assembly Resolution 1975)  
Declaration on the Rights of Mentally Retarded Persons ( )  
First study Conference on Genital mutilation of girls in Europe, (1992)  
International Cooperation in the fight against all Forms of Religious intolerance  
International Covenant on Civil and Political Rights (1976),  
International Covenant of Economic, Social and Cultural Rights (1978),  
International Convention on the Elimination of All forms of Racial Discrimination (1966);  
International Convention on the Protection of the Rights of all Migrant Workers and members of their families, ( )

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 (in force 1978)  
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 of 1971, (in force 1972)  
Stockholm Conference on the Human Environment, (1972)  
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, in force 1975),  
UN Framework Convention on Climate Change (1992),  
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 of 1972 in force 1975)  
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 of 1949 Relating to Protection of Victims of Armed Conflicts.  
Convention Relative to the Protection of Civilian Persons in Time of War,  
(1949)  
Declaration made by participants in the 5th International Conference of  
Peace Tax Campaigners and War tax, (1994)  
.Declaration on the Preparation of Societies for Life in Peace ( )  
Declaration on the Use of Scientific and Technological progress in the  
interests of peace, General Assembly Resolution (1975)  
Environmental Modification Convention (1977 in force 1978)  
Geneva Protocol of 1925 on Chemical and Bacteriological Warfare, in  
force, (1928)  
Group of Fifteen, Submission to UNCED, (1992)  
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, in force 1983)  
Interfaith Charter through the Interne, (1995)  
Moon Agreement (1979, in force 1984)  
Nuclear-weapon Non-proliferation Treaty (1968, in force 1970)  
Outer Space Treaty, (1967 in force 1967)  
Seabed Treaty (1971, in force 1972)  
*The Atmospheric Test Ban Treaty : Prohibiting the testing of Nuclear  
weapons in the Atmosphere (1963 in force 1963*  
*Treaty of Tlatco (declaring South America as a nuclear Free weapons  
zone.)*  
UNCHE, 1972  
UN Secretariat Plan of Action World Summit for Social Development,  
March 1995

## 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  
Statement of the IUCN, (1994).  
Nairobi Forward Looking Strategies, (1985)  
Social Development Summit (Draft submissions)

## EQUITY

Universal Declaration on the Eradication of hunger and malnutrition

## 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

Declaration, Summit of the Americas, 1994

Earth Charter, (Global Forum, 1992)

ERA Ecological Rights Association UN Declaration for Translating Rhetoric into Action International Union of Geological Sciences, 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, (1992);*

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

5/93 for PAN International by PAN North America Regional Center.

The Imperative of Equity: the Missing Dimension of UNCED: Statement of the South Asia NGO Summit, New Delhi, February 17-19, (1992), Earth Charter, (Global Forum, 1992), *NGO Treaty on Militarism, Environment and Development (Global Forum, 1992), NGO Treaty on Population, Environment and Development (Global Forum, (1992);* NGO Treaty on "Over-consumption" (1992)

Women's Health in Women's Hands, 1995

Women's Action AGENDA, 1992

5/93 for PAN International by PAN North America Regional Center.

UN RESOLUTIONS FROM 1981-

Resolution 37/137 Protection against products harmful to health and the environment, 1982

United Nations Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12, 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 endorsed by the 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

#### OTHER

Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation  
Peaceworkers Brochure.  
Responsibility. a Statement of Principles for Canadian daily newspapers, 1977

UN Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973),  
*UN General Assembly Resolution 35/8 Historical Responsibility of States for the Preservation of Nature for Present and Future Generations (1980),*

## 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

#### **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
- 

## **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 within whom one does not share a complex of principle for a common specific goal**

## **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)

## **SUMMARY**

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.**

## 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 presents 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 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 these fifty years 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, whose purpose it is to find 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. (See Comment in annex and diagram, p<sup>∞</sup>)

2. to become a framework within which to place current deliberations about conference documents (Involvement with the Beijing to the Global Compliance Research Project, p. ∞ )

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." (Introduction to the Global Compliance Research Project).

3. to serve as a means of assessing what still needs to be done (Annex)

4. to be a foundation for decision making process

(see Purposes Diagram)

5. to support the redefinition of what would constitute "civil society"

The first four purposes are examined either in the introduction to the project or in the annexes accompanying the Draft Charter of Obligations. The fifth, the support for the redefinition of what would constitute ' a civil society' — a term that has recently reemerged and is being widely used in socio-political discourse, will be examined in this introduction to the draft Charter of Obligations. The Charter of Obligations provides a basis upon which to monitor state obligations and call for these obligations to be translated into legislation and national policies. (Lanyan, p 7) The responsibility for monitoring the states' discharging of these obligations appears to be falling more and more on the individual and group advocates and activists.

Generally many advocates and activists have used as their vehicle of action, NGO organizations. Even though the term NGO only refers to "Non-governmental organization" 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 "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 the international decision making process. Often because of the special privileges granted to NGOs, industry has set up groups that pose as legitimate societies, and through these societies have been able to have additional access to the decision making process. For attendance at NGO forums no evidence is required to demonstrate the legitimacy of the NGOs. In the past few years the nature of what would constitute an NGO has been raised and criteria for inclusion and exclusion proposed.

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 industry group societies. Often, however, with mission statements and apparently arm's length financial investment by industry, these industry 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) a new term was introduced into the international sphere of accreditation discourse: the term "civil society." This revived term has been introduced and suggested as a term to replace the term NGOs. The introduction will be in two parts: the first part will be a theoretical and historical analysis of "civil society" by Dr. Lanyan Chen. The second part will be an examination of the implications of this revived term and its potential replacement of the term "NGO." In both parts of the introduction the role of the draft charter in redefining the concept of civil society.

Civil society as defined in this introduction has this important role to monitor and ensure the discharging of these 50 years of obligations, and to call upon states to pledge future commitments to ensure that the original purpose of the United Nations is fulfilled; *that comprise "civil society". In order to monitor the discharging of obligations, civil society would have to be committed to the principles enunciated in the Charter of Obligations. and the success of will depend on the pressure from "civil society."*

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. In advocating the role of "civil society" we must be absolutely clear, if possible, about what we conceive of as "civil" society. This reemerging 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 “round-table movement) (c) Feigned altruism ....used by industry.

Re-definition 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.

will be stressed will be analyzed. the term will be first examined in the following contexts:(a) historical perspective as used in Western thought, including by Hegel,.. and Marx; (b) *Reemerged* vision as used by former socialists societies ( and by extension in the “round-table movement) (c) Feigned altruism ....used by Business Councils and industry.

(d) Ambivalent version as used by NGOs. The introduction 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” .

## PART 1: GENERAL USE FOR THE CHARTER OF OBLIGATIONS

### A. Establishing Foundation for determining what constitutes “civil society”

#### (1) *Historical and theoretical perspectives Dr. Lanyan Chen*

To provide a context in which the Global Compliance Research Project contributes to the future development of global governance of the UN, I will discuss a debate [ **has the debate been used or is it ‘civil society’ {{Does a debate explain}} that has been used** ] on the concept of "civil society," which has been increasingly used to explain changes in the global structure of socioeconomic relations. *These changes include a contrast between the growing **apparent** strength of citizens' movement in the areas of **preserving and** protecting environment, peace, human rights, **of reducing** poverty reduction, and **of ...ing feminism**, on the one hand, and on the other, the increasing **global** 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, men and the environment, and on conflict and the escalation of war.* A discussion of These changes points towards individual activism of women and men as a force to construct an alternative model of "civil society" in the present global context.*



**These changes point to increased virtual power in the former case and increased actual power in the latter.**

### **Global structure of socioeconomic relations**

Based on this construction of global civil society [strength of... and domination of...], *it is necessary*, then, to analyze the fundamental differences between the global civil society, **which is being revived** *which is in making*, and the concept of [is it both in the making and being revived?] civil society developed in the West since the 18th century.

This analysis [**which 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, citizens' [**is that including the market dimension**] participation in the creation of principles and standards, entailed in the statements of agreed-upon governmental *commitments*, **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 present draft Charter of Obligations is an historical account of the **obligations** undertaken by states *to fulfill in response to citizens' influences* [**it cannot be said that these obligations arose in response to citizen's influences**].

Contributions of the present draft Charter of Obligations to the 4th World Conference on Women in Beijing in September, 1995 are linked precisely to **the placing of the recommendations** from its *appraisal of the recommendations of "The Nairobi Forward-Looking Strategies for the Advancement of Women"* **within a framework of** principles and standards adopted by the international instruments over the past 50 years. *This appraisal supports the* **This framework reaffirms** *reaffirmation of* obligations previously adopted by international instruments and agreed-upon by member states of the UN *to fulfill for the advancement of women*. **The framework could also be used to support** *This support enhances the significance of the 4th World Conference on Women, which lies in the adoption of the document of "Platform for Action."* This **platform of action** document **appears to contain new obligations but only if we do not know what obligations have already been undertaken** *contains increased agreed-upon obligations to be undertaken by member states of the UN to fulfill in the eleven areas of critical concern to women in the world. 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. It has been a result of concerted efforts, for years, [ has it? - support?]* *of women's organizations to use the UN as an avenue to demand national governments to fulfill their obligations to women, and to bring into recognition the issues that matter to women world-wide.* **There has not been a concerted effort most women's organizations have no idea what has been agreed to — that is one of the problems - women have not been involved -** *The adoption of this document means*

*that women have secured their right to participate in the implementation of international obligations. **Not necessarily because it is not legally binding** It also means that women have made a leap towards an equal representation with men in a future process of global governance. This understanding of global governance is, in some way, stimulated by the recent Report of the Commission on Global Governance © "Our Global Neighborhood: The Basic Vision" (1995). It may not directly address issues of institutional reform of the UN as the Report does since it is focused on the historical and theoretical significance of a Charter of Obligations in the construction of global civil society. Such a charter 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 to participate in the implementation of increased governmental commitments to improving the socioeconomic conditions of life and protecting the 'ecological environment.*

### 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, such as* Maxim 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. *Based on my personal notes taken during the conference.* Others, 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.* UNDP and Organizations of Civil Society June, 1995, p. 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 (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). These two views, expressed by **Maxim Kalau and UNDP** [clarify] moreover, take a step to fix the market, an institution which has a history as long as the state, or else longer, in relation to civil society. While one view excludes the market completely from civil society and emphasizes nonprofit making activities and organizations, the other sees the market existing side-by-side with civil society. Some

organizations of civil society, such as trade unions and chambers of commerce, are potentially linked with profit-making activities. Since this latter view makes no distinction of profit-making activities of small and medium entrepreneurs from those of transnational corporations, it is thus difficult to see where the market ends and civil society begins. While appreciating the concerns of these two views about the weakening of nation-states in front of growing influence of transnational corporations, I recognize that both are inadequate because they provide unclear definitions of what holds civil society together **[they were not necessarily dealing with what hold society together but with which segments of society should be deemed to be members of civil society]** and how different civil society is from society, a central subject matter in social inquiry for generations. If civil society is voluntary, it is however unclear what motivates people to volunteer themselves to a cause, which 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, alongside 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. Given these unanswered questions, I seek to adopt an alternative perspective, which comes from an examination of a Western democratic tradition, in which the concept of civil society was created and reconstructed.

## **START**

### **EXAMINATION OF A WESTERN DEMOCRATIC TRADITION**

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, 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. 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). 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. For this discussion, see Harry Magdoff, "A note on 'Market Socialism'," *Monthly Review*, Vol. 47, May, 1995. 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 non-government economic activities that G. W. F. Hegel, Karl Marx and Antonio Gramsci all viewed as central to the emergence of civil society." 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). This realm of non-government 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. 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.

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.

## **START**

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 Beijing 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 in accordance with these principles and standards that governmental commitments are enforced. Acceptance of these principles and standards worldwide is the basis upon which global governance develops to safeguard the wellbeing of humanity.

## **ASK ABOUT PUTTING IN SUMMARY**

### *Towards 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." *Grundrisse* (New York: Vintage Books, 1973), p. 83. '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. *Ibid*, p. 84. 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. *Ibid*, p. 89. 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. 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 another.

See Smith's Lectures on Jurisprudence (Indianapolis: Liberty Classic, 1982), ii.41. 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." F

See Marx, Grundrisse (Vintage Books, 1973), p. 95. F 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, as Figure 1 indicates, 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. 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 to 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, as Figure 2 indicates, 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 protection of peace, human rights, environment, poverty reduction and feminism, 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.

For a detail account of the constraints, see part ? of this book. These principles and standards in support of more equitable and sustainable life-worlds 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 between universally agreed-upon principles and standards, and national policy, as Figure 2 suggests, 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 large proportion of which 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 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 adopted in the past 50 years as the objectives of such international instruments as UN treaties, conventions, resolutions and declarations. The issue of 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. 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. While there are NGOs of different nature, some of them are funded by government, corporations, churches or private donations, they all function as a basis for citizens' movements. 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. 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). 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. 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 supervise national governments to fulfill their obligations. This supervision enhances citizens' participation in upholding the conditions of representative government, varying elements of

which are practiced 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.  
Lanyan Chen

I am indebted to Joan Russow, who invited me to write this article. Her valuable comments insured improvement in the final version. I take full responsibility for remaining weaknesses.

(2) Basis for the redefinition of "civil society" in the decision making process

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. (c) Feigned altruism view....used by Business Councils and industry.

(d) Ambivalent version as used by NGOs.

Civil society: something that must be strengthened and made to work  
MAKING CIVIL SOCIETY WORK. Several components are proposed including an Inter-American Development Bank fund for strengthening civil society, promotion of legal frameworks that encourage operation of non-governmental organizations, and support for building and strengthening NGO networks in the hemisphere (4. Making Democracy work).

Civil society as being something of importance

We will be providing them information to include as part of their public materials (such as the speech delivered last week by Vice President Al Gore to the Inter-American Development Bank emphasizing the importance of civil society) (Fact Sheet on Conference).

whereas Thierry Lemaesquier, the Director Social Development and Poverty Elimination Division, UNDP., in a presentation at the “We the Peoples: the role of Civil Society in the History and Future of the United Nations” Conference was definitive about the need to distinguish “civil society” from the state and the market .

## CHAPTER 5. PRINCIPLE-BASED EDUCATION

### ***PROMOTION OF TOLERANCE, PUBLIC AWARENESS AND UNDERSTANDING OF GLOBAL ISSUES THROUGH PRINCIPLE-BASED EDUCATION***

**Only the individuals and the institutional representatives that are promoting and demonstrating in their total operation adherence to socially equitable and environmentally sound development shall be involved in public education, and on decision making bodies.**

#### **PRINCIPLE BASED EDUCATION**

A potential means of addressing the reduction of resolve in bringing about substantial global change through education (drawing upon the publication Russow, J. “a method of teaching human rights”, 1985, and extended with the collaborations of David white)

For years, the international community through international documents has recognized the urgency of addressing issues related to environmental degradation, escalation of war and arms production, violation of human rights, and the inequitable distribution of resources. In these documents principles can be extracted and a complex of principles presented as representing an expression of international concern.

In principle-based education the urgency of problem will be acknowledged, the international document addressing the urgency will be examined, and the principles in the different documents will be explored, and proposed international solutions offered through international law and obligations will be evaluated

In principle based education students are encouraged to examine and to appreciate the full complexity and interdependence of global/local issues within a framework of internationally agreed to principles. The students are encouraged to investigate the components of these agreed to principles and to analyze the role of science and technology in the fulfillment or violation of these principles. The emphasis in this approach is on becoming knowledgeable about the principles and their application, on investigating the implications of these principles, on analyzing and synthesizing information on current issues in the light of these agreed to principles, on clarifying the role of science and technology in relation to these principles, and on proposing a range of possible solutions to practical problems emerging from the issues. The students will be encouraged to investigate local issues within This framework of globally adopted principles.

This approach entails (1) examining principles enunciated in primary source material (international documents);(2) examining the role of science and technology in local and global issues (3) compiling actual cases studies and hypothetical case studies; (4) engaging in analytical processes of issue-principle analysis drawing upon a wide range of processes in creative and critical thinking (5) investigating a wide range of local and global concerns (6) thinking about the complexity and interdependence of issues within the framework of international principles (7).proposing solutions and resolutions based on the full examination of the principles and issues.(8) integrating themes, principles and issues, and linking these with science and technology (9) Determining appropriate moments for integrating issues into the science curriculum (10) developing lesson plans and educational materials based on issue-principle analysis (11) applying scientific knowledge global and local issues; (12) Determining the linking of issues and principles to "organizers" within the science curriculum such as "changes in the Environment" and "Ecology and resource management" (13) Encouraging the development of a responsible attitude towards local/ global issues. (14) Fostering the working cooperatively and independently

## **ISSUES-URGENCY- PRINCIPLES- PRINCIPLES OF ACTION- ACTION- RESPONSIBILITY**

### **Principle-based framework**

At the international Conference on Environment and Development (UNCED), important principles were established in the globally adopted documents. These principles have been linked with previously adopted principles related to human rights and peace issues as a basis for principle-based education:

Underlined name of international agreement that addressed the issue

A preliminary analysis of the following international instruments and documents has been completed by Joan Russow. The documents include the following:

- (i) legally binding International Conventions, Treaties, Covenants and Declarations
- (ii) Globally adopted UN documents and resolutions
- (iii) Globally adopted NGO documents and resolutions

(See Appendix I for a list of international instruments that could be used)

## **PRINCIPLES FROM THE DOCUMENTS ADDRESS THE FOLLOWING ASPECTS OF GLOBAL ISSUES.**

- Preserving, conserving and protecting the Ecosystem  
Preventing pollution: nature of "environment" technology
- Invoking precautionary and anticipatory approach related to scientific certainty  
Ensuring environmental assessment reviews: Role of scientific evidence
- Calling for Life cycle analysis: Examination of environmental effects from the production, refinement, consumption, and disposal of substances
- Affirming Non-transference of harmful substances or activities from one state to another (this would include toxic, hazardous and atomic wastes)

These issues will be integrated with international principles related to

- Eradicating poverty
- Eliminating discrimination
- Ensuring gender equity
- Guaranteeing equality before the law
- Respecting Intergenerational equity (the rights of future generations)
- Undertaking the positive duty to protect indigenous lands
- Recognizing Positive duty to protect natural heritage
- Phasing out use of non-renewable resources
- Eliminating weapons of mass destruction

### **PRINCIPLE-BASED EDUCATIONAL APPROACH**

Rationale:

In 'principle-based education,' 1 principles related to preventing (i) the destruction of the environment, (ii) the escalation of war, (iii) the violation of human rights, and (iv) the perpetuation of inequity and social injustice have been extracted from international documents. These internationally endorsed principles become the foundation for an educational program. Often in "education about issues," in the name of objectivity, a "both-sides" approach is advocated. Issues are perceived to reflect different values, and because of this perception, all opposing views are considered to being equally legitimate. In this "both-sides" approach in the classroom students are often encouraged to explore positions which may be in contradistinction to principles that have been endorsed by the global community.

1 "Principle-based education" was introduced in 1985 in Russow, J. " A Method of teaching Human Rights;" and expanded in Russow, J and D White. Global/local Issues through principle-based education

The justification for this "both sides" approach is often the need to counteract indoctrination that could result from "value-based" education. A distinction, however, could be made between value-based education and principle-based education. In indoctrination the values that are presented are usually those that comprise the belief system of the educator, whereas in principle-based education the principles are drawn not from an educator's particular belief system but from internationally endorsed principles.

Students in principle-based education will participate in decision making about issues which moves away from the current model of the "multistakeholder arena of competing vested interests": a model where various sectors through asserting their interests within the consensus decision making process often compromise and detract from the actions required to bring about societal change.

In Principle-based education educators will be introduced to a range of international principles related to issues, and to a range of analytical processes for exploring issues within a principle-based framework; educators will be involved with creating lesson plans and educational material, which could become part of an international educational Program.

Although global issues defy the traditional disciplinary boundaries, and are primarily interdisciplinary or trans-disciplinary, global issues could be introduced through the analytical processes in principle-based education into any discipline or subject area.

## **COMPONENTS OF PRINCIPLE -BASED EDUCATION**

### **complexity-interconnection-integration of issues**

#### INTERCONNECTION INTEGRATION OF ISSUES

- focus on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues
- reveal the full complexity and interaction of aspects of issues within a principle-based framework
- integrate different environmental issues, and integrate environment with other issues.

#### INTEGRATION OF ENVIRONMENTAL EDUCATION WITH OTHER SUBJECT AREAS

develop a more responsible attitude toward self and society through the examination of environmental issues

appreciate how their lifestyle affects their environment

approach the issues surrounding land and water use in an open minded manner

integrate the different aspects of global issues; aspects that were usually dealt with in isolation

#### ADOPTION OF INTERDISCIPLINARY AND TRANSDISCIPLINARY PERSPECTIVE

- to draw upon different disciplines to assist in the analysis of environmental problems. The importance of an interdisciplinary approach was affirmed in the "Junior Secondary Science Curriculum Guide and Resource Book.

No major scientific problem which our society is currently facing, whether it be acid rain or nuclear waste, is simply a problem of physical or life sciences. Students should therefore be led to see that the perspectives of various disciplines when integrated often create a more illuminating and comprehensive view of a problem. Investigation of pertinent issues with an holistic approach will also provide numerous diverse experiences ... some of these experiences must be creative and future oriented. program should be investigative to scientific processes and experiential to bridge varying levels of maturity. It should deal with practical problems helping students to cope and understand their lives. it should also attempt to show that the disciplines of science together can contribute to a greater understanding of our world  
a program with these emphases requires flexibility in terms of teaching strategies, content and time allotments

#### PROVISION OF BACKGROUND KNOWLEDGE ABOUT DIFFERENT ISSUES

- To carry out research into evidence about issues, and to examine underlying assumptions
- to draw upon expertise and experience during a one day workshop outlining scientific background to issues, and through examining primary source material
- To examine the local environmental effects resulting from science and technology

#### **THINKING, DECISION MAKING, AND ANALYTICAL PROCESSES**

##### STIMULATION OF THINKING ABOUT ISSUES THROUGH ENGAGING IN ANALYTIC PROCESSES WITHIN A PRINCIPLE-BASED FRAMEWORK

- to understand the cause and effect relationships between and among different issues
- to propose remedies for various environmental issues
- to promote problem solving from a principle-based, point of view
- to familiarize pre-service teachers with teaching approaches such as problem solving, critical analyses within a framework of internationally agreed to principles

##### DISPOSITION OF ANALYSIS AND REFLECTIVE ACTION

Stimulation of thinking about issues through engaging in analytic processes within a principle-based framework

- developing disposition of analysis and synthesis and reflection action through engaging in the following processes Selection of issues to be examined within the principle
- Location of principle within "International principle diagram"
- Statement of principle
- Exploration of principle,
- clarification of concepts and terms through ordinary language analysis
- Establishing of criteria for 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 principle of action
- Connection with other principles in "international principle diagram"

Note: exploration of means of using these processes, without naming them, throughout primary, and intermediate program (example drawn from Grade 6 project)

#### INVESTIGATION OF AN ALTERNATIVE DECISION MAKING PROCESS

- to propose principle-based decision making that moves away from the current model of the "multi-stakeholder arena of competing vested interests", where various sectors through asserting their interests within the consensus decision making process often compromise and detract from the actions required to bring about societal change.

### **ACTION- SOLUTIONS**

#### TRANSLATION OF PRINCIPLE INTO PRINCIPLE OF ACTION

- to investigate the application of international principles to local issues
- to develop a basis for examining issues within an international context rooted in rights, obligations and responsibilities
- to determine criteria for the translating of these principles into action
- examine the nature of actions that have to be taken to ensure that states live up to the principles enunciated in the documents
- to examine the lag between the enunciation of principles to address the issues and the political will to actually address the issues
- to indicate for which issues obligations have not yet been undertaken

The issues that are not being dealt with through international documents

- to evaluate the "environment industry." Prevention technology. the solution as part of the problem

#### JUSTIFICATION OF ACTIONS

- to explore criteria for evaluating the justification of actions
- to help students become motivated to actively participate in ecosystem preservation, protection of the environment and prevention of pollution
- to understand the linking between life style, type of consumption patterns and the existence of global issues



- to recognize the nature of action that has to occur to bring the principles into action

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 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, because the principles are derived from globally agreed to documents forms a basis upon which to construct a program. 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 industries, then the criticism becomes yet another grounds to support the claim of "miseducation through industrial rhetoric.

## CHAPTER 6: CONCLUSION

Environmental principles Proposed for submission to the NGO Platform of Action  
March 10, 1995  
Global Compliance Research Project:

### **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 [are essential to life on earth.] must be considered. The uniqueness of each ecosystem must be respected.**

**Ensuring that in all decisions made about the environment that the ecosystem is given primacy. "Ensuring that every form of life is unique, warranting respect regardless of its worth to humans (World Charter of Nature). "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). 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)**

### **2. 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.**

**A comprehensive listing list of international, national and bilateral and regional agreements, protocols and conventions has been compiled and shall be affixed to this document.**

### **3. 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic byproducts or breakdown products during its productions, use or disposal (zero Toxics Alliance Statement of Principles)**

**Given that goals and targets may not have taken into consideration pollution prevention, the goals and targets, consequently, shall be reassessed in the light of recent EPA findings and in the light of the precautionary, anticipatory principle,**

and other principles such as those advocated by the Zero Toxics Alliance in their Statement of principles from July 26, 1994: .

#### **4. COMPLYING WITH THE PRECAUTIONARY PRINCIPLE**

as enunciated as the following:

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

#### **5. 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, bio-accumulation, 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, hormone mimicry

#### **Principle 6. 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. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative 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 BEST.

#### **7. 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.

Adverse effects include, but are not limited to, toxicity, bio-accumulation, bioconcentration; persistence, *destruction* [depletion] of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change *and global climate change*, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, hormone mimicry

## **8. 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, 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.

In international documents there is the recognition of the importance of environmental audits, and of the taking into consideration of ecological consequences:

**Governments,...should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (Agenda 21, 20.20 e)**

**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)**

In addition, assessment of 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.

### **• 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. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.

### **• ADDITIONAL PRINCIPLE: INSTITUTING THE REVERSE ONUS PRINCIPLE**

The onus of proof shall shift from the opponent of an intervention into the ecosystem having to demonstrate harm to the proponent of an intervention into the Ecosystem having to demonstrate the safety of the intervention

**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.**

## **9. 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.**

### **{I ADDITIONAL ASSOCIATED PRINCIPLES}**

#### **• PRINCIPLE: 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, the current government 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).**

#### **• ENSURING THAT COMPENSATION IS NOT USED AS JUSTIFICATION FOR NON-FULFILLING OF DUTY**

**Ensuring that compensation can never be used as reason for not exercising the duty to preserve, protect, conserve and the environment**

## **10. ENSURING CONSISTENT PROTECTION OF AMBIENT AIR AND WATER AND SOIL QUALITY THROUGHOUT THE PROVINCE.**

**Ensuring consistent protection throughout the province means ensuring both the variation in air, water, and soil conditions across British Columbia 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 BC 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 B.C. No particular area should be penalized due to a pre-existing high-quality environment**

**• In no way shall the requirement to ensure consistency be used as a justification for the relaxing of province-wide standards and technical regulations. There must be tough standards that stand the test and everyone has to follow.**

**• 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)]**

**•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 a pristine area because the area is not yet officially been designated as being polluted.
- Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations [ Current situation in Delta where a plant with “industrial ? ” air emissions is redefined as a recycling plant and thus the regulations related to “industrial... ” is deemed inapplicable.

#### • 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 under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19, BCEPA DRAFT)

• ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS, POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM

• ENSURING THAT THE NON-TRANSFERENCE OF SUBSTANCES OR ACTIVITIES, HARMFUL TO THE ENVIRONMENT OR HUMAN HEALTH TO OTHER PARTS OF CANADA OR TO OTHER STATES.

• HARMONIZING UPWARD OF THE “PLAYING FIELD.” STRIVING TO ENSURE THAT THE PROVINCIAL TARGETS IN BRITISH COLUMBIA SHALL DRAW UPON THE HIGHEST POSSIBLE EQUITABLE AND ECOLOGICAL STANDARDS

• RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE

• ADDITIONAL PRINCIPLE: AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.

• ADDITIONAL PRINCIPLE: ENSURING THE NON-PROSECUTION FOR ADVOCATING THE COMPLIANCE WITH OBLIGATIONS, AND MANDATORY STANDARDS AND TECHNICAL REGULATIONS

• ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM

APPENDIX 1V PRESENTATION OF THE GLOBAL COMPLIANCE PROJECT TO THE  
COMMISSION ON THE STATUS OF WOMEN  
**PRESENTATION TO THE 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 Global Emergency Action Resolution.

### 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 instruments, 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 additions 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.

## **GLOBAL EMERGENCY ACTION RESOLUTION**

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:

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

3. The following is a selection, from the Global Compliance Research Project of obligations from international instruments, and NGO recommendations, which could reflect actions that would enable compliance with 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, 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 9no-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 protection§ {What kind of legal protection? international or national} and assistance to refugee and displace 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 800billion 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-incidence 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-incidence 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.**

March 20, 1995

GLOBAL COMPLIANCE RESEARCH PROJECT

Presented by Joan Russow

co-ordinator, of the Global Compliance Research Project

#### APPENDIX IV

(To be completed when the prep document is available for comment)

#### **REVIEWING AND APPRAISING THE OBJECTIVES OF THE NAIROBI FORWARD-LOOKING STRATEGIES AT THE UN [DEVELOPMENT, ENVIRONMENTAL INTEGRITY, EQUITY AND PEACE]**

\* To review and appraise the advancement of women since 1985 in terms of the objectives of the Nairobi Forward-looking, Strategies for the Advancement of Women to the Year 2000, **and in the terms of the 50 years of the objectives in UN Treaties, Conventions, Resolutions and Declarations. and to extend these objectives of peace, equity, and development to also include the preservation and protection of the environment and the respect, enshrinement and protection of human rights. [modified stated objective of the UN Conference on Women: Action for [Development, Environmental integrity, Equity and Peace]**

\* To mobilize women and men at both the policy-making and grass-roots levels to achieve those objectives **and be willing to go beyond these objectives.**

\* To adopt a "Platform for Action", concentrating on key issues-- the "critical areas of concern" -- identified as obstacles to the advancement of women in the world. This document will propose and suggest corresponding strategic objectives and action to be taken by Governments, the international community, non-governmental organizations, the private sector and individuals for the removal of the remaining obstacles to women's full and equal participation in development in all spheres of life. It will include actions to eradicate poverty; eliminate inequality in education; ensure access to relevant health care, employment and economic participation; further protection and preservation of the environment; end inequality in sharing of power and decision-making; improve images of women in the mass media, promote women's human rights and eliminate violence against women.

\* To determine the priority actions to be taken between 1996-2001 for implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000 by the international community, including the United Nations system.



## Appendix V

### GUIDELINES FOR THE INTERNATIONAL GLOBAL COMPLIANCE WOMEN'S COMMITTEE FOR DOING A CONTENT ANALYSIS

The following are suggestions about different aspects of the content analysis of international instruments. Many additional aspects will arise as we do the content analysis. Please add, delete or expand.

1. Document important usable statements that should have, or could bring about global change (concepts that reflect the highest tenable principles)
2. Document notwithstanding clauses that would prevent implementation of statement or principle and potentially misleading statements that could lead to the opposite effect than intended
3. Examine compound statements that cause inconsistency and thus non-enforceability
4. Make editorial comments for improvements (**use bold text to indicate improvements**) and for deletions (*use italics to indicate deletions*)
5. Assess what would constitute compliance
6. Include examples of non-compliance
8. Determine which agreements have been signed, ratified, and implemented.
9. Ensure that every instant of the concept has been documented because this could be used to support evidence of international customary law
10. Consult with lawyers about what a particular state might conceive of as being "International customary law", and find out whether international customary law automatically becomes the law of the state
11. Note significant definitions of key terms significant terms
12. Note contact committees, when mentioned, for document
13. Look for condescending or patronizing statements
14. Expand individual significant parts of significant statements
15. Note if specific promises have been made.
16. Record significant omissions
17. Where the symbol ++ (indicating that a critical issue has been omitted) is used, draft statement to suggest how the principle or concept could be covered.
18. Indicate when a critical issue has been omitted by using the symbol ++
19. Draft a statement to address the critical issue
20. Suggest other overarching categories that should be designated
21. Devise questions about different sections, or individual statements for the proposed questionnaire about critical issues
22. Select items for a questionnaire for the participants
23. Note additional documents suggested within the context of other documents
24. Find links within issues and among issues
25. Find links with the Nairobi future looking strategy, Women's Action Agenda, and with proposed document for Beijing

END

## **2.1. SYSTEMIC CONSTRAINTS, SEDUCTIVE DEVICES, DOCTRINES AND DIVERGENT PRINCIPLES ... PREVENTING SIGNIFICANT SOCIOPOLITICAL GLOBAL CHANGE**

### **2.1.1. Systemic constraints preventing significant sociopolitical global change at UNCED and beyond**

(Excerpts from "Systemic Constraints preventing change," Russow J. & White, D. in progress with input from Dr. Fred Knelman and Tim Boston; to be incorporated in Boston, T and F. Knelman, J. Russow, and D. White—in preparation: Anatomy of Anti-Ecological Thought. ERA Ecological Rights Press).

Although there were many significant acknowledgments and principles which emerged from UNCED, there were systemic constraints which prevented UNCED from addressing the urgency of the global situation,

The following "systemic constraints," appear to have prevented the global community from addressing this urgency:

- the continued willingness to enshrine the sovereign right to exploit natural resources.
- the unwillingness to move beyond sovereign barriers to international environmental governance
- the failure to recognize that the situation is so urgent that international environmental governance and standards have to be necessary
- the refusal of states to accept the rule of international law
- the unwillingness to enact the necessary national legislation to ensure compliance with international obligations
- the failure to establish an International Environment Court before which citizens could present evidence of state non-compliance
- the reluctance to establish stringent and mandatory international environmental standards and technological regulations
- the unwillingness of states to allow for a stringent, and mandatory enforcement monitoring program
- the obsession with consensus which may lead to the lowest common denominator rather than striving through collaboration for the highest tenable principles

- the conceiving of the decision-making process as an arena of competing interests
- the revelation of a problem and the presentation of a solution which could have more disastrous or equally disastrous consequences as the problem (nuclear as solution to climate change)
- the continued justification and rationalization about the use of ecologically unsound practices in the guise of technological fixes
- the condoning of technological fixes suggested as solutions:
  - the continued condoning of research and development into rectifying the harm done through ecologically unsound practices rather than discontinuing ecologically unsound practices (the Green Revolution syndrome)
  - the failure to shift support from ecological unsound technology to “prevention technology” — doing it right the first time
  - the presence and use of international short-term economic regulations which justify the abandoning by sovereign states of high ecological standards (evident in Chapter 2 of Agenda 21 "Social and Economic Dimensions").
  - the 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. and that in whose interest it is to benefit economically from the environment tend to ignore ecologically sound practices
  - the persistence of the co-option, often through government funding, of groups, whose role should be to act as the conscience of the official decision makers
  - the 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 press fails to report their statements
  - the sanctioned use of "words of delusion" that either delude the public into thinking that what is unsafe, is safe, or delude the public into thinking that there is the political will to eliminate unsafe practices.
  - the sanctioned use of loophole vague terms like "as appropriate, " “where possible” or of loophole provisions like without prejudice to international trade principles. For example, in the following section on consumption They should therefore review the purchasing policies of their agencies and departments so

that they may improve, where possible, the environmental content of government procurement policies, without prejudice to international trade principles. (4.23, Consumption)

- the sanctioned use of the "notwithstanding clause" device. This device allows for the indulging in strong statements about deep concern and the need for significant change and then including a notwithstanding clause that negates the strong statement.

" 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. (3.8 j Combating Poverty)

- the sanctioned use of oxymorons like "sustainable development", "Ecosystem management", the environmentally sound management of hazardous wastes" (20.22 Hazardous wastes) or "the promoting the safe and environmentally sound management of radioactive wastes" (Chapter 22 Radioactive wastes)

- the sanctioned use of term like "harmonizing" which usually leads not the highest tenable principles but to the lowest common denominator

- the reluctance to redefine what constitutes development in ecological and equitable terms such as the following:

- (i) The degree to which a state has been able to integrate with the ecosystem through ecological sound practices causing its human activity to have little deleterious impact on the environment
- (ii) The degree to which there is an equitable distribution of resources
- (iii) The extent to which a state respects the rights of indigenous peoples
- iv) The degree of condemnation, and avoidance of over- consumption
- (v) the ability to minimize the human impact on the environment through fulfilling fundamental rights and thus reducing population
- vi) The degree of compliance with the enshrining of positive rights (right to ecologically sound work, to food, to potable water, and health care to shelter) as well as with “negative” rights (right to security, freedom of speech etc.)
- (vii) The ability to live within the carrying capacity of the ecosystem and to refrain from contributing to global ecological harm
- (viii) The degree to which no or little funds are spent on the military and on arms production
- ix) The degree to which laws are enacted and enforced to protect environment, human rights, equity, justice and peace
- (x) The degree to which cooperation supersedes competition
- (xi) The degree to which support is given to alternative non-military preventive conflict reduction measures
- (xii) Degree to which citizens are listened to, and citizens make decisions within a framework of ecological principles
- (xiii)...

(from Russow, Redefinition of Development in Equitable and Ecological terms, presentation at Environmental Law Conference, University of Victoria, 1994)

- the 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
- the stereotyping of countries into categories of "developed, underdeveloped, and developing" rather than designating behaviours and attitudes as being "developed, underdeveloped and developing";
- the simplistic distinction between North (environment) and South (development)
- the presumption that technological transfer should always pass from "North" to "South"
- the 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
- the reluctance to deal with essential issues such as the link between "Nuclear civil reactors and Nuclear Arms Industry" or the Link between Poverty and lack of

universal "secondary" as well as "primary" health care system (3.6. e Combating Poverty)

- the reluctance to address the environmental degradation caused by military operations

## 2.1.2. Seductive devices, doctrines, dogmas, strategies and fallacies

By Fred Knelman and Joan Russow

Dr. Fred Knelman is the Vice President of the Whistler Foundation for a Sustainable Environment, and Joan Russow, was the delegate for the Whistler Foundation at the New York Preparatory Committee for UNCED and at the Earth Summit at Rio. The Whistler Foundation and the Nuclear Age Peace Foundation had circulated a Declaration that was signed by 37 Nobel Laureates; this declaration called for the phasing out of Nuclear energy. They requested permission to read this declaration at one of the plenary sessions at Rio Centro; permission was denied.

The International Atomic Energy Agency (IAEA) was initially set up in the 1960's to regulate Nuclear energy; they have, however, become one of the strongest proponents of nuclear energy. A fundamental regulatory principle of the "separation of function" is that "the agency entrusted for regulating a technology cannot be the same agency that promotes the use of that technology"(Knelman, 1975). IAEA, through its UNCED document entitled "Nuclear Techniques and Sustainable Development." acted as a major proponent, not only of the current use, but of the increased use of nuclear energy.

Agenda 21-- the 700-page far-reaching action-plan document from UNCED, was adopted unanimously by the global community represented at the Earth Summit in Rio. In Agenda 21 the following concern about radiation was expressed:

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. (Chapter 16. subsection 12),

The extent of the consequences of the nuclear industry were also identified in Agenda 21:

Annually about 200,000 m<sup>3</sup> of low-level and intermediate- level waste and 10,000 m<sup>3</sup> of high-level waste (as well as spent nuclear fuel destined for final disposal) is generated worldwide 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 radionuclides increases. (Chapter 22, subsection 1)

Yet at one of the plenary sessions, Mr. Hans Blix, Director-General of the IAEA, was given permission to present a document advocating nuclear energy as being a safe alternative energy for the future. The International Non-Governmental Organizations, (NGOs), however, recognized that the fundamental regulatory principle had been violated, and gave IAEA, the dubious honour of being presented with the International NGO Community's "Most Preposterous Proposal Award" "for presenting nuclear power as the environmental solution in energy and successfully keeping its problems out of the documents."

We would like to highlight some of the SEDUCTIVE DEVICES, STRATEGIES, DOCTRINES, DOGMAS and FALLACIES that have made the IAEA worthy of this honour. The examples will be drawn from IAEA document which was prepared for UNCED. Also references will be made to other UNCED Documents such as Agenda 21 and the Rio Declaration-- the Earth Charter-- 1992, and the Canada's National Report for UNCED, 1992

The seductive devices, strategies and fallacies used by the IAEA all draw upon the fundamental language of 'nukespeak.' Knelman (1986, 1992) has expanded on the euphemistic nature of Nukespeak:

(term first used in Hilgartner S, R. Bell, and R. O'Connor 1982)

The rule is to sanitize by euphemism: political euphemism is of course older than nuclear power. How many of us recognize the "elimination of unreliable elements." There are forbidden words in the language of civil nuclear power. For example, the words "accident", "pollution" or "disease" are never used. Accidents are either "transients", "events", "significant events", "anomalies", "occurrences" or "abnormal occurrences". In the extreme, they become "normal abnormalities", i.e. truth becomes lies. Explosions are "events of rapid disengagement" or "prompt criticality". Waste dumps are "residue areas". Thermal pollution becomes "thermal effects" and pollution becomes "impacts". Disease becomes "health effects". This is a euphemism for cancer and genetic malformations. And missing plutonium, which is the link to clandestine acquisition of nuclear explosives is "material unaccounted for" or simply MUF! (Knelman, 1986.) Other names relating to nuclear accidents are criticality, nuclear excursions, abnormal evolution, normal aberration, plant transients, unnecessary ignition sources. "Nukespeak" is perpetuated through "nuclear acceptance campaigns" by the PR departments of the nuclear establishment, designed to find "palatable synonyms" for "scare words" through the use of "truth squads" in order to remove "undue public concern", create "pro-energy climate" where "technically qualified persons" would agree that nuclear power poses "no significant threat" and could be entrusted for the timely detection of potential abnormalities, or there is "no evidence" of such threat (as though lack of evidence is proof of assertion) and the promises that turned into lies i.e. that nuclear power would be "too cheap to meter" providing society with "boundless energy" and save us from "freezing in the dark"., this is the language of Orwell's 1984, where peace is war and truth is a lie. (Knelman, 1992).

## **SEDUCTIVE DEVICES, DOCTRINES, DOGMAS, STRATEGIES AND FALLACIES**

- The "blatant misrepresentation or expedient omission" device



This device involves the convenient exclusion of any part that could be detrimental to one's position.

The IAEA through expedient omission (possibly for advantageous "clarification") has left out a significant section in Agenda 21 which does not include nuclear energy in the list of "safe" technologies for the future.

To "clarify" Agenda 21, the IAEA in its UNCED document stated the following:

The UNCED Agenda 21 notes the need for a transition to environmentally sound energy systems, which will entail major changes in the patterns of energy production and consumption (IAEA Document, p.5, 1992)

In the Atmosphere chapter of Agenda 21, the following [safe] and sound technologies are advocated:

cooperate to increase the availability of capacity, capabilities and relevant technologies ...for utilizing and producing environmentally [safe and] sound renewable energy resources, such as solar, wind, geothermal, hydropower and biomass,... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, .... (Section 9. Subsection 9 g Agenda 21, 1992)

Thus, we see that in the Energy section of Agenda 21, Nuclear energy is not mentioned as being one of the [safe] or sound technology.

#### • The "co-opted terms" strategy

This strategy involves the stipulating of a new definition for a term that would jeopardize one's own argument.

In the Rio Declaration the following precautionary principle was advocated:

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Rio Declaration, 1992).

In the following statement, the IAEA redefines the important precautionary principle that was agreed to in the Rio Declaration, 1992.

The basic principles for radiation protection and safety in all applications and activities in nuclear science and technology are precautionary (IAEA Document, p. 2, authors emphasis)

The Rio principle, however, if enacted and truly adhered to, would bring about a moratorium on new nuclear power plants while phasing out currently existing ones.

- **The "comparison of convenience" device**

This device involves the narrowing down of alternatives so that whatever aspect is compared will appear favourable to the proposed alternative.

In the following statement from the IAEA document, the IAEA narrows the alternatives used for comparison to those which would appear to be favourable within the terms of reference of their comparison. Thus, for example, they compare the relatively low volume of nuclear wastes to the much larger volume of wastes from fossil fuels. However, it is the volume of wastes multiplied by their toxicity that is significant. Merely comparing volumes is a "comparison of convenience." The same false comparison is used to compare fuel requirements for the same energy output.

A nuclear plant would require 27 tonnes of slightly enriched uranium each year, which corresponds to a few truckloads. The corresponding quantity of natural uranium is 160 tonnes.  
a coal fired plant would need 2.6 million tonnes of coal each year... which corresponds to the load carried by 5 trains, each transporting 1400 tones every day  
an oil-fired plant would require 2 million tonnes of fuel oil per year, which is about 10 supertanker loads. (IAEA document, 1992, p.12)

The nuclear establishment never fails to compare coal and nuclear as competing energy sources, always claiming the inherent superiority of nuclear. Usually this is accomplished by failing to include the entire fuel cycle over its full life of impacts, social and environmental. They conveniently exclude "safety" factors, "production of wastes," "disposability of wastes," "degree of potential for bio-accumulation," lifetimes of wastes, toxicity and proliferation problems associated with nuclear.

Yet no bombs are built of coal, no terrorist is interested in hijacking coal or in the clandestine acquisition of coal weapons, coal plants do not have to be decommissioned and mothballed after some 30 to 50 years of operation, their hazardous wastes do not have to be guarded for 100,000 years, coal dust is easier to contain than radon and coal plants do not require liability subsidies by acts of parliament" ( Knelman, 1992)

- **The "lull and lure of the technological fix" syndrome (the "misleading assurance" device or the fallacy of "technological omnipotence")**

This syndrome, device or fallacy involves the revealing of the seriousness of the problem and the offering of a "solution" which is usually worse than the problem. The proponents of a potentially dangerous act indicate that they recognize the danger and focus on one area for which they can offer a technological fix.

In the following statement from the Radioactive Wastes section of Agenda 21, into which it appears that the IAEA had input, the following situation is recognized:

Annually about 200,000 m<sup>3</sup> of low-level and intermediate-level waste and 10,000 m<sup>3</sup> of high-level waste (as well as spent nuclear fuel destined for final disposal) is generated worldwide 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 radionuclides increases. The high-level waste contains about 99 percent of the radionuclides and thus represents the largest radiological risk. (Agenda 21, Radio Active wastes, 21.1.).

In the IAEA document the authors affirm the certainty of the technological fix.

There is nevertheless a consensus among experts that safe geological disposal of high-level wastes, including spent nuclear fuel, is technically feasible. (IAEA Document, p.17)

The view of experts in the field is that safe technological solutions exist for managing the waste. (IAEA Document, 1992, p. 15)

Knelman (1992) pointed out that

The assumption behind the notion of permanent disposal of High level wastes deep in a stable geological formation is false because this assumption relies on the mistaken belief that anything we do technologically can be permanent This assumption of permanence is particularly false when we are dealing with the lithosphere over some 100,000 years and when we must first disturb the geological structure by digging a very deep hole. AECL (Atomic Energy of Canada Limited) has dug a deep hole near Lac du Bonnet in Manitoba which is totally inappropriate for such so-called "permanent" disposal. For one thing you must, in all events, avoid water. Yet, The AECL hole must be soaked Walt Patterson, a nuclear critic described this AECL research as follows: A drunk has lost his keys and is discovered by a police officer crawling around a street light. When questioned, the drunk admitted that he had lost his keys in front of a dark building, a block away. When asked why the drunk was then searching around the street light, the drunk said " you see, officer, the light is better here" and as Dr. Martin Resnikoff, an expert on geological waste disposal has put it " the earth does not stand still. In other words, experts in the relevant fields do not agree. (Knelman, 1992, in progress)

- **The "rhetoric of notwithstanding clause" doctrine.**

This doctrine allows for the indulging in strong statements about deep concern and the need for significant change and then including a notwithstanding clause that negates the strong statement.

In the Rio declaration (1992) there is a strong statement about third world dumping:

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, 1992)

(  
There are, however, disturbing "notwithstanding clauses" that appear such as in the following statements:

Develop regulatory and non-regulatory measures and procedures aimed at preventing the export of chemicals that are banned, severely restricted, withdrawn or not approved for health or environmental reasons, *except when such export has received prior written consent from the importing country or is otherwise in accordance with the PIC procedure*; ( Section 19. subsection 53 f, Agenda 21, 1992)

In the following statement in the IAEA document, the IAEA energetically adopts the spirit of the " rhetoric of notwithstanding clauses"

The IAEA in 1990 promulgated a Code of Practice on the International Transboundary Movement of Radioactive Waste as a basis for harmonization of national legislation and policies. The code lays down the conditions and principles for international waste transfers, such as that movement must be made in a manner consistent with the international safety standards, that there must be prior notification and consent of the sending, receiving and transit States, and that each State involved should have a regulatory authority...( IAEA Document, 1992, p. 20

#### • The "flamboyant absurdity" doctrine or dogma

This doctrine or dogma carries the concerns of one's opponents to the point where the regulations governing the opponents concerns should become the standard by which other potentially lesser concerns will be addressed.

The IAEA appears to advocate that, what is considered to be the most dangerous industry, just because it is dangerous, has developed stringent standards, and that they who contribute to possibly the greatest uncontrollable hazard are the ones who should assist the community in dealing with other hazards.

The basic principles for radiation protection and safety in all applications and activities in nuclear science and technology are precautionary and are

so well founded in science and so widely accepted that they are now also being regarded as a source of guidance in controlling pollutants and impacts arising from other human activities. Their wider application would undoubtedly contribute towards sustainable development. (p.2)

- **The "justification through dire consequences of alternatives" device**

This device involves the revealing of the dire consequences of the current practices and offering one own practice as the salvation for the problem

In the following statement the IAEA cites the dire consequences of the other alternatives to justify their proposed alternative:

The problem of acid rain, which is linked to emissions from the burning of fossil fuels, has been recognized for decades..... . the primary concern about the continued and increasing use of fossil fuels is the problem of CO<sub>2</sub> emission and the potential impact on world climate..... World conference on the Changing Atmosphere... need to reduce CO<sub>2</sub> emission (IAEA document, p. 5)  
climate change in connection with fossil fuels (p. 9)

- **The "benevolent outcome exploitation" strategy**

This strategy involves the selection of the outcome which the opposition to the proposed alternative would advocate and the subsequent attempt to demonstrate that the proposed alternative, which the opposition would condemn, would be the best way of achieving that outcome.

In the following statements from the IAEA document, the IAEA focuses on the desired outcomes of reducing acid rain and limiting greenhouse gas to justify the selection of their proposed alternative:

Several governments have already made commitments to reduce carbon emission, while recognizing that this will be hard to achieve except through drastic policy decisions in the energy sector. (IAEA Document, 1992, p.6)

Nuclear power plants in normal operations cause very little environmental detriment and are beneficial when they replace plants which would emit CO<sub>2</sub>, SO<sub>2</sub>, and NO<sub>2</sub> (p. 12). In this respect they would help to reduce acid rain and limit greenhouse gas emissions (IAEA Document 1992, p. 12)

To accomplish the above, IAEA and other nuclear proponents are recommending the construction of some 4000 to 5000 new commercial nuclear power plants. The combination of the multi- trillion cost and the time required for construction renders this proposal no less than bewildering. By the 6 to 10-year period required for construction,

other sources of climate-altering gases would wipe out all gains. Secondly at 1/7th to 1/10th the above cost, a much greater reduction in CO<sub>2</sub> and other climate-altering gases can be achieved through simple available conservation and efficiency measures.

- **The "shelter of fragmentation" syndrome**

This syndrome involves the dissociating of the problem from a more generic problem by placing the problem in its own isolated category.

In the agenda 21 document, Nuclear wastes are not included in the section of hazardous wastes because atomic wastes have its own section. Nuclear wastes thus seem to appear apart from hazardous wastes and from the strong recommendation associated with hazardous wastes such as:

Governments should intensify research and development activities on cost-effective alternatives for processes and substances that currently result in the generation of hazardous wastes that pose particular problems for environmentally sound disposal or treatment, the possibility of ultimate phase-out of those substances that present and unreasonable or otherwise unmanageable risk and are toxic, persistent and bio-accumulative to be considered as soon as practicable. Section 20 subsection 13c, Agenda 21, 1992)

- **The "flaunting and condoning of the vicious circle principle" strategy**

This strategy is best explained by the economic principle that "bad money drives out good"; that is the opportunity costs of nuclear power are unacceptable and prohibitive. Thus the money spent to subsidize nuclear power is at the expense of the funds required to solve the energy problem with safe alternatives, and consequently, because the research into alternatives will not be effectively carried out, the safe alternatives will not be able to adequately replace the non-renewable forms of energy.

In the 1992 report to UNCED, following was stated:  
Nuclear energy has safety risks associated with the entire uranium cycle, from mining through processing to the ultimate disposal of high-level radioactive wastes. In addition, there are safety risks associated with the reactors used to generate electricity from uranium. And the use of fossil fuel to drive conventional thermal generation produces carbon dioxide and waste heat. (Canada's National report UNCED p. 46- 47)  
From a domestic consumption point of view, the least environmentally damaging energy option is energy efficiency. (Canada's National report UNCED p. 47)

Despite the above statement, the document concludes:

New, cleaner technologies such as solar energy may help, but the hard fact is that to a large extent we will have to rely on either thermal, hydro, or

nuclear energy in the future. In addition, energy projects for both export and domestic supply provide jobs and economic wealth to the country, and are especially important in some regions of Canada" (p. 47. Canada's National report UNCED June, 1992, authors' emphasis)

The Canadian government has invoked the "vicious circle principle" by cutting subsidies to conservation efficiency and renewals. Canada is thus playing an important role in facilitating this not too hidden agenda by using many strategies, devices, doctrines, etc.

### **CONCLUSION:**

The "nukespeak" and the seductive devices, strategies, syndromes used by the Nuclear Industry involve the language of delusion and distortion. Hopefully, through the continued revealing and categorizing of these words of delusion we could, in some small way, counteract the impact of the not too-hidden-agenda of the IAEA, and the rest of the nuclear establishment and their government supporters.

### **REFERENCES:**

Agenda 21, (1992) UNCED document,

Hilgartner S. Richard C. Bell, R. O'Connor 1982 *Nukespeak the Selling of Nuclear Technology in America*. Markam Ontario, Penquin Books Ltd.

IAEA (1992) Nuclear Power, Nuclear Techniques and Sustainable Development. Vienna, Austria: IAEA

Knelman, F. (1976) *Nuclear Energy the Unforgiving Technology*.  
Edmonton: Hurtsig Publishers

Knelman, F (. 1986) " Beyond 1984: The Future of Peace." in Arnopoulos (ed). *Prospects for Peace: An Anthology of Canadian Perspectives on Social Conflict and Peaceful Change*. Montreal: Gamma Institute Press.

Knelman, F. (1992, in progress) Nuclear Power: The Conspiracy of the Like-minded.

Patterson, W. (1992) " In search of the peaceful atom" *Energy Policy*, June 1986, pp 196-200

Rio Declaration (1992) UNCED document

Russow, J (1992). Content Analysis of the UNCED documents that were adopted by Global Consensus: Agenda 21 and the Rio Declaration.

Russow, J. (1992). "Seductive Devices and Strategies in IAEA document that was prepared for UNCED" paper presented "Nuclear Issues and Rio," public lecture sponsored by the Greater Victoria Disarmament Group and the Vancouver Island Peace Society

## **END OF INTERNET MESSAGE**

(b) identifying, preserving and preventing the loss or reduction of Biological Diversity [wording in part from the Convention on Biological Diversity]

(b 1) mitigating climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change [wording from the Climate Change Convention]

(c) Achieving the goal of zero pollution in the Province

(e) applying the principles of pollution prevention as the foundation of environmental protection

[from definition of "pollution prevention"]

(a 0) \_ the prevention of the use, generation and release of any substance into the environment in such a manner or quantity as to cause pollution [repeated from 41 1)

(a) the elimination of the use of polluting substances

(b 0) the substitution of polluting substance with non-polluting substances

(b) the substitution of polluting substances with less polluting substances

(c) the reduction in the introduction and use of [non-renewable] resources and polluting substances

(d) the elimination and reduction in the generation of polluting substances

[e, f, g removed because not deemed appropriate for prevention; Discussion Environmental Group, February 19]

(f0) Confirming the responsibility of government to set up a non-vested interest board or panel with varying levels of expertise and experience to do "arms-length" research into the true environmental impacts of substances and activities by carrying out "life cycle analysis" (recommendations from various chapters of UNCED Agenda 21) (Suggested Environment meeting, February 19)

(f) Confirming the responsibility of producers for sound environmental stewardship of products through all phases of a product's life;

(g) ensuring the comprehensive and integrated consideration of environmental and socioeconomic effects in public policy-making in British Columbia. [Deemed to be inconsistent with the overriding purpose of the Act] Ensuring that in all decisions made about the environment that the ecosystem be given primacy (Suggested Environment meeting, February 19)

(h0) International obligations must be fulfilled as being not the maximum but the minimum standards to follow (proposed, Discussion, February 19)



(h) Recognizing that British Columbia residents have an interest in and a responsibility of minimizing their impact upon the regional, national and global environment and global environmental well-being (Suggested Environment meeting, February 19)

(i) using the knowledge and experience of British Columbia residents in the formulation of decisions affecting the environment,

(j) confirming the responsibility of polluters to pay for the costs of their actions (also recommended in Agenda 21) but also recognizing that no pecuniary payment of costs for environmental destruction can ever fully redress the loss to the environment, and reaffirming that the prevention of pollution and environmental destruction should be by using "prevention technologies"

(k) ensuring that every activity or substance that could prevent the protection, conservation and sustainability of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19)

(l) ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the act (Suggested, February 19)

(m) promoting the research into the development and introduction of renewable, non-polluting (protection technologies)

(n) ensuring that compensation can never be used as reason for not exercising the duty under the act to protect, conserve and sustain the environment (proposed, Discussion, February 19)

(o) agreeing that any compensation given shall be assessed on the basis of past environmental performance and environmental costs and subsidies, and that any awarded money shall be (used by the compensated party to create employment within B.C.) placed in a job creation fund (Suggested, Discussion, February 20)

(p) ensuring the maintenance and enhancement of the quality of the environment (moved from section 2.a, February 20)

2. To achieve the purposes of this Act, all persons who exercise functions and powers under this Act shall have regard to the importance of the purposes of this act ((proposed, February 20)

(a) the maintenance and enhancement of the quality of the environment

(b) the actual or potential effect of an activity or natural process on the whole of the environment, including its actual or potential effect on the health and safety, and the economic, cultural and social well-being of people and communities

(c) the potential costs and benefits of any objective, policy, or proposal to the environment

## Scope

(1) For the purposes of this Act, introduction of a substance into the environment means depositing the substance on or in or allowing or causing the substance to flow or seep on or into any land or water or allowing or causing the substance to be emitted into the air and includes indirect means of introduction into the environment

(1\*) For the purpose of this Act, the impact of an activity on the environment means the engaging in any activity which could prevent the protection, conservation and sustainability of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19)

2. Except where this Act or the regulations specifically provides to the contrary, this Act applies to the whole environment of British Columbia {The onus of proof for exclusion from the Act must reside in the proponent for exclusion (proposed, February 20)}

3. Where there is conflict between this Act, its regulations or an authorization under this Act and any other act or regulations thereunder, this Act its regulations and authorizations issued or subsisting under this Act apply, except when provisions in other Acts or regulations contribute to the fulfillment of the purposes of the Environmental Protection Act better than those contained in this Act

- (a) where this Act or its regulations provide to the contrary, or
- (b) as may be prescribed by the Lieutenant Governor in Council

4. Nothing in the Soil Conservation Act shall be taken to prevent the establishment within a local authority of any facility for the disposal of waste in accordance with this Act providing that the establishment is deemed to fulfill the purposes of the Environment Protection Act. (Proposed, February 20)

5. The Crown is bound by this Act, except where this Act or the regulations specifically provide to the contrary

[Not yet commented on rest of section]

## Part 2

### Environmental Bill of Rights

#### Public Trust

30. (1) Every resident of British Columbia has a right to protect the environment and the public trust from any pollution, impairment or destruction

(2) The government, as trustee, has a duty to conserve and protect the environment of British Columbia

3. Citizens of British Columbia has the right to have the environment conserved and protected (Suggested Environment meeting, February 19)

4. Citizens of British Columbia have to right to expect that no person shall use generate or release, waste or recyclable maters, or any other substance (including fugitive gas or leachate) into the environment in such a manner or quantity as to cause pollution [moved from 41 (1) (Suggested Environment meeting, February 19)

5. Citizens of British Columbia have the right to expect that the government will live up to its obligations (Doctrine of Legitimate Expectation)

6. Present and future generations of British Columbia have the right to an ecological heritage (Suggested Environment meeting, February 19)

7. ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the act (Suggested Environment meeting, February 19)

#### Right of action

31. (1) The Attorney General or any resident of British Columbia may commence an action in the Supreme Court against any person who has polluted or otherwise degraded the environment and the public trust or who is likely to do so.

2. A person may commence an action under subsection (1) without having to establish that there is , has been or is likely to be an infringement of an authorization issued under this Act or an approval, permit, licence, standard, regulation, rule or order issued by or under an Act listed in Schedule A.

3. A person who commences an action under subsection (1) shall provide notice of the proceedings to the Attorney General and the Minister.

4. This section does not abrogate those common law rights that would normally be available to a plaintiff to commence an action.

5. the need for intervener funding

#### Standing

32 A person may commence an action under section 31 without having to show that he or she has

(1) any greater or different right, harm or interest than any other person; or

(2) any pecuniary or proprietary right or interest in the subject matter at issue.

#### Burden of proof.

33.

(1 a) 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

If the proposal involves anything that could be hazardous, 0 emissions and waste must apply; if the proposal involves ...lowest achievable discharge rate should apply (February 19, discussion)

(1 b) the plaintiff shall establish a prim a facia case showing that the defendant's proposed activities are likely to pollute or degrade the environment

(1) the plaintiff shall establish a prim a facia case showing that the defendants' activities have polluted or degraded the environment or is likely to do so

(1 c. In a prosecution for a contravention the burden of proving compliance is on the defendant [Section 46, ss 4]

2. Where a prima facie case under subsection (1) is established, the defendant may rebut the prima facie case by showing that there is no feasible and prudent alternative to the defendant's action

[If so, there must be some criteria for determining feasible and prudent alternatives in the light of the purpose of the Act; "providing prevention, conservation and sustainability of the environment" determined by an advisory, non-vested interest board or panel with representation from varied areas of expertise and experience]

3. It is a defence to an action commenced under this Act that the defendant's action is authorized under this act or an Act listed in Schedule A, unless the plaintiff can establish, on balance of probabilities, that the standard is inadequate to protect the environment and that the defendant's action has caused, or is likely to cause, severe or irreparable contamination or degradation of the environment.

The burden of proof must be on the defendant to demonstrate that the defendant's action has not caused or is not likely to cause, severe or irreparable contamination or degradation of the environment (Discussion, February 19)

#### Limitation Period

34. The limitation period for an action under section 31 of this Act is postponed and time does not commence to run until the plaintiff becomes aware, or ought reasonably to have become aware, of the identity of the defendant and of the material facts surrounding the claim

#### Appointment of minister's environmental mediator

37 (1) Subject to section 140, the Minister may, where he or she deems it advisable where it is deemed advisable and where the conflicting parties concur, appoint an environmental mediator acceptable to the parties to mediate between persons involved in an environmental conflict.

(2) when a mediator is appointed under subsection (1), the mediator shall, within 6 weeks after completion of the mediation, report to the results of the mediation to the Minister and the parties

38 (c) award damages to (iv) any person who has a concern for the environment

39 ...licence, standard, regulation, rule or order issued under an Act listed in Schedule A affects the environment and rights of a person, any person shall be furnished with a

written statement of the decision setting out.... (c) any dissenting opinions (Discussion, February 19)

[Further comment to come on subsequent sections]

Since the first United Nations Conference on the Environment in Stockholm in 1972, we have come to realize that the traditional patterns of development have contributed to poverty - denying more than a quarter of the world's population adequate living conditions — to the inequitable distribution of resources to overconsumption, to the violation of human rights, and to the potentially irreversible degradation of the ecosystem.

**WE DECLARE THE FOLLOWING PRINCIPLES TO GUIDE HUMANITY TO AN EQUITABLE AND ECOLOGICALLY SOUND FUTURE:**

1. The ecosystem of which we are a part shall be protected and preserved, ecologically unsound patterns of development shall be condemned and the inequity of development must be addressed and rectified

2. Development activities that benefit the few while compromising the biological inheritance and quality of life of the many must be condemned as being inherently wrong

4. International ecological standards should be in place so that no short-term individual pursuit of self-interest, or short sighted national or international regulations (GATT) could jeopardize the environment. The purpose of these standards is to address the individual and multinational pursuit of self-interest and consumptive and exploitative use of the environment and not to penalize local communities that wish to function in an interdependent way within the ecosystem. The economic development necessary to eliminate poverty shall not be a mandate to abuse the environment for either short-term gain or economic growth alone. Principle must drive industry not industry driving principle.

5. Environmental processes do not recognize national boundaries; therefore, states shall not have the sovereign right to exploit resources within their territories in isolation from the global ecological needs of the Earth

6. The continued build-up of the military complex must cease, and the use of military force as a means of resolving conflict must be rejected. A radical reduction of the military budgets of the world must occur and the funds released for ecological and humanitarian purposes. Peace is not merely the absence of war but the pursuit of environmental, social justice, economic, spiritual and cultural well-being.

7. 8. the decision-making process should be clearly defined, transparent, accessible and equitable. Criteria in decision making should be revealed, and the public and affected communities should be involved at the time of the formulation of the terms of reference and through the process.

9. The international community must condemn and disallow the exporting of products deemed to be unsafe in a state where there are advance testing procedures to other states with less advanced testing procedures. 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 that inaction is negligent. The international community has enough information about the pending state of ecological irreversibility that it must act immediately (proposal for NGO Earth Charter, Rio, June, 1992)

The precautionary principle shall be extended to require those who wish to intervene in the ecological commons to have to justify their intervention and demonstrate the safety of their intervention. The full environmental costs shall be considered in any proposed development project. (NGO Earth Charter, Rio, June, 1992)

## **CHARTER OF ECOLOGICAL AND [EQUITABLE] RIGHTS AND RESPONSIBILITIES**

Compiled by the ERA Ecological Rights Association

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... Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer, (MPSDOL)

. New approaches and strengthened international co-operation are essential to anticipate and prevent damage to the environment, which knows no national frontiers.... We shall also address other concerns such as climatic change, the protection of the ozone layer... 1985 Bonn economic Declaration May 4, 1985

Stratospheric ozone depletion threatens us with enhanced ultra-violet radiation at the earth's surface, which can be damaging or lethal to many life forms. Air pollution near ground level and acid precipitation, are already causing widespread injury to humans, forests and crops. (World Scientists Warning to Humanity 1993' *The Atmosphere* WSWH)

- (i) legally binding International Conventions, Treaties, Covenants and Declarations
- (ii) Globally adopted UN documents and resolutions
- (iii) Globally adopted NGO documents and resolutions

### **HUMAN RIGHTS INSTRUMENTS:**

International Declaration of Human Rights (1948), International Covenant of Economic, Social and Cultural Rights (date), International Covenant on Civil and Political Rights (1976), Convention on the Political Rights of Women

(1953), Slavery Convention signed at Geneva, 1926 and amended by the Protocol (1953), Convention on the Nationality of Married Women (1957), *International Convention on the Elimination of All forms of Racial Discrimination* (1966); Convention on the Elimination of all Forms of Discrimination against Women (1979)\*, UN Convention on the Rights of the Child (1989), Youth Treaty (1992)

#### ENVIRONMENTAL RIGHTS INSTRUMENTS:

Stockholm Conference on the Human Environment (1972), 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 General Assembly Resolution 35/8 "Historical Responsibility of States for the Preservation of Nature for Present and Future Generations* (1980), World Charter of Nature (1982), Vienna Convention for the Protection of the Ozone (1985), ASEAN Agreement on the Conservation of Nature and Natural Resources (Kuala Lumpur, 1985),

Montreal Protocol on Substances that Deplete the Ozone Layer (1987) (including London and Copenhagen Protocols), *Convention for the Control of Transboundary Movements of Hazardous Wastes (Basel Convention, 1989)*, International Chamber of Commerce: Business Charter for Sustainable Development (1992), Rio Declaration and Agenda 21\*\* (1992), Convention on Biological Diversity, (1992), UN Framework Convention on Climate Change (1992),

#### PEACE INSTRUMENTS:

*Non-proliferation Treaty of nuclear weapons* (1968); *The Atmospheric Test Ban Treaty: Prohibiting the testing of Nuclear weapons in the Atmosphere* (1963); *Strategic Arms Limitation Talks (SALT 1 & II)*; *Strategic Arms Reduction Treaty (START I (1989) & II (1992): Comprehensive Test Ban Treaty (in progress) meeting, August 1995)*. *Treaty of Tlatco (declaring South America as a nuclear Free weapons zone.)*

The Vienna Convention on the Law of Treaties (1969)

#### INTERNATIONAL NGO RESOLUTIONS AND DOCUMENTS:

The Imperative of Equity: the Missing Dimension of UNCED: Statement of the South Asia NGO Summit, New Delhi, February 17-19, (1992), Earth Charter, (Global Forum, 1992), *NGO Treaty on Militarism, Environment and Development ( Global Forum, 1992)*, *NGO Treaty on Population, Environment and Development (Global Forum, (1992)*; *NGO Treaty on "Overconsumption" (19*

The Charter draws upon obligations undertaken by states through UN resolutions such as the "World Charter of Nature"; globally agreed to documents such as the United Nations Conference on Humans and the Environment (Stockholm, 1972), The Rio Declaration (UNCED, 1992) and Agenda 21 (UNCED, 1992) and Programme of Action of the United Nations International Conference on Population and Development Draft document (1994); Covenant. International Covenant on Civil and Political Rights—



adopted 1976 and the legally binding documents such as the Vienna Convention on Ozone (1986), the Montreal Protocol (1987), The Basel Convention ( ); (Convention on Environmental Impact Assessment in a Transboundary (1994) Convention on Biological Diversity (UNCED, 1992, in Force, 1993) and the Convention on Climate Change (UNCED, 1992, in force 1993), and the Law of the Sea (in force 1994). This Charter also draws upon statements from international NGO resolutions, such as the Women's Action Agenda. In addition. This Charter also proposes additions that complement existing obligations or that are necessary to ensure compliance, such as those proposed in the UN Proclamation for Transferring Rhetoric into Action. Additional statements have been included from the ERA Ecological Rights Charter, (circulated at the New York Prep Com and at the Earth Summit, 1992).

Note: Acknowledgment that International obligations must be fulfilled as being not the maximum but the minimum standards to follow (recommendation from the Scientific Panel, B.C., CANADA)

## **AWARENESS OF THE INADEQUACIES OF CURRENT ECONOMIC AND POLITICAL SYSTEMS AND THE LACK OF POLITICAL WILL TO ADDRESS THE URGENCY OF THE GLOBAL SITUATION**

There does not yet appear to be the political will to substantially change the economic and political systems that function primarily on the basis of short-term economic gain instead of long term equitable and ecological principles. (modified input from Internet) **[the political will may not be found within the state, but the political will is found amongst the people and there are examples of peoples attempting to develop economic and political systems on a small scale that are based on equitable and ecological principles]**

∞We demand recognition of the causes of economic and ecological crises arising from patterns of production and over-consumption in the rich North. This causes depletion of the world's resources, especially in the South, with all the accompanying negative ecological, social, economic and political consequences. (Statement from the Women of the South, Women and Sustainable Development Conference, 1994)

## **INCREASED LOSS OF ENVIRONMENTAL INTEGRITY AND INCREASED ENVIRONMENTAL DEGRADATION**

Exponential growth

- Increased depletion of the ozone layer exceeds all predictions
- Increased loss of species habitat
- Fragmentation of habitats
- "If species has no name then no identity and no conservation status"
- Decreasing biodiversity
- Increased Species impoverishment
- Increased deforestation
- Increased loss of temperate and tropical rain forests
- Increased loss of carbon sink
- Increased desertification
- Increase in population beyond the carrying capacity
- Increase in inequitable distribution of resources
- Increase in inequitable production
- Increased technological malfunctioning
- Increased dependency on fossil fuels
- Increased energy production and consumption
- Increased susceptibility to ecological disasters as development increases
- Increased susceptibility to ecological disasters as terrorism increases
- Increased production of toxic, hazardous and atomic wastes
- Increased difficulty of waste disposal • Increased "global imbalance" re. hydroxide
- Increased "concentration of carbon dioxide"

- Long residue time of chemicals re. CFCs
- Increased potential of climate change
- Increased destruction through acid rain
- Increased extraction of chemicals
- Increased transportation of chemicals
- Increased refinement of chemicals
- Increased disposal of chemicals
- Increased persistence of chemicals
- Increased bio-accumulation of chemicals
- Increased biomagnification of chemicals
- Increased dispersal of toxic and hazardous chemicals into the ecosystem
- Increased exposure to chemicals
- Increased entry into the food chain of deleterious chemicals • Increased impact of environmentally induced toxins. (Assessment from the Global Change Conference, 1991, by the Royal Society of Canada)

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.

CHECK SOURCE 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

#### • 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) see quote on original proposal for UNCED ∞

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

*∞ Aware that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed. (Declaration on the Preparation of Societies for Life in peace)*

PROCLAIMING that all States shall take measures to extend the benefits of science and technology to all strata of the population and **to both men and women** and to protect them, both socially and materially, from possible harmful effects of the misuse of scientific and technological developments... (Art. 6, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace) **[again, why are we focusing on science and tech. so early in the preamble.. science and technology. when we**

**make reference to it... is western science and technology... i think we need to start with a vision of an equitable society before we address the role of science and tech and how it can benefit or not benefit different strata of the global population, i.e. who is deciding on the priorities for research and development for ex., money is spent on research and dev. that will increase productivity... for capital gain.. not for distributing wealth more equitably]**

CONVINCED that the intolerance demonstrated by a significant number of institutionalized religions has contributed to the violation of human rights

" 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." (UNCED, Agenda 21, 3.8 j Combating Poverty) **{do you think this is the best example?} how about a statement that uses "notwithstanding"**

Earth Charter has been compiled by the ERA Ecological Rights Association.

*¶ Governments endeavour to guarantee their people and, in that context, stresses its belief in the general principle that food should not be used as an instrument of political pressure (Article 10 UN Resolution, 1981 Global Strategy for Health for All by the Year 2000);*

Calls again upon all States to adhere strictly in their international relations to the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered (1. UN resolution 36/110. Peaceful settlement of disputes between states)

17 December 1982

Resolution 37/137 Protection against products harmful to health and the environment, 1982

The General Assembly,

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)

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)

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,

Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,

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,

Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,

Taking into account that the primary responsibility for consumer protection rests with each State,

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,

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,

1. Agrees that products that have been banned from domestic consumption and/or sale because they have been judged to endanger health and the environment should be sold abroad by companies, corporations or individuals only when a request for such products is received from an importing country or when the consumption of such products is officially permitted in the importing country (Resolution 37/137 Protection against products harmful to health and the environment, 1982)

2. Agrees that all countries that have severely restricted or have not approved the domestic consumption and/or sale of specific products, in particular pharmaceuticals and pesticides, should make available full information on these products with a view to safeguarding the health and environment of the importing country, including clear labeling in a language acceptable to the importing country;

3. 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;

4. 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;

5. Agrees that the consolidated list referred to in paragraph 4 should be easy to read and understand and should contain both generic/chemical and brand names in an alphabetical order, as well as the names of all manufacturers and a short reference to the grounds and decisions taken by Governments that have led to the banning, withdrawal or severe restriction of such products;

6. Decides, on the basis of the above-agreed criteria, to keep under review the format of the consolidated list with a view to its possible improvement;

7. Requests Governments and relevant organs, organizations and bodies of the United Nations system to provide all the information and assistance necessary for the prompt and effective fulfilment of the task entrusted to the Secretary-General.

#### UN Resolution 36/82 1981, Reduction of Military Budgets

A

The General Assembly,

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),

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, 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)

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 1981, Reduction of Military Budgets)

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)

Recalling its resolution 35/142 A of 12 December 1980 in which it requested the Disarmament Commission to continue at its session to be held in 1981, the consideration of the item entitled "Reduction of military budgets" and in particular to identify and elaborate on the principles which should govern further actions of States in the field of the freezing and reduction of military expenditures, keeping in mind the possibility of embodying such principles into a suitable document at an appropriate stage,

Having considered the report of the Disarmament Commission on the work accomplished during its session in 1981 and taking into account the proposals and ideas submitted by States concerning the principles which should govern further actions of States in the field of the freezing and reduction of military expenditures, as contained in the working document annexed to the Commission's report,

Aware of the various proposals submitted by Member States and of the activities carried out so far within the framework of the United Nations in the field of the reduction of military budgets,

Considering that the identification and elaboration of the principles which should govern further actions of States in the field of the freezing and reduction of military budgets and the other ongoing activities within the framework of the United Nations related to the question of the reduction of military budgets should be regarded as having the fundamental objective of reaching international agreements on the reduction of military expenditures,

1. 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;

2. 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;

3. Requests the Disarmament Commission to continue at its session to be held in 1982 the consideration of the item entitled "Reduction of military budgets", taking into account the provisions

of General Assembly resolution 35/142 A as well as those of the present resolution and other relevant proposals and ideas, with a view to identifying and elaborating on the principles which should govern further actions of States in the field of the freezing

and reduction of military expenditures, keeping in mind the possibility of embodying such principles into a suitable document at an appropriate stage;

4. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Reduction of military budgets."

## B

The General Assembly,  
Deeply concerned about the arms race, its extremely harmful effects on world peace and security and its deplorable waste of human and economic resources,

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)

Considering that gradual reductions of military expenditures on a mutually agreed basis would be a measure that would contribute to curbing the arms race and would increase the possibilities of reallocating resources, now being used for military purposes, to economic and social development, particularly for the benefit of the developing countries,

Convinced that such reductions could and should be carried out on a mutually agreed basis without affecting the military balance to the detriment of the national security of any country,

Reaffirming also its conviction that provisions for comparability and verification will have to be basic elements of any agreement to reduce military expenditures, Recalling the fact that these matters are being studied by a group of experts established in pursuance of General Assembly resolution 35/142 B of 12 December 1980 and that this group is expected to submit its report before the second special session of the Assembly devoted to disarmament,

Recalling further that a standardized system for international reporting of military expenditures has been recommended for use and that the first national reports have been received this year,

Emphasizing the value of a full implementation of such a reporting instrument and of its further refinement as a means to increase confidence between States by contributing to greater openness in military matters, which is particularly important for arriving at international agreements to reduce military expenditures,

Reaffirming also its conviction that the reporting of military data and the examination of problems concerning verification and comparability have the fundamental objective of making possible the conclusion of international agreements to reduce military expenditures,

Noting with appreciation the first report of the Secretary-General on these matters,

Considering that the activities related to the reporting of military expenditures as well as to the questions of comparability and verification and other ongoing activities within the framework of the United Nations related to the question of the reduction of military budgets should be regarded as having the fundamental objective of reaching international agreements on the reduction of military expenditures,



1. Stresses the need of increasing the number of reporting States with a view to the broadest possible participation from different geographic regions and representing different budgeting systems;
2. Reiterates its recommendation that all Member States should make use of the reporting instrument and report annually, by 30 April, to the Secretary-General their military expenditures of the latest fiscal year for which data are available;
3. Requests the Secretary-General to examine ways and means to make the collection and assembling of data on military expenditures, reported by States on the basis of the reporting instrument, an integral part of the regular United Nations statistical services and to arrange and publish these data according to statistical practice;
4. Also requests the Secretary-General to include these matters in his next annual report on military budgets to the General Assembly.

SPEECH BY THE MINISTER COORDINATOR FOR IGADD, HON JOHN K. SAMBU, M.P. MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES, KENYA, AT THE 5TH SESSION OF THE INTER GOVERNMENTAL NEGOTIATING COMMITTEE OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA, MEETING IN PARIS 6-17 JUNE 1994  
MR CHAIRMAN, HONORABLE MINISTERS EXCELLENCY HEADS OF DELEGATIONS AND AMBASSADORS THE EXECUTIVE SECRETARY OF THE INCD, LADIES AND GENTLEMEN.

Mr. Chairman,

I am honored and privileged to have this opportunity to address this fifth and final negotiating session of the INCD. There is no doubt that your committee has made significant progress in the negotiations. Indeed, this has made possible by your own tireless efforts and negotiation skills~ Ambassador Bo Kjellen, and of course the cooperation you have enjoyed from the members of the committee. I should like to thank you most sincerely for your tireless efforts to steer the committee to this level of success. **I should also like to thank the members of this committee for their dedication and commitment to ensure that the convention is successfully negotiated for the benefit of the 900 million people in the drylands of the world.** May I also pay special tribute to Mr. Arba Diallo the Executive Secretary of INCD and his staff for the dedication and commitment to the INCD process. I now wish to take this opportunity to thank the French government for hosting this important session. This is a clear manifestation

of the commitment of the French Government to the alleviation of suffering of the affected populations. Mr. Chairman,

As you are aware the African region has the highest number of affected population and

**2 the largest number of least developed countries. Poverty, hunger, disease and illiteracy are common features of the continent. With the effects of drought and desertification in the region) large numbers of the people and livestock have been displaced and decimated as land degradation and other ecological disasters play havoc to the African ecosystems. Millions of children die each year as a result of this phenomenon making the future of the continent ever more precarious. This trend, if left to continue depicts the tragedy of the continent into the year 2000 and beyond.**

It is in recognition of the looming ecological disaster that Africa in general, and IGADD in particular, has taken keen interest in the Convention by participating in the preparation and finalization of this convention. Indeed, the IGADD 4th Summit recognized and endorsed the strategic significance of the convention to the livelihood of the population of the IGADD region. In fact, the IGADD subregion had various consultative meetings to develop subregional strategies to address the twin scourge of drought and desertification in the context of this convention. Other consultations involving governments, NGOs and specialized institutions were held.

At this final session the seriousness of the African region is indeed illustrated by the high-level representation and attendance by African leaders. We in the IGADD subregion were particularly gratified by the presence of the President of Cape Verde, H.E. Mascarenhas Montero, and who is the chairman of our sister organization the CILSS who addressed this august committee. Several of my African colleagues have also had the opportunity to address this particular session.

Mr. Chairman, at this juncture, allow me to share a few reflections with you from the perspective of IGADDs experience in combating drought and desertification and how IGADD views the finalization and implementation of the convention. **The first experience we draw from the IGADD subregion is that however perfect strategies and blue prints are made, they can never be realized without predictable, sustained and timely resources.** Therefore, we should not lose sight of the critical importance of making adequate provision for the necessary financial resources to allow the timely

implementation of the programmes. The utility of any convention is intrinsic in the ability for rapid implementation of its provision and operationalising its objectives and commitments. Beyond the blue print there is the dire need for political will to translate our concerns into real actions that takes into account the lives of the 900 million people.

We in IGADD support the call for new and additional financial resources. Our partners in development hesitate to commit themselves to providing these resources. Yet such commitment is reflected in Biodiversity and Climate change conventions. I would like to emphasize to those who are advocating the difference between those two conventions and this one, that the success of this convention will determine the success of the other two. Secondly, when asking for new and additional financial resources it does not necessarily mean an extra burden to the northern tax payer immediately.

What we look forward to is innovative approaches and mechanisms for mobilization of additional resources. **This includes fair economic environment to enable us and other developing nations to generate resources; writing off public debts; debts swaps for nature, honoring the previous financial pledges; significantly reduced cost on technical back-stopping and overheads and easier financial mechanisms that could ensure sustained and predictable resource flows.**

**In calling for fair international economic environment I mean the removal of unfavourable terms of trade which have direct cost to the environment partly arising out of patterns of consumption and trade in the industrialised north. In addition, it has been noted that implementation of SAPs has had destructive results socially and environmentally. We therefore call on SAPs to have a social dimension and provisions of financial safety nets to avoid intensifying environmental degradation and social conflicts. All this should be taken into consideration by our partners in development when dealing with funding of environment and development programmes.**

Mr. Chairman,

**The second issue relates to institutional arrangements as pertains to the Secretariat. We support putting in place an independent and efficient Secretariat to support the work of the Conference of Parties. Notwithstanding offers from other regions, we are all aware that Article 7 of the convention calls for priority to Africa in the implementation of the convention. In this regard, the IGADD member states believe that the secretariat should be placed in close proximity to where the severest of the**

**problem is, i.e. in Africa. It is our proposal that the secretariat be co-located in any well-established UN institutions situated in Africa, with a mandate to lead in matters of environment and development.**

Mr. Chairman,

**The last issue I would like to share with you is in connection with the prompt implementation of the provisions in the convention. In view of the severity of problems of drought and desertification in IGADD subregion it is particularly important that the implementation of the action programmes in this convention are initiated in the interim period without delay while awaiting the entry into force of this convention. It is in this spirit that we welcome the ongoing discussions relating to interim arrangement for urgent actions in Africa. In this regard I note with appreciation the statements made by UNDP, FAO, and UNEP in respect to concrete support for measures towards launching of measures for the preparation and implementation of action programme. We would like to appeal to the rest of our partners in development to emulate these action-oriented examples. We further appeal to them to support regional, subregional and national institutions to be in a position to implement the programmes.**

Mr. Chairman,

We are about to conclude a legal instrument which should be aimed at serving mankind. I therefore not only appeal for reason and fraternity but also, for cooperation partnership and genuine commitment to bring hope to the affected population. As we conclude these negotiations, let us note the experiences of the history of similar initiatives in the area of economic development and environmental protection. We all know that most of them had very dismal results despite the interest and vigour they initially generated. In this respect, I recall the United Nations Conference on Desertification of 1977 in which very noble recommendations for combating desertification were adopted. Unfortunately, most of the planned activities never came off the ground for various reasons, primarily for lack of financial resources. Despite all this, Africa has not lost any effort and courage in search of solutions which include the initiation and negotiations of this convention. It is my sincere hope that by the end of this session the

convention will be such an instrument with in-built provisions to avoid the problems encountered during the implementation of the previous similar initiatives.

Mr. Chairman,

We anticipate that our appeal for support will be more solid and assured for a prompt start when signing the convention in the near future. As I said earlier there is political will for the follow-up and implementation of the programmes arising from the African Annex. However, in the spirit of Rio we call upon the international community not to momentum created in the negotiation. This is the message I bring to you on behalf of IGADD member states in the Horn of Africa and whose population of 125 million is directly and indirectly affected by the twin scourges of drought and desertification. Many of these residents have seen their beloved ones perish under these situations. They wait daily for a miracle to happen to avoid their recurrence in the future. That break through has probably been in the We anticipate that our appeal for support will be more solid and assured for

a prompt start when signing the convention in the near future. As I said earlier there is political will for the follow-up and implementation of the programmes arising from the African Annex. However, in the spirit of Rio we call upon the international community not to momentum created in the negotiation. This is the message I bring to you on behalf of IGADD member states in the Horn of Africa and whose population of 125 million is directly and indirectly affected by the twin scourges of drought and desertification. Many of these residents have seen their beloved ones perish under these situations. They wait daily for a miracle to happen to avoid hands of this committee for one year. It is the successful conclusion of this

convention and prompt implementation of action programmes. would remove the affected population from the present state of suffering, destitution, squalor and death.

Mr. Chairman,

I would like to conclude by thanking all the partners in development whose contributions enabled IGADD member states to effectively participate in these negotiations. Special thanks go to governments of Germany, Sweden and UNDP/UNSO for directly supporting us in the process.

Mr. Chairman,

I finally wish you Mr. Chairman every success in the remaining days of the negotiation and look forward to an operational convention.

At UNEP we are proud to be helping this process. We like to think of ourselves as small but of strategic importance. We shall continue to do all we can to support you and the efforts of your committee in achieving results in the battle against desertification. Our close cooperation with and support to the Secretariat, facilitated of course, by our co-location in Geneva and will continue whatever is decided in the future. Together with UNDP we stand ready to service your Secretariat fully. But at the same time, our headquarters location in Nairobi reminds us of the human face of the problem of desertification.

We are talking Mr. Chairman, about the food security of more than nine hundred Million people; the maintenance and productive utilization of one third of the land in the world; the prevention of poverty and of forced migration; the maintenance of security in the drylands and throughout the world.

This is indeed a challenge, but one that we must meet head-on. I wish you every success in the closing week of your negotiations and in the continuing challenge that lies beyond that. At UNEP we look forward to continuing our close and co-operative role in the implementation of the Convention.

Resolution 36/37

18 November 1981  
63rd plenary meeting

Comprehensive review of the whole question of peace-keeping operations in all their aspect The General Assembly,  
Recalling its resolutions 2006 (XIX) of 18 February 1965, 2053 A (XX) of 15 December 1965, 2249 (S-V) of 23 May 1967, 2308 (XXII) of 13 December 1967, 2451 (XXIII) of 19 December 1968, 2670 (XXV) of 8 December 1970, 2835 (XXVI) of 17 December 1971, 2965 (XXVII) of 13 December 1972, 3091 (XXVIII) of 7 December 1973, 3239 (XXIX) of 29 November 1974, 3457 (XXX) of 10 December 1975, 31/105 of 15 December 1976, 32/106 of 15 December 1977, 33/114 of 18 December 1978, 34/53 of 23 November 1979 and 35/121 of 11 December 1980, Reaffirming once again the fundamental importance of the maintenance of international peace and security by the United Nations as set out in the Charter of the United Nations,

Reaffirming the determination of the United Nations to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest of Member States,

Having considered the report of the Special Committee on Peace-keeping Operations, Noting with regret the difficulties being experienced by the Special Committee in carrying out its mandate, Emphasizing again that only by a greater demonstration of political will and conciliation can progress be achieved, 1. Takes note of the report of the Special Committee on Peace-keeping Operations;

2. Repeats its invitations to Member States to report and to provide information on experience gained in peace-keeping operations;

3. Requests the Secretary-General to prepare a further compilation of the replies submitted in accordance with paragraph 2 above;

4. Urges again the Special Committee, in accordance with its mandate, to renew its efforts to work towards the completion of agreed guidelines which will govern the conduct of peace-keeping operations of the United Nations in accordance with the Charter of the United Nations and to devote further attention to specific questions related to the practical implementation of peace-keeping operations;

5. Requests the Special Committee to report to the General Assembly at its thirty-eighth session;

6. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Comprehensive review of the whole question of peace-keeping operations in all their aspects."

## STRUCTURE OF THE INTERNATIONAL LAW COMMISSION

Resolution 36/39

18 November 1981

63rd plenary meeting

Enlargement of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission

The General Assembly,

Reaffirming the importance of the International Law Commission as the main permanent subsidiary organ of the General Assembly entrusted with the promotion of the progressive development of international law and its codification,

Recalling its resolution 1647 (XVI) of 6 November 1961, by which the membership of the International Law Commission was established at twenty-five members,

Noting that the membership of the United Nations has grown substantially since the adoption of that resolution,

Conscious of the increased interest shown by Member States,

particularly those admitted to membership in the Organization since 1961, in the Commission's work on the progressive development of international law and its codification,

1. Decides to amend article 2, paragraph 1, of the Statute of the International Law Commission to read as follows:  
"The Commission shall consist of thirty-four members who shall be persons of recognized competence in international law";

2. Also decides to amend article 9, paragraph 1, of the said Statute to read as follows:  
"Those candidates, up to the maximum number prescribed for each regional group, who obtain the greatest number of votes and not less than a majority of the votes of the Members present and voting shall be elected";

3. Decides further that the thirty-four members of the International Law Commission shall be elected according to the following pattern:

(a) Eight nationals from African States;  
(b) Seven nationals from Asian States;  
(c) Three nationals from Eastern European States;  
(d) Six nationals from Latin American States;  
(e) Eight nationals from Western European or other States;  
(f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the present resolution;

(g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the present resolution;

4. Decides, by way of exception and in consequence of the enlargement of the Commission, to request the Secretary-General to include in the list of candidates for the election to be held at the current session, in addition to the nominations already received, such names as shall have been communicated to him in writing before 21 November 1981.

Resolution 36/43

19 November 1981  
64th plenary meeting  
Global Strategy for Health for All by the Year 2000  
The General Assembly,  
Recalling its resolution 34/58 of 29 November 1979 concerning health as an integral part of development,



Noting with approval World Health Assembly resolution WHA 34.36 of 22 May 1981 by which the thirty-fourth Assembly unanimously adopted the Global Strategy for Health for All by the Year 2000,

Considering that the Global Strategy fully reflects the spirit of General Assembly resolution 34/58,

Considering that peace and security are important conditions for the preservation and improvement of the health of all people and that co-operation among nations on vital health issues can contribute substantially to peace,

Noting further that the Global Strategy is based upon the principles of the Declaration of Alma-Ata on primary health care, which implies an integrated approach to the solution of health care problems and requires the fullest support and involvement of all economic and social development sectors,

Recognizing that the implementation of the Global Strategy will constitute a valuable contribution to the improvement of over-all socioeconomic conditions, and thus to the fulfillment of the

International Development Strategy for the Third United Nations Development Decade,

1. 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;

2. 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;

3. 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;

4. 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;

5. Requests the Director-General of the World Health Organization to ensure that measures to implement the Global Strategy are taken into account in the review and appraisal of the implementation of the International Development Strategy.

3 December 1982

Improvement of the situation of women in rural areas

The General Assembly,

Bearing in mind the objectives of the United Nations Decade for Women: Equality, Development and Peace,

Recalling its resolution 35/136 of 11 December 1980, in which it endorsed the Programme of Action for the Second Half of the United Nations Decade for Women,

Reaffirming the importance attached by the International Development Strategy for the Third United Nations Development Decade to the need to improve the status of women and ensure their full participation in the development process as agents and beneficiaries of development,

Reaffirming further the importance attached in the Programme of Action for the Second Half of the United Nations Decade for Women as well as in the Convention on the Elimination of All Forms of Discrimination against Women to the need to improve the situation of women in rural areas in many parts of the world,

Recalling the Declaration of Principles and the Programme of Action adopted by the World Conference on Agrarian Reform and Rural Development, particularly concerning the integration of women in rural development,

Bearing in mind that a majority of women, particularly in developing countries, live and work in rural areas and suffer most from the exploitation of agricultural labour, in particular by transnational corporations,

Convinced that the eradication of apartheid, all forms of racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination is essential to the further improvement of the situation of rural women,

Considering that the strengthening of international peace and co-operation is one of the most important conditions for further improving the situation of rural women,

Convinced also that the effective implementation of fundamental human rights is essential for the improvement of the situation of rural women,

Recognizing the urgent need to take additional appropriate measures aimed at further improving the situation of women in rural areas,

Recognizing also the importance of exchanging experiences in this field among States,

1. Calls upon Member States to take additional appropriate measures for further improving the economic and social conditions of women in rural areas;
2. Requests the Economic and Social Council, the Commission on the Status of Women, the regional commissions and other bodies of the United Nations system, in particular the Food and Agriculture Organization of the United Nations, to devote greater attention to the problems of elevating the status of rural women;
3. Requests the Secretary-General to prepare, within the framework of the integrated reporting system on the status of women decided upon by the Economic and Social Council in its resolution 1980/38 of 2 May 1980, a comprehensive report containing the observations and comments received from Governments on national experience in improving the situation of women in rural areas, paying special attention to such aspects as social insurance, mother and child care, health facilities, training, education and employment opportunities;
4. Also requests the Secretary-General to consider holding within the Programme of Action for the Second Half of the United Nations Decade for Women, as a matter of priority, an interregional seminar on national experience relating to the improvement of the situation of women in rural areas, with special emphasis on the problem of developing countries;
5. Further requests the Secretary-General to submit to the General Assembly at its thirty-ninth session, through the Commission on the Status of Women and the Economic and Social Council, the report mentioned in paragraph 3 above.

A/RES/37/60

3 December 1982

Preparations for the World Conference to Review and  
Appraise the Achievements of the United Nations  
Decade for Women

The General Assembly,

Recalling its resolution 3520 (XXX) of 15 December 1975, in which it endorsed, inter alia, the action proposals contained in the World Plan of Action for the Implementation of the Objectives of the International Women's Year,

Recalling its resolution 3490 (XXX) of 12 December 1975, in which it expressed its conviction that a comprehensive and thorough review and appraisal of progress made in meeting the goals of the World Plan of Action was of crucial importance for the success of the Plan and recognized that the results of the implementation of the Plan would contribute to the

consideration of the review and appraisal of the International Development Strategy for the Second United Nations Development Decade and would consequently promote the role of women in the development process,

Recalling also its resolution 35/136 of 11 December 1980, in which it endorsed the Programme of Action for the Second Half of the United Nations Decade for Women as adopted at the World Conference of the United Nations Decade for Women, and decided to convene in 1985, at the conclusion of the Decade, a World Conference to Review and Appraise the Achievements of the United Nations Decade for Women,

Recalling further that the International Development Strategy for the Third United Nations Development Decade stressed that the important set of measures to improve the status of women contained in the World Plan of Action adopted at Mexico City in 1975 and the important agreed measures relating to the International Development Strategy in the Programme of Action for the Second Half of the United Nations Decade for Women, adopted at Copenhagen in 1980, should be implemented, Recalling its resolution 36/126 of 14 December 1981, in which it requested the Commission on the Status of Women, at its session to be held in 1982, to give priority to the question of the preparations for the Conference,

Noting that the Economic and Social Council, at its first regular session of 1982, considered the recommendations of the Commission on the Status of Women as set forth in its report and adopted, on 4 May 1982, resolution 1982/26 on the preparations for the Conference,

Bearing in mind all its relevant resolutions and decisions regarding preparations for special conferences, in particular its resolution 33/189 of 29 January 1979,

1. Endorses Economic and Social Council resolution 1982/26 on the preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, to be held in 1985;

2. Welcomes the decision of the Economic and Social Council that the Commission on the Status of Women should be the preparatory body for the Conference and that it should operate on the basis of consensus;

3. Endorses the decision of the Economic and Social Council to invite the widest possible participation by States in the preparatory meetings for the conference and expresses the hope that they will designate representatives who will have the background and experience in the area of women and development;

4. Notes that the first session of the Commission on the Status of Women as the preparatory body of the Conference is to be held at Vienna from 23 February to 4 March 1983 and that the report on that session will be considered by the Economic and Social Council at its first regular session of 1983;

5. Requests the Secretary-General to take into account paragraph 9 of General Assembly resolution 33/189 of 29 January 1979 when appointing the Secretary-General of the Conference;

6. Decides to consider at its thirty-eighth session the recommendations of the Economic and Social Council at its first regular session of 1983 based on the report of the first session of the Commission on the Status of Women as the preparatory body for the Conference, together with the observations, if any, of the Secretary-General;

7. Takes note with appreciation of the report of the Secretary-General on the progress made in the preparation of a world survey on the role of women in development and recommends that the survey should be submitted to the Conference;

8. Decides to include in the provisional agenda of its thirty-eighth session an item entitled "Preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women."

A/RES/38/107

16 December 1983  
Meeting no. 100

#### Prevention of prostitution

The General Assembly,

Reaffirming the objectives of the United Nations Decade for Women:  
Equality, Development and Peace,

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations, the specialized agencies and international conferences designed to eliminate all forms of discrimination against women, as well as those relating to the suppression of traffic in persons and the exploitation of the prostitution of others, including Economic and Social Council resolution 1983/30 of 26 May 1983,

Convinced of the importance of the full integration of women in the social, political and economic activities of their community,

Bearing in mind the essential role of women in the welfare of the family and the development of society,

Considering that prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

Further considering that women and children are still all too often victims of physical abuse and sexual exploitation,

Mindful that the prevailing economic and social conditions are largely responsible for the continued existence of the social problems of prostitution

and traffic in persons,

1. Urges Member States to take all appropriate humane measures, including legislation, to combat prostitution, exploitation of the prostitution of others and all forms of traffic in persons;

2. Appeals to Member States to provide special protection to victims of prostitution through measures including education, social guarantees and employment opportunities for those victims with a view to their rehabilitation;

#### ITEMS TO BE DISCUSSED FURTHER WITH EUGENIA

§\*\*{natural family planning}

§ {This is a very strong statement. Do you think it will be implemented? Even if implemented there is a possible consequence: the developing countries could still remain indebted and would have to pay in kind.}

§\*\*{This principle does not seem to belong to this section. It will be more appropriate under human rights section.}

§\*\* the implication of the availability of these contraceptives on teenagers should be recognized and thus there must be provision for sex education}

It is critical that “systemic constraints” or obstacles preventing the implementation of international obligations are identified throughout the documents.

Throughout the international instruments there is also recognition of the need to move beyond the statement of urgency to actions addressing the urgency. Falling in the year of the 50th Anniversary of the United Nations, Women at the Beijing Conference are in a unique position to call for compliance with the international obligations that have been undertaken since the formation of the United Nations. The proposed Global Compliance Research Charter, the “Charter for Action for Development, Equality/Equity, Environmental integrity and Peace” reflects the obligations that have been undertaken by states along with those obligations proposed by various institutions and NGO’s. If these obligations were undertaken and the recommendations adhered to, the international community would be closer to achieving a global solution to the current problems.

The Charter begins by acknowledging the urgency of the global situation and the need for action. The actions identified as necessary include: changing lifestyles and government policies; accelerating equality; emphasizing the need to assume personal responsibility and a re-ordering of priorities; limiting the power of transnational corporations; and canceling third world debt.

The document follows with identifying principles of action, which include: increasing Equality/equity between north and "South"; *endorsing fundamental rights to safety, security and survival*; endorsing fundamental rights and freedoms; endorsing the

rights of future generations, protecting the rights of the girl child; respecting the basic rights of women; affirming the rights of indigenous peoples; affirming the basic rights of persons with disabilities; emphasizing the commitment to transfer military budgets to socially equitable and ecologically sound development; establishing the dedication to communications research and information exchange; and confirming the commitment to peace.

It is critical that if these international instruments are to have any relevance in the 50th anniversary of the United Nations, states that have failed to sign significant international agreements must sign them. States that have signed but failed to ratify agreements must ratify them. States that have signed and ratified but have failed to enact the necessary legislation to ensure the discharging of their obligations under the agreements must enact legislation and states that have signed, ratified, and enacted legislation but have failed to enforce the legislation must enforce the legislation. In addition to the fulfillment of already agreed to obligations, states must seriously undertake to act on the recommendations of the NGOs who have continually indicated where the international obligations fall short.

Science and Technology

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#### **GATT Article XX**

*Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:*

(a) necessary to protect public morals;

**(b) necessary to protect human, animal or plant life or health;**

**[NOTE: ENVIRONMENT, AS SUGGESTED IN DRAFT FROM 1992 HAS NOT BEEN INCLUDED]**

(c) relating to the importation or exportation of gold or silver,

**(d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices;**

(e) relating to the products of prison labour;

**(f) imposed for the protection of national treasures of artistic, historic or archaeological value;**

**(g) relating to the conservation of exhaustible natural resources** *is such measures are made effective in conjunction with restrictions on domestic production or consumption;*

(h) undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the

CONTRACTING PARTIES and not disapproved by them or which is itself so submitted and not so disapproved;

## PRINCIPLE OF URGENCY AND URGENT PRINCIPLED ACTION

### UNITED NATIONS, STATES AND CIVIL SOCIETY

- States, institutions and individuals shall cease to give primacy to short term economic interests over long term socially equitable and environmentally sound concerns
- the term “Civil society” shall 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.
- International institutions, Governments, civil society and the market must recognize that the global situation is so urgent that immediate action is necessary

### United Nations

- United Nations shall establish an International Court before which civil society could present evidence of state non-compliance to international obligations?
- United Nations shall ensure that General Assembly resolutions as an expression of the majority of state opinion are implemented, by using the doctrine of legitimate expectation
- United Nations shall discontinue a structure which supports a state hierarchical system, As stated in the Charter of the United Nations, all nations are equal “sovereign equality”, and therefore no states shall be perceived to be less equal than others



- United Nations shall discourage the continued financial support for the promotion of the Western model of socially inequitable, and environmentally unsound development
- United Nations shall redefine “development” in equitable and ecological terms

#### United Nations and States

- the United Nations and States shall abide by the common law “doctrine of legitimate expectation”, and thus, when they have undertaken an obligation, civil society can expect that the obligation will be discharged

#### States

- states shall not use the claim of “sovereign right to exploit natural resources” as a means of justifying environmental degradation, violation of human rights, escalating conflict and war, and condoning inequity
- States shall accept the jurisdiction of the International Court of Justice, and the rule of international law, and shall “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (UN. Charter)
- states shall enact the necessary national legislation to ensure compliance with international obligations, or regional obligations whichever is based on the higher ground
- States shall involve “civil society” in the decision-making process, at the formulation of the terms of reference, and throughout the decision-making process
- States shall involve respect the interpretation of “Civil society’s in the determining o what would constitute compliance with international, national, regional and local obligations.

#### “Civil society”

- “Civil society” shall be involved in the determination of what would constitute compliance with international, national, regional and local obligations.
- “Civil society” shall be involved in lobbying governments to

discharge the international obligations, and to require the “market” to conform to principles of socially equitable and environmentally sound development

- the failure of states and citizens to recognize that the global situation is so urgent that immediate action is necessary
- the refusal of states to accept the jurisdiction of the International Court of Justice, and the refusal of states to accept 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)
- the unwillingness of states to enact the necessary national legislation to ensure compliance with international obligations
- the failure for federal nations to implement international agreements because of differential provincial/state and federal jurisdiction
- the failure to establish an International Court before which citizens could present evidence of state non-compliance to international obligations?
- the refusal of states to look beyond national sovereignty in domestic affairs, and to cooperate at the international level on global governance
- the continued use by states of the “sovereign right to exploit natural resources” as a means of justifying environmental degradation, violation of human rights, escalating conflict and war, and condoning inequity
- the inability of citizens to lobby their national governments to discharge the international obligations because citizens are not sufficiently aware of international instruments and proceedings
- the continued reinforcement of the primacy of short-term economic interests over long term environmental concern
- the inability for national governments to conceive of the long-term implications of their actions in the pursuit of short-term economic gains.
- the continued promotion of the Western model of development which is both inappropriate and undesirable

- the refusal on the part of powerful states to relinquish their structural power within the international system
- the failure to redefine development in equitable and ecological terms, and the continued support of international organizations for culturally inappropriate and ecologically unsound projects
- that fragments the ability for individuals to lobby their national governments to implement the international agreements in order to instigate decisive action
- **the reluctance on the part of states to establish stringent and mandatory international standards and technological regulations that would protect the environment, guarantee human rights and equity and attain peace with justice**

#### DECISION MAKING PROCESS

- the abuse by states, in the process of international decision making, of a consensus process which often leads to the lowest common denominator
- the failure of states to strive through collaboration for the highest tenable principles
- the inclusion of competing interests, (i.e. "multistakeholder) in the decision-making process and the condoning of their vested interests as a legitimate part of the decision-making process
- the monopolization and influence of economic interest groups such as transnational corporations in the global decision-making process
- The failure of states to involve concerned citizens in the decision-making process, at the formulation of the terms of reference, and throughout the process
- the condoning of "solutions" which could have more disastrous or equally disastrous consequences as the original problem (nuclear as solution to climate change)
- the tendency to put limitless faith in the capacity of science and technology to rectify the environmental problems of the past and to monitor the deleterious impacts of human activity in the present.

- the willingness to take unacceptable risks, endangering human health and causing irreparable damage to the environment
- the failure to use preventive measures to undermine environmental devastation due to the prevalent use of the "technological fix"
- the condoning of technological fixes suggested as solutions
- the continued condoning of research and development into rectifying the harm done through ecologically unsound practices rather than discontinuing ecologically unsound practices (the Green Revolution syndrome)
- the failure to shift support from ecologically unsound technology to "prevention technology" — doing it right the first time
- the presence and use of international short-term economic regulations which justify the abandoning by sovereign states of high ecological standards.
- the condoning of the precedence of trade agreements over other internationally undertaken obligations.
- the condoning of trade agreements that include measures that will strengthen the international power of capital at the expense of the international power of labour
- the condoning of bilateral and multilateral agreements that reinforce the power of decision making based on capital and not the environment
- the recognition of the importance of enforcing international collaboration in economic areas but the lack of recognition of the need for enforcement of social and environmental collaboration
- the 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.
- the persistence of the cooption, often through government funding, of groups, whose role should be to act as the conscience of the official decision makers
- the 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

- the 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
- the sanctioned use of "words of delusion" that either convince citizens that there is the political will to change.
- the sanctioned use of misleading statistics to delude the public into thinking that change is being made or change is not needed
- the sanctioned use of vague terms like "as appropriate, " "where possible" or of loophole provisions like "without prejudice to international trade principles." For example, in the following section on consumption in Agenda 21 (UNCED):  
 "They should therefore review the purchasing policies of their agencies and departments so that they may improve, where possible, the environmental content of government procurement policies, without prejudice, to international trade principles." (UNCED, Agenda 21, 4.23, Consumption)
- the sanctioned use of the "notwithstanding clause" device. This device allows for indulging in strong statements about deep concern and the need for significant change and then concluding with a notwithstanding clause that negates the strong statement.
- the sanctioned use of oxymorons like "sustainable development", "Ecosystem management", the environmentally sound management of hazardous wastes" (UNCED, Agenda 21, 20.22 Hazardous wastes) or "the promotion of the safe and environmentally sound management of radioactive wastes" (UNCED, Agenda 21, Chapter 22, Radioactive wastes)
- the sanctioned use of term like "harmonizing" which usually leads not the highest tenable principles but to the lowest common denominator
- the 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
- the stereotyping of countries into categories of "developed, underdeveloped, and developing" rather than designating behaviours and attitudes as being "developed, underdeveloped and developing"

the division of countries into developed and underdeveloped which indicates that the present patterns of development in "developed" countries is attainable or desirable as the ultimate goal for "underdeveloped" countries

- the simplistic distinction between North (environment) and South (development)
- 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 would have the result of imitating the mitigative strategies toward environmental destruction that is employed by the "North" instead of encouraging preventive strategies
- the reluctance 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
- the reluctance to address the environmental degradation caused by military operations
- the lack of recognition of the power politics by dominant countries in the international order which is at the root of international military conflict
- the failure to reduce the global military budget and transfer funds to socially equitable and environmentally sound development
- The failure

(adapted from Russow, J. and D. White, and T. Russow and, "Systemic Constraints Preventing Change" 199

### **OBJECTIVES OF THE GLOBAL COMPLIANCE RESEARCH PROJECT**

*Non-governmental organizations (NGO's) are often unaware of the international legal obligations of nation states and their governments. Due to the specificity of issues handled and limited time constraints, NGO's are also often unaware of significant international NGO documents that address pertinent issues to their own organizations. These international obligations and NGO significant contributions are often carefully*

*crafted and form an excellent set of precedents for groups that are advocating for change. International documents provide a legislative basis for the encouragement of states to prevent the destruction of the environment, the escalation of war, the violation of human rights, the disregard for social justice and the perpetuation of inequity and poverty.*

*This project will attempt to increase awareness of international legal obligations through the following activities or measures in collaboration with representatives from different countries:*

- The clustering of statements and principles and carrying out of a content analysis of international documents which reflect concerns for peace, the environment, equity, social justice and human rights and then to compile these statements into a draft Charter of Obligations*
- The preparing of diagrams and graphic materials based on the content analysis and Charter. These materials will inform representatives from different countries of international obligations made by the global community and by individual states. The obligations that will be examined will be those from both (i) legally binding United Nations (UN) treaties, conventions, covenants, and charters, and (ii) globally adopted United Nations Conference action plans. (iii) General Assembly resolutions and Declarations (iv) in addition to the UN documents, significant multilateral governmental agreements such as the ASEAN Agreement on the Conservation of Nature and Natural Resources, recommendations from the "South Institute" and significant international NGO agreements, and Declarations will be included.*

BH983.txt A/RES/45/158 (30 ILM 1517)

## INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

### Preamble

The States Parties to the present Convention,

Taking into account the principles embodied in the basic instruments of the United Nations concerning human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Taking into account also the principles and standards set forth in the relevant instruments elaborated within the framework of the International Labour Organization, especially the Convention concerning Migration for Employment (No. 97), the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No. 151), the Convention concerning Forced or Compulsory Labour (No. 29) and the Convention concerning Abolition of Forced Labour (No. 105),

Reaffirming the importance of the principles contained in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Code of Conduct for Law Enforcement Officials, and the Slavery Conventions,

Recalling that one of the objectives of the International Labour Organization, as stated in its Constitution, is the protection of the interests of workers when employed in countries other than their own, and bearing in mind the expertise and experience of that organization in matters related to migrant workers and members of their families,

Recognizing the importance of the work done in connection with migrant workers and members of their families in various organs of the United Nations, in particular in the Commission on Human Rights and the Commission for Social Development, and in the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as in other international organizations,

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,

Realizing the importance and extent of the migration phenomenon, which involves millions of people and affects a large number of States in the international community,

Aware of the impact of the flows of migrant workers on States and people concerned, and desiring to establish norms which may contribute to the harmonization of the attitudes of States through the acceptance of



basic principles concerning the treatment of migrant workers and members of their families,

Considering the situation of vulnerability in which migrant workers and members of their families frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they may encounter arising from their presence in the State of employment,

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection,

Taking into account the fact that migration is often the cause of serious problems for the members of the families of migrant workers as well as for the workers themselves, in particular because of the scattering of the family,

Bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights,

Considering that workers who are non-documented or in an irregular situation is frequently employed under less favourable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition,

Considering also that recourse to the employment of migrant workers who are in an irregular situation will be discouraged if the fundamental human rights of all migrant workers are more widely recognized and, moreover, that granting certain additional rights to migrant workers and members of their families in a regular situation will encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned,

Convinced, therefore, of the need to bring about the international protection of the rights of all migrant workers and members of their families, reaffirming and establishing basic norms in a comprehensive convention which could be applied universally,

Have agreed as follows:

## PART I

### Scope and definitions

#### Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families 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.

2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

#### Article 2

For the purposes of the present Convention:

1. The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

2. (a) The term "frontier worker" refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week;

(b) The term "seasonal worker" refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year;

(c) The term "seafarer", which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national;

(d) The term "worker on an offshore installation" refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national;

(e) The term "itinerant worker" refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her

occupation;

(f) The term "project-tied worker" refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer;

(g) The term "specified-employment worker" refers to a migrant worker:

- (i) Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or
- (ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or
- (iii) Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief;

and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work;

(h) The term "self-employed worker" refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.

### Article 3

The present Convention shall not apply to:

(a) Persons sent or employed by international organizations and agencies or persons sent or employed by a State outside its territory to perform official functions, whose admission and status are regulated by general international law or by specific international agreements or conventions;

(b) Persons sent or employed by a State or on its behalf outside its territory who participate in development programmes and other co-operation programmes, whose admission and status are regulated by

agreement with the State of employment and who, in accordance with that agreement, are not considered migrant workers;

(c) Persons taking up residence in a State different from their State of origin as investors;

(d) Refugees and stateless persons, unless such application is provided for in the relevant national legislation of, or international instruments in force for, the State Party concerned;

(e) Students and trainees;

(f) Seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment.

#### Article 4

For the purposes of the present Convention the term "members of the family" refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

#### Article 5

For the purposes of the present Convention, migrant workers and members of their families:

(a) Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party;

(b) Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article.

#### Article 6

For the purposes of the present Convention:

(a) The term "State of origin" means the State of which the person concerned is a national;

(b) The term "State of employment" means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be;

(c) The term "State of transit" means any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.

## PART II

### Non-discrimination with respect to rights

#### Article 7

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.

## PART III

### Human rights of all migrant workers and members of their families

#### Article 8

1. Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present part of the Convention.

2. Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.

#### Article 9

The right to life of migrant workers and members of their families shall be protected by law.

#### Article 10

No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### Article 11

1. No migrant worker or member of his or her family shall be held in slavery or servitude.

2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.

3. Paragraph 2 of the present article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.

4. For the purpose of the present article the term "forced or compulsory labour" shall not include:

(a) Any work or service not referred to in paragraph 3 of the present article normally required of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention;

(b) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(c) Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.

#### Article 12

1. Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.

2. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a

religion or belief of their choice.

3. Freedom to manifest one's religion or belief 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.

4. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

### Article 13

1. Migrant workers and members of their families shall have the right to hold opinions without interference.

2. Migrant workers and members of their families shall have 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 their choice.

3. The exercise of the right provided for in paragraph 2 of the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputation of others;

(b) For the protection of the national security of the States concerned or of public order (ordre public) or of public health or morals;

(c) For the purpose of preventing any propaganda for war;

(d) For the purpose of preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

### Article 14

No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her

family shall have the right to the protection of the law against such interference or attacks.

#### Article 15

No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation.

#### Article 16

1. Migrant workers and members of their families shall have the right to liberty and security of person.

2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.

3. Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedures established by law.

4. Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

5. Migrant workers and members of their families who are arrested shall be informed at the time of arrest as far as possible in a language they understand of the reasons for their arrest and they shall be promptly informed in a language they understand of any charges against them.

6. Migrant workers and members of their families who are arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that while awaiting trial they shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings and, should the occasion arise, for the execution of the judgment.



7. When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner:

(a) The consular or diplomatic authorities of his or her State of origin or of a State representing the interests of that State shall, if he or she so requests, be informed without delay of his or her arrest or detention and of the reasons therefore;

(b) The person concerned shall have the right to communicate with the said authorities. Any communication by the person concerned to the said authorities shall be forwarded without delay, and he or she shall also have the right to receive communications sent by the said authorities without delay;

(c) The person concerned shall be informed without delay of this right and of rights deriving from relevant treaties, if any, applicable between the States concerned, to correspond and to meet with representatives of the said authorities and to make arrangements with them for his or her legal representation.

8. Migrant workers and members of their families who are deprived of their liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful. When they attend such proceedings, they shall have the assistance, if necessary, without cost to them, of an interpreter, if they cannot understand or speak the language used.

9. Migrant workers and members of their families who have been victims of unlawful arrest or detention shall have an enforceable right to compensation.

## Article 17

1. Migrant workers and members of their families who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for their cultural identity.

2. Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. Any migrant worker or member of his or her family who is detained

in a State of transit or in a State of employment for violation of provisions relating to migration, shall be held, in so far as practicable, separately from convicted persons or persons detained pending trial.

4. During any period of imprisonment in pursuance of a sentence imposed by a court of law, the essential aim of the treatment of a migrant worker or a member of his or her family shall be his or her reformation and social rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status.

5. During detention or imprisonment, migrant workers and members of their families shall enjoy the same rights as nationals to visits by members of their families.

6. Whenever a migrant worker is deprived of his or her liberty, the competent authorities of the State concerned shall pay attention to the problems that may be posed for members of his or her family, in particular for spouses and minor children.

7. Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation.

8. If a migrant worker or a member of his or her family is detained for the purpose of verifying any infraction of provisions related to migration, he or she shall not bear any costs arising therefrom.

## Article 18

1. Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

2. Migrant workers and members of their families who are charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.

3. In the determination of any criminal charge against them, migrant workers and members of their families shall be entitled to the following minimum guarantees:

(a) To be informed promptly and in detail in a language they understand of the nature and cause of the charge against them;

(b) To have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing;

(c) To be tried without undue delay;

(d) To be tried in their presence and to defend themselves in person or through legal assistance of their own choosing; to be informed, if they do not have legal assistance, of this right; and to have legal assistance assigned to them, in any case where the interests of justice so require and without payment by them in any such case if they do not have sufficient means to pay;

(e) To examine or have examined the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

(f) To have the free assistance of an interpreter if they cannot understand or speak the language used in court;

(g) Not to be compelled to testify against themselves or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Migrant workers and members of their families convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law.

6. When a migrant worker or a member of his or her family has, by a final decision, been convicted of a criminal offence and when subsequently his or her conviction has been reversed or he or she has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to that person.

7. No migrant worker or member of his or her family shall be liable to be tried or punished again for an offence for which he or she has

already been finally convicted or acquitted in accordance with the law and penal procedure of the State concerned.

#### Article 19

1. No migrant worker or member of his or her family shall be held guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence under national or international law at the time when the criminal offence was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when it was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, he or she shall benefit thereby.

2. Humanitarian considerations related to the status of a migrant worker, in particular with respect to his or her right of residence or work, should be taken into account in imposing a sentence for a criminal offence committed by a migrant worker or a member of his or her family.

#### Article 20

1. No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfill a contractual obligation.

2. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfill an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit.

#### Article 21

It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family.

#### Article 22

1. Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be

examined and decided individually.

2. Migrant workers and members of their families may be expelled from the territory of a State Party only in pursuance of a decision taken by the competent authority in accordance with law.

3. The decision shall be communicated to them in a language they understand. Upon their request where not otherwise mandatory, the decision shall be communicated to them in writing and, save in exceptional circumstances on account of national security, the reasons for the decision likewise stated. The persons concerned shall be informed of these rights before or at the latest at the time the decision is rendered.

4. Except where a final decision is pronounced by a judicial authority, the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise. Pending such review, the person concerned shall have the right to seek a stay of the decision of expulsion.

5. If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according to law and the earlier decision shall not be used to prevent him or her from re-entering the State concerned.

6. In case of expulsion, the person concerned shall have a reasonable opportunity before or after departure to settle any claims for wages and other entitlements due to him or her and any pending liabilities.

7. Without prejudice to the execution of a decision of expulsion, a migrant worker or a member of his or her family who is subject to such a decision may seek entry into a State other than his or her State of origin.

8. In case of expulsion of a migrant worker or a member of his or her family the costs of expulsion shall not be borne by him or her. The person concerned may be required to pay his or her own travel costs.

9. Expulsion from the State of employment shall not in itself prejudice any rights of a migrant worker or a member of his or her family acquired in accordance with the law of that State, including the right to receive wages and other entitlements due to him or her.

Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right.

#### Article 24

Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law.

#### Article 25

1. Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and:

(a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by this term;

(b) Other terms of employment, that is to say, minimum age of employment, restriction on home work and any other matters which, according to national law and practice, are considered a term of employment.

2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article.

3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of any such irregularity.

#### Article 26

1. States Parties recognize the right of migrant workers and members of their families:

(a) To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned;

(b) To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned;

(c) To seek the aid and assistance of any trade union and of any such association as aforesaid.

2. No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

#### Article 27

1. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfill the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of employment can at any time establish the necessary arrangements to determine the modalities of application of this norm.

2. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances.

#### Article 28

Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.

#### Article 29

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

### Article 30

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.

### Article 31

1. States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin.
2. States Parties may take appropriate measures to assist and encourage efforts in this respect.

### Article 32

Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings.

### Article 33

1. Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning:
  - (a) Their rights arising out of the present Convention;
  - (b) The conditions of their admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State.
2. States Parties shall take all measures they deem appropriate to disseminate the said information or to ensure that it is provided by employers, trade unions or other appropriate bodies or institutions. As appropriate, they shall co-operate with other States concerned.



3. Such adequate information shall be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand.

#### Article 34

Nothing in the present part of the Convention shall have the effect of relieving migrant workers and the members of their families from either the obligation to comply with the laws and regulations of any State of transit and the State of employment or the obligation to respect the cultural identity of the inhabitants of such States.

#### Article 35

Nothing in the present part of the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation or any right to such regularization of their situation, nor shall it prejudice the measures intended to ensure sound and equitable conditions for international migration as provided in part VI of the present Convention.

### PART IV

Other rights of migrant workers and members of their families  
who are documented or in a regular situation

#### Article 36

Migrant workers and members of their families who are documented or in a regular situation in the State of employment shall enjoy the rights set forth in the present part of the Convention in addition to those set forth in part III.

#### Article 37

Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage as well as of the requirements they must satisfy in the State of employment and the authority to which they must address themselves for any modification of those conditions.

## Article 38

1. States of employment shall make every effort to authorize migrant workers and members of their families to be temporarily absent without effect upon their authorization to stay or to work, as the case may be. In doing so, States of employment shall take into account the special needs and obligations of migrant workers and members of their families, in particular in their States of origin.

2. Migrant workers and members of their families shall have the right to be fully informed of the terms on which such temporary absences are authorized.

## Article 39

1. Migrant workers and members of their families shall have the right to liberty of movement in the territory of the State of employment and freedom to choose their residence there.

2. The rights mentioned in paragraph 1 of the present article shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (ordre public), public health or morals, or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

## Article 40

1. Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests.

2. No restrictions may be placed on the exercise of this right other than those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

## Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.

2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

## Article 42

1. States Parties shall consider the establishment of procedures or institutions through which account may be taken, both in States of origin and in States of employment, of special needs, aspirations and obligations of migrant workers and members of their families and shall envisage, as appropriate, the possibility for migrant workers and members of their families to have their freely chosen representatives in those institutions.

2. States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities.

3. Migrant workers may enjoy political rights in the State of employment if that State, in the exercise of its sovereignty, grants them such rights.

## Article 43

1. Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to:

(a) Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned;

(b) Access to vocational guidance and placement services;

(c) Access to vocational training and retraining facilities and institutions;

(d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents;

(e) Access to social and health services, provided that the requirements for participation in the respective schemes are met;

(f) Access to co-operatives and self-managed enterprises, which shall not imply a change of their migration status and shall be subject to the rules and regulations of the bodies concerned;

(g) Access to and participation in cultural life.

2. States Parties shall promote conditions to ensure effective equality of treatment to enable migrant workers to enjoy the rights mentioned in paragraph 1 of the present article whenever the terms of their stay, as authorized by the State of employment, meet the appropriate requirements.

3. States of employment shall not prevent an employer of migrant workers from establishing housing or social or cultural facilities for them. Subject to article 70 of the present Convention, a State of employment may make the establishment of such facilities subject to the requirements generally applied in that State concerning their installation.

#### Article 44

1. States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers.

2. States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.

3. States of employment, on humanitarian grounds, shall favourably consider granting equal treatment, as set forth in paragraph 2 of the present article, to other family members of migrant workers.

#### Article 45

1. Members of the families of migrant workers shall, in the State of employment, enjoy equality of treatment with nationals of that State in relation to:

(a) Access to educational institutions and services, subject to the admission requirements and other regulations of the institutions and services concerned;

(b) Access to vocational guidance and training institutions and services, provided that requirements for participation are met;

(c) Access to social and health services, provided that requirements for participation in the respective schemes are met;

(d) Access to and participation in cultural life.

2. States of employment shall pursue a policy, where appropriate in collaboration with the States of origin, aimed at facilitating the integration of children of migrant workers in the local school system, particularly in respect of teaching them the local language.

3. States of employment shall endeavour to facilitate for the children of migrant workers the teaching of their mother tongue and culture and, in this regard, States of origin shall collaborate whenever appropriate.

4. States of employment may provide special schemes of education in the mother tongue of children of migrant workers, if necessary, in collaboration with the States of origin.

#### Article 46

Migrant workers and members of their families shall, subject to the applicable legislation of the States concerned, as well as relevant international agreements and the obligations of the States concerned arising out of their participation in customs unions, enjoy exemption from import and export duties and taxes in respect of their personal and household effects as well as the equipment necessary to engage in the remunerated activity for which they were admitted to the State of employment:

(a) Upon departure from the State of origin or State of habitual residence;

(b) Upon initial admission to the State of employment;

(c) Upon final departure from the State of employment;

(d) Upon final return to the State of origin or State of habitual residence.

#### Article 47

1. Migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State. Such transfers shall be made in conformity with procedures established by applicable legislation of the State concerned and in conformity with applicable international agreements.

2. States concerned shall take appropriate measures to facilitate such transfers.

#### Article 48

1. Without prejudice to applicable double taxation agreements, migrant workers and members of their families shall, in the matter of earnings in the State of employment:

(a) Not be liable to taxes, duties or charges of any description higher or more onerous than those imposed on nationals in similar circumstances;

(b) Be entitled to deductions or exemptions from taxes of any description and to any tax allowances applicable to nationals in similar circumstances, including tax allowances for dependent members of their families.

2. States Parties shall endeavour to adopt appropriate measures to avoid double taxation of the earnings and savings of migrant workers and members of their families.

#### Article 49

1. Where separate authorizations to reside and to engage in employment are required by national legislation, the States of employment shall issue to migrant workers authorization of residence for at least the same period of time as their authorization to engage in remunerated activity.

2. Migrant workers who in the State of employment are allowed freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permits or similar authorizations.

3. In order to allow migrant workers referred to in paragraph 2 of the present article sufficient time to find alternative remunerated activities, the authorization of residence shall not be withdrawn at least for a period corresponding to that during which they may be entitled to unemployment benefits.

#### Article 50

1. In the case of death of a migrant worker or dissolution of

marriage, the State of employment shall favourably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay; the State of employment shall take into account the length of time they have already resided in that State.

2. Members of the family to whom such authorization is not granted shall be allowed before departure a reasonable period of time in order to enable them to settle their affairs in the State of employment.

3. The provisions of paragraphs 1 and 2 of the present article may not be interpreted as adversely affecting any right to stay and work otherwise granted to such family members by the legislation of the State of employment or by bilateral and multilateral treaties applicable to that State.

#### Article 51

Migrant workers who in the State of employment are not permitted freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permit, except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted. Such migrant workers shall have the right to seek alternative employment, participation in public work schemes and retraining during the remaining period of their authorization to work, subject to such conditions and limitations as are specified in the authorization to work.

#### Article 52

1. Migrant workers in the State of employment shall have the right freely to choose their remunerated activity, subject to the following restrictions or conditions.

2. For any migrant worker a State of employment may:

(a) Restrict access to limited categories of employment, functions, services or activities where this is necessary in the interests of this State and provided for by national legislation;

(b) Restrict free choice of remunerated activity in accordance with its legislation concerning recognition of occupational qualifications acquired outside its territory. However, States Parties concerned shall endeavour to provide for recognition of such qualifications.

3. For migrant workers whose permission to work is limited in time, a State of employment may also:

(a) Make the right freely to choose their remunerated activities subject to the condition that the migrant worker has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed two years;

(b) Limit access by a migrant worker to remunerated activities in pursuance of a policy of granting priority to its nationals or to persons who are assimilated to them for these purposes by virtue of legislation or bilateral or multilateral agreements. Any such limitation shall cease to apply to a migrant worker who has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed five years.

4. States of employment shall prescribe the conditions under which a migrant worker who has been admitted to take up employment may be authorized to engage in work on his or her own account. Account shall be taken of the period during which the worker has already been lawfully in the State of employment.

#### Article 53

1. Members of a migrant worker's family who have themselves an authorization of residence or admission that is without limit of time or is automatically renewable shall be permitted freely to choose their remunerated activity under the same conditions as are applicable to the said migrant worker in accordance with article 52 of the present Convention.

2. With respect to members of a migrant worker's family who are not permitted freely to choose their remunerated activity, States Parties shall consider favourably granting them priority in obtaining permission to engage in a remunerated activity over other workers who seek admission to the State of employment, subject to applicable bilateral and multilateral agreements.

#### Article 54

1. Without prejudice to the terms of their authorization of residence or their permission to work and the rights provided for in articles 25 and 27 of the present Convention, migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of:



- (a) Protection against dismissal;
- (b) Unemployment benefits;
- (c) Access to public work schemes intended to combat unemployment;
- (d) Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention.

2. If a migrant worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State of employment, on terms provided for in article 18, paragraph 1, of the present Convention.

#### Article 55

Migrant workers who have been granted permission to engage in a remunerated activity, subject to the conditions attached to such permission, shall be entitled to equality of treatment with nationals of the State of employment in the exercise of that remunerated activity.

#### Article 56

1. Migrant workers and members of their families referred to in the present part of the Convention may not be expelled from a State of employment, except for reasons defined in the national legislation of that State, and subject to the safeguards established in part III.

2. Expulsion shall not be resorted to for the purpose of depriving a migrant worker or a member of his or her family of the rights arising out of the authorization of residence and the work permit.

3. In considering whether to expel a migrant worker or a member of his or her family, account should be taken of humanitarian considerations and of the length of time that the person concerned has already resided in the State of employment.

### PART V

Provisions applicable to particular categories  
of migrant workers and members of their families

## Article 57

The particular categories of migrant workers and members of their families specified in the present part of the Convention who are documented or in a regular situation shall enjoy the rights set forth in part III and, except as modified below, the rights set forth in part IV.

## Article 58

1. Frontier workers, as defined in article 2, paragraph 2 (a), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment, taking into account that they do not have their habitual residence in that State.

2. States of employment shall consider favourably granting frontier workers the right freely to choose their remunerated activity after a specified period of time. The granting of that right shall not affect their status as frontier workers.

## Article 59

1. Seasonal workers, as defined in article 2, paragraph 2 (b), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status in that State as seasonal workers, taking into account the fact that they are present in that State for only part of the year.

2. The State of employment shall, subject to paragraph 1 of the present article, consider granting seasonal workers who have been employed in its territory for a significant period of time the possibility of taking up other remunerated activities and giving them priority over other workers who seek admission to that State, subject to applicable bilateral and multilateral agreements.

## Article 60

Itinerant workers, as defined in article 2, paragraph 2 (e), of the present Convention, shall be entitled to the rights provided for in part IV that can be granted to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status as itinerant workers in that State.

## Article 61

1. Project-tied workers, as defined in article 2, paragraph 2 (f), of the present Convention, and members of their families shall be entitled to the rights provided for in part IV except the provisions of article 43, paragraphs 1 (b) and (c), article 43, paragraph 1 (d), as it pertains to social housing schemes, article 45, paragraph 1 (b), and articles 52 to 55.

2. If a project-tied worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State which has jurisdiction over that employer, on terms provided for in article 18, paragraph 1, of the present Convention.

3. Subject to bilateral or multilateral agreements in force for them, the States Parties concerned shall endeavour to enable project-tied workers to remain adequately protected by the social security systems of their States of origin or habitual residence during their engagement in the project. States Parties concerned shall take appropriate measures with the aim of avoiding any denial of rights or duplication of payments in this respect.

Increase financial and other support from all sources for preventive, appropriate biomedical, behavioral, epidemiological and health service research on women's health issues and research on the social, economic and political causes and consequences of women's health issues, including the impact of [gender and] age inequalities, especially areas such as: chronic and non-communicable diseases, particularly cardio-vascular diseases and conditions; cancers; reproductive tract infections and injuries, HIV/AIDS and other STDs; domestic violence; occupational health; disabilities; environmentally related health problems; tropical diseases and health aspects of aging (Art.110 d Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

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 Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Ensure the access of women with disabilities to information and services in the field of violence against women (Art.115 m Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including

enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries (Art.127 d Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Support programmes that enhance the self-reliance of special groups of women, such as young women, women with disabilities, elderly women and women belonging to racial and ethnic minorities (Art.177 d. Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Implement and monitor positive public and private-sector employment equity and positive action programmes to address systemic discrimination against women in the labour force, in particular women with disabilities and women belonging to other disadvantaged groups, with respect to [employment], hiring, retention and promotion, and vocational training of women in all sectors (Art.180 f Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

**[Ensure]** access to and develop special programmes to enable women with disabilities to obtain and retain employment and **[ensure]** access to education and training at all proper levels in accordance with the United Nations Standard Rules on the Equalization of Opportunities for People with Disabilities. Adjust, to the extent possible, working conditions in order to suit the needs of women with disabilities, who should be secured legal protection against unfounded job loss on account of their disabilities (Art.180 j Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities, and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions (Art.197 a Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Strengthen and encourage the implementation of the recommendations contained in the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, paying special attention to ensure non-discrimination and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities, including their access to information and services in the field of violence against women as well as their active participation and economic contribution in all aspects of society (Art.232 p Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Improve concepts and methods of data collection on the participation of women and men with disabilities, including their access to resources (Art.209 k Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

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 Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Publicize and disseminate such information in easily understandable formats and into alternative formats appropriate for persons with disabilities, and persons of low-level literacy (Art.233 b Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Facilitate the equal provision of appropriate services and devices to girls with disabilities and provide, as appropriate, their families with related support services (Art.278 b Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Ensure access to appropriate education and skills training to girl children with disabilities for their full participation in life (Art.280 c Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

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The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfill the conditions provided for the paragraphs 2 and 3 (Art. 7, 4. Convention Relating to the Status of Refugees, 1951).

## **++ There must be a term to convey that all persons have different degrees of inabilities**

The term "*disabled person*" **Persons with disabilities** means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities (1. Declaration on the Rights of Disabled Persons, 1975}

## **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)

## **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.

DIAGRAM INTERNATIONAL LAW

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## **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.

( ) **THAT in June 1995, I attended the We the people's Conference**

( ) **RESOLUTION PASSED AT THE WE THE PEOPLE'S  
CONFERENCE on the anniversary of the United Nations**

**I spent most of my time lobbying for the Global Compliance Research Project and for support for the Global Compliance**

### **research resolution**

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,

(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*

**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 Huairou. 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.

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

The following women have agreed to serve on this Committee and contribute to the project in different ways:

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(3)

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

( ) THAT ON MARCH 20, IN 1995. I was invited to make a presentation to the Trustee Council. In my statement I introduced the Global Coml also proposed a **DECLARATION for GLOBAL EMERGENCY ACTION RESOLUTION (GEAR) watson**

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 instruments, 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, which 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-coincidence 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-incidence 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.**

( ) in 1995 on 3 April, 1995, I endorsed the following message:

A MESSAGE FROM NGO WOMEN  
TO UN MEMBER STATES, THE SECRETARIAT AND THE COMMISSION ON THE  
STATUS OF WOMEN:

As women NGOs, we share with you a commitment to advance, raise and improve the status of women at the Fourth World Conference on Women, which has been mandated by the United Nations to update the Decade of Women's Forward-Looking Strategies. The conference at Beijing should be a high point for progress for women throughout the world.

Decade of Women's Forward-Looking Strategies.

Regrettably, the centrality of women's full participation to the success of the forthcoming conference is not being recognized at this final Preparatory Committee. Ironically, the Platform for Action is retrogressive in some analyses, language and action recommendations in comparison with the successes women have achieved substantively at recent UN conferences.

We have been disturbed and disappointed by the procedures that the CSW is using in working on the final draft document. In contrast to the openness and transparency of the preparatory processes at recent conferences in Rio, Vienna, Cairo and Copenhagen, at which NGOs had access to deliberations, working groups and negotiations, the current CSW preparations are being conducted primarily behind closed doors with NGOs being denied information, updates and adequate access -- conditions that make acknowledged and effective partnership between NGO's and governments impossible.

NGO women have come here in large numbers from every region of the world to take part in an event of the utmost importance to women everywhere. With only two days remaining for this final PrepCom, with an unusual amount of bracketed material in the draft document, with obstructionist efforts by forces that oppose the goals of the women's conference, with few opportunities for women to participate in a positive and meaningful way, we call for an end to this exclusionary approach.

We are also concerned about another development that is impeding the work of the CSW. The current attempt by several Member States to expunge the word "gender" from the Platform for Action and to replace it with the word "sex" is an insulting and demeaning attempt to reverse the gains made by women; to intimidate us and replace it with the word "sex" is an insulting and demeaning attempt to reverse the gains made by women, to intimidate us and to block further progress.

We will not be forced back into the "biology is destiny" concept that seeks to define, confine and reduce women and girls to their physical sexual characteristics. We will not let this happen-- not in our homes, our workplaces, our communities, our countries and certainly not at the United Nations, to which women around the world look for human rights, justice and leadership.

The meaning of the word "gender" has evolved as differentiated from the word "sex" to express the reality that women's and men's roles and status are socially constructed and subject to change. In the present context, "gender" recognizes the multiple roles that females fill throughout our life cycles, the diversity of our needs, concerns, abilities, life experiences and aspirations -- as individuals, as members of families and households, and in society as a whole. The concept of "gender" is embedded in -- as individuals, as members of families and households, and in society as a whole. The concept of "gender" is embedded in contemporary social, political and legal discourse. It has been integrated into the conceptual planning, language, documents and programmes of the UN system. The infusion of gender perspectives into all aspects of UN activities is a major commitment approved at past conferences and it must reaffirmed and strengthened at the Fourth World Conference on Women.

We urge the small number of male and female delegates seeking to sidetrack and sabotage the empowerment of women to cease this diversionary tactic. They will not succeed. They will only waste precious time. We will not go back to subordinate, inferior roles.

We have repeatedly raised the issues of discrimination based on ethnicity, race, national origin, culture, language, religion, sexual orientation, age, disability and other factors that have resulted in our economic, political and social deprivation; sexual orientation, age, disability and other factors that have resulted in our economic, political and social deprivation. Women will not accept being a majority of the poor, the illiterate and the victims of violence, discrimination and continuing attempts to exclude us from decision-making and to control our minds, bodies and lives.

Much work remains to be done in these last two days of the PrepCom. As NGOs representing millions of women in every region of the world, we seek full and informed access to your deliberations and offer you our cooperation, our ideas, our expertise and our commitment to the advancement of women. The Platform for Action should be our guide to the 21st century. Governments, NGOs, public and private sectors, women and men, girls and boys must all work together to ensure that a responsive Platform for Action gives us the means, the tools, the resources and the determination to help end poverty, illiteracy, disease and violence and to achieve equality, sustainable development,

human rights and a peaceful and healthy planet for all; and violence; and to achieve equality and sustainable development; human rights and a peaceful and healthy planet for all.

We demand an open, participatory process at Beijing that provides NGO's with the same access we have had at Rio, Vienna, Cairo and especially Copenhagen. Women expect full recognition of our status, needs, rights and central roles as half the population of the world. We will accept nothing less.

#### SEPTEMBER SEPTEMBER

- ( ) I completed the requirements for a Doctorate in Interdisciplinary studies
- ( ) I was then off to Beijing
- ( ) THAT Initially the conference was supposed to begin on September 11, the US opposed the opening date .I wondered if a conference scheduled for December 4 - the date of the Bhopal disaster would also be canceled

#### BEIJING BEIJING BEIJING

#### THE ROCKY ROAD TO BEIJING

( ) THAT in 1995, Theona and I arrived with sixteen boxes of GCRP books at the Victoria Airport. I was supposed to meet a member from VOW at the airport; she was going to take some of the boxes on her ticket but she missed her flight to Victoria. The stewardess looked at the boxes and said that it would cost \$2000 to take all the boxes on. I remembered that I had applied to Canadian Airlines to be one of our sponsors, and they had agreed; I mentioned that to the stewardess and suddenly there was the last call for the flight to Beijing. She felt sorry for us and said, "go ahead."

( ) THAT in 1995, we faced another obstacle when we arrived at Beijing Airport. An official, who was leery of all the boxes, brought out a knife to slice open one of the boxes. Jo Lui (who was meeting us at the airport), in her best Mandarin, cried out, "Canadian Government material!" He stopped and let us go through. We arrived at the NGO residences in Huairou, which was quite far from Beijing.

#### COMMENT

We arrived early to the conference (before other African women had arrived). Eugenia had a difficult time; people were running after her to take photos and one time, a woman tried to rub Engenia's skin to see if the black colour would off.

#### HUAIROU NEAR THE GREAT WALL

**( ) That, I was staying in a residence with a name that sounded like Don Juan yet no one understood my intonation so I was occasionally let off the bus at the wrong residence**

**( )THAT, in 1995, at a press conference, I made a statement calling, along with others, for France to not test their nuclear weapons**

**THAT, in 1995, in Huairou, at one of the workshops, I was on CNN criticizing a Christian fundamentalist who intervened in a debate between a Palestinian and Israeli women**

### **YOU ARE DOING THE WORK FOR US.”**

( )THAT, in 1995.

Two days before the opening, I went to a reception at the main site of the conference in Beijing . I happened to meet the ambassador from Israel, and after telling her what we had done she said: “You are doing our work for us.” [ I used this comment later to help have our Charter of Obligations distributed]

( )THAT, in 1995, on the day on the before the opening of the Beijing conference, I had to give a presentation on the Global Compliance Research Project at the NGO Forum in Huairou.

COMMENT: At the presentation, all the women except a Chinese women criticized their government’s lack of compliance with international law .

I was wondering how I was going to get the 16 boxes of Charters into the conference in Beijing. Fortunately, Janis Alton and Dorothy Golden Rosenberg, from the Canadian Voice of Women for Peace, helped by finding a farmer with a cart to take them plus the 16 boxes, into Beijing. Then, at the conference site, they found a red wagon to take the books into the conference. Dorothy mused , “**I well remember schlepping the boxes with Janis at the UN. We were lucky to find a farmer with a cart to help go into the area with him - amazing that there was so little security - we can never imagine doing it today ! But we had a lot of satisfaction getting the job done!!!! You did such remarkable work that we needed to take them into the site.**” (Dorothy Golden)

### **THE CHARTER WAS APPROVED FOR DISTRIBUTION TO ALL THE DELEGATES ON OPENING DAY OF THE CONFERENCE**

**( ) THAT in 1995, the Charter of Obligations was officially distributed to all State delegations at the Conference in Beijing in English and French**

On the day of the Gala, the opening prior to the start of negotiation in the morning, I went into the conference site in Beijing.

I went to the information desk and asked if they knew where the books were but they had no idea. I finally found them. Then I was told that I had to get permission to distribute them to the delegates. I met with the official who was responsible for distribution of NGO materials. I showed him one of the books, and mentioned the comment by the Israeli Ambassador. He asked me if I had them in English and French. After I told him that most were in English but that I also had 200 in French, he said that they could be officially distributed on the opening of the conference; on the desk of each delegation as study material of past precedents.

( ) **THAT in 1995**, I was in the front, with a member of WILPF, of a peace walk in Huairou when we were calling upon the French to not test nuclear weapons and for Canada to not mine and sell Uranium, and for there to be “food not bombs”

( ) **THAT in 1995**, at a Press conference, Madeleine Albright was asked what did the NGOs want and she responded that they want us to work on a good document. I intervened and said; “I had been covering the NGO peace walk and that the NGOs were calling for “food not bombs” and what provision was the US government going to make to fulfill the years of commitments made through the UN system to reduce the military budget and transfer the peace dividend, and specifically the commitments in UNGA resolution **A/RES/35/142 A and B. REDUCING THE MILITARY BUDGET?** She responded that the US was reducing the military budget and transferring the funds and then she asked her associate to respond to my query about the UNGA resolution which he admitted that he knew nothing about

( ) **THAT in 1995**, we worked on a statement against the French testing and printed 1000 copies that were distributed at Hilary Clinton’s presentation.  
**THE FRENCH TESTED BUT THAT WAS NOT ON THE NGO MORNING AGENDA**

## **COMMENT**

( ) **THAT in 1995** on the day after the French had tested, at the morning meeting of the 1400 NGOs, A former president of WILPF, Edyth Ballantine, came up to me and told me that they had drafted a resolution condemning France, and called for an emergency session of the UN General Assembly. She told me that the organizers of the NGO meeting would not put it on the Agenda because it was not an item that had been designated as a discussion item. I stood up and said, “The women gathered here from around the world have to support WILPF’s resolution; condemning France and calling for an emergency meeting of the UN General Assembly must be heard. I sat down and the first response that I got was, “Lets proceed with the first item on the Agenda”. Suddenly, another woman rose and said, “Just a minute, there was a proposal on the floor (referring to mine and WILPF’s) and it should be considered”. Then she spoke out about the testing and demanded to hear the resolution. In the meantime Edyth Ballantine from WILPF went to the front of the Room and read the resolution and it was acclaimed. **The next issue was publicizing it.**



At the UN to give a press conference, it has be supported by one of the countries [it is more difficult to find a room quickly as an NGO]. I went around and talked to several countries where nuclear weapons were tested. I could not find any one to support the emergency press conference. At noon, I decided to go to the press briefings and attempt to interest the international media in the resolution. We arranged to have a press conference at the NGO press centre (quite far away from the main site). I went to the 12 noon press briefing. The facilitator press agent was describing what the governments were discussing and what they had agreed to. I was struggling for a way of introducing the resolution. I stood up and asked, "why does the briefing only include what the governments are discussing and not what the NGOs are addressing"? For example, I was just covering the NGO briefing and the NGOS unanimously endorsed a resolution condemning France for testing and calling for an emergency.

( ) **THAT in 1995 in Beijing**, I went into the UN General Assembly and lobbied different governments to support a full press conference so that we could have an official press conference at the press centre; and that, although many states agreed that it was important, the time line was too short for them to have permission from their governments to support such a press conference. I found out later that a Delegate from New Zealand referred to the NGO petition during the negotiations.

In the General Assembly. [for some reason I had been given both a NGO pass and a press pass]

( ) **THAT in 1995**, I worked with WILPF circulating a press advisory for an NGO press conference

( ) **THAT in 1995**, after the Resolution was adopted unanimously, I went to the state press briefing where the media coordinator only discussed what the governments were negotiating and did not mention anything about the NGOs; and that I brought to the attention of the international media that the resolution condemning the French testing has been passed unanimously by the NGOs at the morning briefing.

"I'm exasperated, frustrated and extremely disappointed that we continue to go through this almost charade of bringing in the French ambassador," said New Zealand's Foreign Minister Don MacKinnon. "But it's important for us that we convey to the French government, through their representative here, how we feel on this issue."

Also in New Zealand, Greenpeace spokesman Michael Szabo said French President Jacques Chirac had given the international community a slap in the face.

"Chirac's ignorance of international politics and arrogant disregard for the millions of people around the world protesting against nuclear testing is obscene", Szabo said.

Environmentalists argue the testing is unnecessary and dangerous to a region known for its crystalline waters and rich marine life.

Students in Seoul, South Korea, pelted the French embassy with eggs.

( ) THAT in 1995 I had drafted a proposal for a Beijing Declaration

## **1995 Proposal for Beijing declaration for the UN Conference**

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/equal and environmentally sound development.

**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);

**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 and Resolutions: Obligations which, if honoured and acted upon would have led to a world of peace, of equality and justice for all;

**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;

**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 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 peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,
- 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" includes among others, sexual orientation and disabilities];

**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;

**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)

**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 an economic model of development that is inconsistent with the absence of war and the presence of guarantees of human rights, equality and equity.

**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 unbridled power and practices of transnationals 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 members states 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.

**MINDFUL** 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;

**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 Declaration, UNCED, 1992)

**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; the international community has enough information about the pending state of ecological irreversibility that immediate action is necessary, and that inaction is negligence.

**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, we 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 civil community of global compliance, equality, peace and justice.**

**( ) THAT in 1995 at an NGO meeting , I presented my draft declaration initially there was support until a Canadian woman exclaimed that is “UNese”**

( ) THAT in September 1995, IN Beijing there was a feature article in the Toronto Star about my criticizing member states of the United Nations for ignoring obligations and commitments, about institutional memory being short and the need for compliance In Beijing, a Toronto Star reporter, Paul Watson, interviewed me about the Global Compliance Research project. He wrote “Beijing: An Exercise in Futility?” Ironically, to complement the article, was a photo of Flora MacDonald schmoozing with some delegates.

Find find find find photo photo photo of article

## EXHIBIT

“Beijing: An Exercise in Futility?”

By Paul Watson

Beijing--Joan Russow had an idea so sensible it sounded flaky. When thousands of people were earnestly writing and rewriting more solemn promises to heal the world's women, why not concentrate on making governments live up to the shelves upon shelves of accords, conventions, constitutions declarations, resolutions and treaties that have been filed away for decades....? Russow, a session lecturer on Global issues at the University of Victoria, lobbied for days to get a motion on the floor demanding that governments live up to the commitments they've already made.

That was a lot like insisting the ‘Emperor Has No Clothes’, so Russow and her supporters got mostly blank stares and hostility.

In an interview, she said, "If you get governments to commit to less than they are already obliged to do is that success?" .... Russow is convinced that the Universal Declaration of Human Rights, adopted away back in 1948, is broad enough to cover demands for gay rights which were rebuffed again in Beijing.

"That was a profound document on human rights," she said, "and the drafters of it wanted to ensure, I would presume, that any form of discrimination that was not anticipated at that moment of signing in 1948, would be accommodated."

The action plan adopted Friday calls on government to ban nuclear testing and eliminate weapons of mass destruction. Of course, the world's governments had already agreed to get rid of weapons of mass destruction at a conference in Stockholm in 1972. Russow said she has a book full of other examples, 350 pages thick....

The UN celebrates its 50th birthday next month and the Beijing conference missed "a unique opportunity" to say, enough is enough. Russow said, "let's fulfill 50 years of obligations related to peace, social justice, the environment and human rights.

## PLUS CA CHANGE PLUS C'EST LA MEME CHOSE

( ) THAT IN 2022

*[I have, since 1990, examined government compliance at international, national and local levels and in different capacities: as a session lecturer in a university course called Global Issues in Sustainable Development 1992-1996 and as the leader of the Green Party of Canada from 1997-2001, I have been a representative of various international NGOs at the UN at conferences on sustainable development, SDGS, peace, human settlements (habitat) commissions on the status of women and sustainable development, climate change, as a reporter at climate change conferences, where I would expose hypocrisy and non-compliance with precedents. From 2004 – to 2022, I was “Common Security of Peace Earth and Justice News (pejnews.com)]*

**( ) THAT in1995 ,on September 15 1 I CIRCULATED (4) DRAFT  
DECLARATION FOR BEIJING**

(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 OF WOMAN as  
member 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).

(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 "round-table 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 on 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-occurrence 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)*

**(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 a concomitant 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: CIDA, David Barbour woman with scales tall 7"

Photo?

## 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 by 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 that 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 [housing]**

**[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 a disability**

**." Thus, throughout the Global Compliance Research Charter all references to disabilities is linked with the expression "persons with a disability."**

**(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? GROUP SENSITIVE WORDING

(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**

**aa |**

- **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.*

## CARTOON BY EUGENIA

(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)



(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 people's 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. ¶¶]

### **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 poses 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)

## **B. ACKNOWLEDGMENT OF URGENCY IN SPECIFIC AREAS**

### **(1) IMPACT OF CONTINUED IMPOSITION OF CONSUMPTIVE MODEL OF DEVELOPMENT**

#### **1.1. Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption**

[The major cause of the continued deterioration of the global environment is the unsustainable patterns of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances.] Therefore, equitable social development (Art. 37, Advance draft, Platform of Action, UN. Conference on Women, May 15)

**[need much stronger statement here regarding globalization. The role of international financial institutions. The role/power of capital, the weakening of the state, the power of GATT, etc.]**

**1.2. Continued impact of unsustainable patterns of consumption**

...the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances. (4.3. Changing Consumption Patterns, Agenda 21. 1992)

**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.**

PHOTO: Disaster due to structural adjustment

(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: Cam Cooper Verticle 6"  
man lying vertically

### **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)

## **PHOTO? LACK OF BASIC REQUIRMENTS**

## **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

Photo: Cam Cooper

Women and child begging large version 6”

### **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 no 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 worldwide (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.**

## **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 over-consumption, 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 socioeconomic 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 Trans-boundary 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 worldwide 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 a 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)

### **5.15. 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 mental problems will also increase. Despite increasing efforts to prevent waste accumulation and to promote recycling, the amount of environmental damage caused by over-consumption, 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 or 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 m<sup>3</sup> of low-level and intermediate-level waste and 10,000 m<sup>3</sup> of high-level waste (as well as spent nuclear fuel destined for final disposal) is generated worldwide 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 socioeconomic 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 buildup 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 of 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 IERREVERSIBILITY 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 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-arm's 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**

#### **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<sup>∞</sup>] 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)

### **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 socioeconomic 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.I., 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:**

**ENDORING 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 coalitions 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)

(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).

(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. l., 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)

## **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 connection 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 of food

(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 quality of education to ensure that women are provided with useful knowledge ... to develop full capacities in health**

[Improve the quality 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)

# **THE GLOBAL COMPLIANCE PROJECT**

## **PREFACE**

### **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 honoured 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.

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## **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 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)

cartoon of fundamentalist

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**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)

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## **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 severe 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

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**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.

#### *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.

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

**12.1. [Being entitled} to a healthy 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 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 surroundings, 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)

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### **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)(14)

**TO ADDRESS THE URGENCY  
ENDORISING 'SOCIALLY 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).

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**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)**

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**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, bio-accumulation, 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 effects 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 **is** 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 socioeconomic 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).

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### **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 bio-accumulative 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 of technology**

#### **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 a 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative 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)

(19)

#### **OBLIGATIONS TO ADDRESS THE URGENCY FACTORIZING 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)

(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).**

**(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, bio-accumulation, 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 bio-accumulative 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 a 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 bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative 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)  
Cartoon

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**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 of woman rubber taper**

**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)

**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 practiced 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)

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**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 wood fuel 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)

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**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 allurement 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)



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**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)

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**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 on 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**

**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 on 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 on 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 on 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 on Civil and Political Rights, 1966)

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## **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)



### **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)

### **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  
pow**
- 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.**

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**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)

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**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 worldwide ~~[[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 be 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 on 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 on 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 on 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 socioeconomic 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. an 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 on Civil and Political Right, 1966)

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**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 grounds 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, polices 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 and 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 on 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)

Palestinian women

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## **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 within 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 on 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)

## **(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)

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### **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)

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**OBLIGATIONS TO ADDRESS URGENCY:  
AFFIRMING THE RIGHTS OF PERSONS WITH A DISABILITY**

**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 a disability] regardless of status**

*Disabled person*" **Persons with a disability** 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 a disability to respect for their human dignity**

*Disabled person*" **Persons with a disability** 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 a disability 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 a disability 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 a disability 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.[on persons with a disability 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 persons with a mental disability, 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 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 Persons with a disability ... (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 **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 **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**

**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**

**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)

**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**

**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)



### **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**

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## **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).

### **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, trademarks, 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 Janeiro, Brazil, June 7, 1992**

**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 an 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 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)

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### **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))

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### **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)

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**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)

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## **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)

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**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)

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## **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

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### **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)

## **(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 on Civil and Political Rights, 1966)

### **(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)

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**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).

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## **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)

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## **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."

## **(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)

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## **OBLIGATIONS TO ADDRESS THE URGENCY VIOLATING ARMS CONTROL**

### COMMENT ON VIOLATION IN ARMS CONTROL

#### **63.1. Non-Proliferation Treaty (NPT)**

Article 1: 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 1 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, (e.g. 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 (ABH) 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.**

**(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)

**(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 worldwide, 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)

(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 worldwide, 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)

**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 cannot 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)

**(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)

### **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)

## 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 an 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 policies
- (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)

## **(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)

## 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

(i) Detecting or exposing crime or serious misdemeanour

(b) Detecting or exposing anti-social conduct.

(c) Protecting public health and safety.

(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 independent** 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)

## **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 pejorative 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 wellbeing 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).

## **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 rights and 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 rights and 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 arm's 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 on 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

### **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 obligation, 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)

## **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 to mark the role of UN and its achievements. This Charter is developed upon an analysis of obligations entailed in such international instruments as UN treaties, conventions, resolutions and declarations, that have been adopted in the past 50 years. These obligations are adopted or to be agreed upon by member states of the UN to fulfill in areas of social justice, gender equality and equity, environment, peace, human rights, and socially equitable and environmentally sound development.

A declaration of these obligations represents an effort to observe the integrity of international instruments in their objectives to protect environment and human rights,

and to attain equality, peace, and development that is socially equitable and environmentally sound. This declaration demonstrates that the UN has played a leading role in shaping current changes of the global structure of socioeconomic relations. It has, in the past decades, functioned to promote the participation of women and men in international decision-making processes. Citizens' participation has laid a foundation for future global governance, that is socially equitable, economically fair and just and for the well-being of humankind.

To provide a context in which the Global Compliance Research Project contributes to the future development of global governance of the UN, it is important, first, to discuss debates on the concept of "civil society," one which has been increasingly used to explain changes in the global structure of socioeconomic 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. A discussion of these changes points towards individual activism of women and men as a force to construct an alternative model of "civil society" in the present global context.

It is necessary, then, to 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 commitments, 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 present draft Charter of Obligations is an historical account of the commitments undertaken by states to fulfill in response to citizens' influences.

Contributions of the present draft Charter of Obligations to the 4th World Conference on Women in Beijing in September, 1995 are linked precisely to its appraisal of the recommendations of "The Nairobi Forward-Looking Strategies for the Advancement of Women" and principles and standards adopted by the international instruments of the past 50 years. This appraisal supports the reaffirmation of obligations previously adopted by international instruments and agreed-upon by member states of the UN to fulfill for the advancement of women. This support enhances the significance of the 4th World Conference on Women, which lies in the adoption of the document of "Platform for Action."



This document contains increased agreed-upon obligations to be undertaken by member states of the UN to fulfill in the eleven areas of critical concern to women in the world.<sup>1</sup> It has been a result of concerted efforts, for years, of women's organizations to use the UN as an avenue to demand national governments to fulfill their obligations to women, and to bring into recognition the issues that matter to women world-wide. The adoption of this document means that women have secured their right to participate in the implementation of international obligations. It also means that women have made a leap towards an equal representation with men in a future process of global governance.

This understanding of global governance is, in some way, stimulated by the recent Report of the Commission on Global Governance - "Our Global Neighbourhood: The Basic Vision" (1995). It may not directly address issues of institutional reform of the UN as the Report does since it is focused on the historical and theoretical significance of a Charter of Obligations in the construction of global civil society. Such a charter 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 to participate in the implementation of increased governmental commitments to improving the socioeconomic conditions of life and protecting the ecological environment.

### **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, 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.<sup>2</sup> Others, 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.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> Based on my personal notes taken during the conference.

<sup>3</sup> See UNDP and Organizations of Civil Society, June, 1995, p. 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.<sup>4</sup>

These two views, moreover, take a step to fix the market, an institution which has a history as long as the state, or else longer, in relation to civil society. While one view excludes the market completely from civil society and emphasizes non-profit making activities and organizations, the other sees the market existing side-by-side with civil society. Some organizations of civil society, such as trade unions and chambers of commerce, are potentially linked with profit-making activities. Since this latter view makes no distinction of profit-making activities of small and medium entrepreneurs from those of transnational corporations, it is thus difficult to see where the market ends and civil society begins.

While appreciating the concerns of these two views about the weakening of nation-states in front of growing influence of transnational corporations, I recognize that both are inadequate because they provide unclear definitions of what holds civil society together and how different civil society is from society, a central subject matter in social inquiry for generations. 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, alongside 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.

Given these unanswered questions, I seek to adopt 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, and who promoted the resolution of conflict of private interests by the conduct of civil law.

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<sup>4</sup> 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).

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.<sup>5</sup> 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.<sup>6</sup>

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 nongovernment economic activities that G. W. F. Hegel, Karl Marx and Antonio Gramsci all viewed as central to the emergence of civil society."<sup>7</sup>

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<sup>5</sup> 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).

<sup>6</sup> For this discussion, see Harry Magdoff, "A note on 'Market Socialism'," Monthly Review, Vol. 47, May, 1995.

<sup>7</sup> 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

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.<sup>8</sup>

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 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.

## **Towards Global Civil Society**

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Political Culture in Modern China: Learning from 1989 (Boulder: Westview, 1992).

<sup>8</sup> 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.

"[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."<sup>9</sup> '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.<sup>10</sup> 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.<sup>11</sup> 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.

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 another."<sup>12</sup> 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

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<sup>9</sup> Grundrisse (New York: Vintage Books, 1973), p. 83.

<sup>10</sup> Ibid, p. 84.

<sup>11</sup> Ibid, p. 89.

<sup>12</sup> See Smith's Lectures on Jurisprudence (Indianapolis: Liberty Classic, 1982), ii.41.

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."<sup>13</sup> 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, as Figure 1 indicates, 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. 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, as Figure 2 indicates, 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

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<sup>13</sup> See Marx, Grundrisse (Vintage Books, 1973), p. 95.

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.<sup>14</sup>

These principles and standards in support of more equitable and sustainable life-worlds 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 between universally agreed-upon principles and standards, and national policy, as Figure 2 suggests, 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 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 adopted in the past 50 years as the objectives of such international instruments as UN treaties, conventions, resolutions and declarations. The issue of 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.

## **Charter of Obligations and Global Civil Society**

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<sup>14</sup> For a detail account of the constraints, see part ? of this book.

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. While there are NGOs of different nature, some of them are funded by government, corporations, churches or private donations, they all function as a basis for citizens' movements. 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.<sup>15</sup> 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.

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<sup>15</sup> 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).



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. 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 supervise national governments to fulfil their obligations. This supervision 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, crystalizes 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.

Lanyan Chen

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I am indebted to Joan Russow, who invited me to write this article. Her valuable comments insured improvement in the final version. William Carrol and William Livant encouraged me. I take full responsibility for remaining weaknesses.

## **B. “CIVIL SOCIETY AND DECISION MAKING: ESTABLISHING ADVISORY BODIES DRAWN FROM NON-VESTED INTEREST INDIVIDUALS AND REPRESENTATIVES WITH VARYING EXPERIENCE AND EXPERTISE**

FINISH

### **check 1. Thierry quote**

... it may be appropriate to define the operations of these bodies [business councils] in relation to the sector in which they work. For example, many rural communities have “councils” that are responsible for the marketing of agricultural products to buyers offering stable prices. In this regard, we may think of these “councils” as being an extension of the community, hence part of civil society. If these entities were to expand and upgrade operations that include storage and transport, then they enter the realm of the market in that they are now an intermediary between

producers and buyers, providing each with a particular service (Personal Communication, August 2, 1995).

The responsibility for monitoring the states' discharging of obligations appears to be falling more and more on the individual and group advocates and activists.

Generally many advocates and activists have used as their vehicle of action, NGO organizations. Even though the term NGO only refers to "Non-governmental organization" 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 "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 the international decision making process. Often because of the special privileges granted to NGOs, industry has set up groups that pose as legitimate societies, and through these societies have been able to have additional access to the decision making process. For attendance at NGO forums no evidence is required to demonstrate the legitimacy of the NGOs. In the past few years the nature of what would constitute an NGO has been raised and criteria for inclusion and exclusion proposed.

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 industry group societies. Often, however, with mission statements and apparently arm's length financial investment by industry, these industry 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) a new term was introduced into the international sphere of accreditation discourse: the term "civil society"; this revived term has been introduced and suggested as a term to replace the term NGOs. The introduction will be in two parts: the first part will be a theoretical and historical analysis of "civil society" by Dr. Lanyan Chen. The second part will be an examination of the implications of this revived term and its potential replacement of the term "NGO." In both parts of the introduction the role of the draft charter in redefining the concept of civil society.

Civil society as defined in this introduction has this important role to monitor and ensure the discharging of these 50 years of obligations, and to call upon states to pledge future commitments to ensure that the original purpose of the United Nations is fulfilled.

*that comprise "civil society". In order to monitor the discharging of obligations, civil society would have to be committed to the principles enunciated in the Charter of Obligations. and the success of will depend on the pressure from "civil society."*

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.

## **CHAPTER 4. DISCUSSION OF USE OF CHARTER OF OBLIGATIONS**

### **PART 1: GENERAL USE FOR THE CHARTER OF OBLIGATIONS**

At the co-incidence 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 socialist societies ( and by extension in the “round-table movement) (c) Feigned altruism ....used 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.”

**“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 “round-table 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 “round-table” 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. ...

(Signee 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). *The reemergence of Civil Society in eastern Europe and the Soviet Union*, San Francisco: Westview, p. 5)

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 NGOs 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 NGOs 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 (Solidarism, 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 socialist societies ( and by extension in the "round-table movement) (c) Feigned altruism ....used 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 round-table. 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 interest's decision-making process (an arena of competing interests where conflict of interests has 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**

Russow (Sessional Lecturer in Global Issues, University of Victoria)  
and White (Global issues Researcher and Educator)

#### **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" <sup>1</sup> 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

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<sup>11</sup> "Principle-based education" was introduced in 1985 in Russow, J. *A Method of teaching Human Rights linked to peace, social justice, and ecology within a frame work of international law*; 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.

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 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 describing 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.

### *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.<sup>2</sup>

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”<sup>3,3</sup>. 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.

### **Principle-based Education Approaches in Contrast with techniques of “the Guise of Objectivity” Approach**

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<sup>22</sup> 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.

<sup>3,3</sup> 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)

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 CO<sub>2</sub>, 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 co-opts the legitimate language of fairness by using expressions such as the need for "both sides", "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 have 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).

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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 round-table model of a “multistakeholder arena of competing vested interests”; this round-table model brings together various sectors representing competing interests and various “perspectives”, “viewpoints”, or “sides” within a consensus decision making process model. The “round-table” 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 side 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 is 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 examine 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).

## REFERENCES:

- Canadian Global Change Program. (1983) "Global Change and Canadians",  
Ottawa: Royal Society of Canada.
- Canadian Global Change Program (principal author, Dr. Milt McLaren. (1993). "Global  
Change and Canadians"—A Teacher's Ottawa: Royal Society of Canada.
- Collins, C. (1994 December). "The New-'Wise Use' Environmental Movement." Blue  
Ribbon Magazine.
- MacMillan Bloedel. (1975) "How to become a more sophisticated saboteur in groups."  
(Paper circulated by MacMillan Bloedel).
- Michaels, Patrick. (1992). "Sound and fury: the science and politics of global warming."  
CATO.
- Munroe, J. (1993). "the Monoculture Myth." Choices.  
Forest Alliance of B.C. Vol. 2 Number 2
- \_\_\_\_\_ (1994). "Ozone depletion and ultraviolet radiation:  
recommendations from working groups." Ozone depletion and ultraviolet  
radiation: report from conference. Skies Above Ozone Conference: Victoria, B.C  
\_\_\_\_\_1993, July/August). "Former Greenpeace Chief Slams Group." People's  
Agenda, p. 11
- \_\_\_\_\_ (Report. from Ozone Depletion and Ultraviolet Radiation, Conference, 1994).
- Rothbard, D. (1993, September/October). "Balanced forest plan weighs heavy on NW  
loggers." Citizen Outlook. Committee for a Constructive Tomorrow Vol. 8 No 4.
- Russow J. (1993). "Climate change: the Canadian context." Unpublished research  
paper for Social Learning Project related to climate change. (Available on disk  
from author).
- United Nations. (1982) General Assembly Resolution World Charter of Nature.
- United Nations. (1992). Framework Convention on Climate Change. United Nations  
Conference on Environment and Development (UNCED).
- United Nations. (1992) Agenda 21. Chapter 26. United Nations Conference of  
Environment and Development (UNCED)
- United Nations. (1992). Agenda 21. Chapter 18. United Nations Conference on  
Environment and Development (UNCED)
- United Nations. (1992). Agenda 21. Preamble. United Nations Conference on  
Environment and Development (UNCED)
- United Nations. (1992). Agenda 21. Chapter 7. United Nations Conference on  
Environment and Development (UNCED)
- United Nations. (1972) Conference on Human Environment (UNCHE)
- United Nations. (1993). World Conference on Human Rights
- United Nations. (1994). Conference on Population and Development.
- United Nations. (1995). Conference on Social and Human Development
- United Nations. (1995). Draft Document. UN Conference on Women: Development,  
Equality and Peace.

## 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.**

## ***PROMOTION OF TOLERANCE, PUBLIC AWARENESS AND UNDERSTANDING OF GLOBAL ISSUES THROUGH PRINCIPLE-BASED EDUCATION***

**Only the individuals and the institutional representatives that are promoting and demonstrating in their total operation adherence to socially equitable and environmentally sound development shall be involved in public education, and on decision making bodies.**

## **PRINCIPLE BASED EDUCATION**

A potential means of addressing the reduction of resolve in bringing about substantial global change through education (drawing upon the publication Russow, J. "A method of teaching human rights", 1985, and extended with the collaborations of David white)

For years, the international community through international documents has recognized the urgency of addressing issues related to environmental degradation, escalation of war and arms production, violation of human rights, and the inequitable distribution of resources. In these documents' principles can be extracted and a complex of principles presented as representing an expression of international concern.

In principle-based education the urgency of problem will be acknowledged, the international document addressing the urgency will be examined, and the principles in the different documents will be explored, and proposed international solutions offered through international law and obligations will be evaluated

In principle-based education students are encouraged to examine and to appreciate the full complexity and interdependence of global/local issues within a

framework of internationally agreed to principles. The students are encouraged to investigate the components of these agreed to principles and to analyze the role of science and technology in the fulfillment or violation of these principles.

The emphasis in this approach is on becoming knowledgeable about the principles and their application, on investigating the implications of these principles, on analyzing and synthesizing information on current issues in the light of these agreed to principles, on clarifying the role of science and technology in relation to these principles, and on proposing a range of possible solutions to practical problems emerging from the issues. The students will be encouraged to investigate local issues within This framework of globally adopted principles.

This approach entails (1) examining principles enunciated in primary source material (international documents);(2) examining the role of science and technology in local and global issues (3) compiling actual cases studies and hypothetical case studies; (4) engaging in analytical processes of issue-principle analysis drawing upon a wide range of processes in creative and critical thinking (5) investigating a wide range of local and global concerns (6) thinking about the complexity and interdependence of issues within the framework of international principles (7).proposing solutions and resolutions based on the full examination of the principles and issues.(8) integrating themes, principles and issues, and linking these with science and technology (9) Determining appropriate moments for integrating issues into the science curriculum (10) developing lesson plans and educational materials based on issue-principle analysis (11) applying scientific knowledge global and local issues; (12) Determining the linking of issues and principles to "organizers" within the science curriculum such as "changes in the Environment" and "Ecology and resource management" (13) Encouraging the development of a responsible attitude towards local/ global issues. (14) Fostering the working cooperatively and independently

## **ISSUES-URGENCY- PRINCIPLES- PRINCIPLES OF ACTION- ACTION- RESPONSIBILITY**

### **Principle-based framework**

At the international Conference on Environment and Development (UNCED), important principles were established in the globally adopted documents. These principles have been linked with previously adopted principles related to human rights and peace issues as a basis for principle-based education:

Underlined name of international agreement that addressed the issue

A preliminary analysis of the following international instruments and documents has been completed by Joan Russow. The documents include the following:

- (i) legally binding International Conventions, Treaties, Covenants and Declarations
- (ii) Globally adopted UN documents and resolutions
- (iii) Globally adopted NGO documents and resolutions

(See Appendix I for a list of international instruments that could be used)

## **PRINCIPLES FROM THE DOCUMENTS ADDRESS THE FOLLOWING ASPECTS OF GLOBAL ISSUES.**

- Preserving, conserving and protecting the Ecosystem
- Preventing pollution: nature of "environment" technology
- Invoking precautionary and anticipatory approach related to scientific certainty
- Ensuring environmental assessment reviews: Role of scientific evidence
- Calling for Life cycle analysis: Examination of environmental effects from the production, refinement, consumption, and disposal of substances
- Affirming Non-transference of harmful substances or activities from one state to another (this would include toxic, hazardous and atomic wastes)

These issues will be integrated with international principles related to

Eradicating poverty  
 Eliminating discrimination  
 Ensuring gender equity  
 Guaranteeing equality before the law  
 Respecting Intergenerational equity (the rights of future generations)  
 Undertaking the positive duty to protect indigenous lands  
 Recognizing Positive duty to protect natural heritage  
 Phasing out use of non-renewable resources  
 Eliminating weapons of mass destruction

### **PRINCIPLE-BASED EDUCATIONAL APPROACH**

Rationale:

In 'principle-based education,' 1 principles related to preventing (i) the destruction of the environment, (ii) the escalation of war, (iii) the violation of human rights, and (iv) the perpetuation of inequity and social injustice have been extracted from international documents. These internationally endorsed principles become the foundation for an educational program. Often in "education about issues," in the name of objectivity, a "both-sides" approach is advocated. Issues are perceived to reflect different values, and because of this perception, all opposing views are considered to being equally legitimate. In this "both-sides" approach in the classroom students are often encouraged to explore positions which may be in contradistinction to principles that have been endorsed by the global community.

1 "Principle-based education" was introduced in 1985 in Russow, J. " A Method of teaching Human Rights;" and expanded in Russow, J and D White. Global/local Issues through principle-based education

The justification for this "both sides" approach is often the need to counteract indoctrination that could result from "value-based" education. A distinction, however, could be made between value-based education and principle-based education. In indoctrination the values that are presented are usually those that comprise the belief system of the educator, whereas in principle-based education the principles are drawn not from an educator's particular belief system but from internationally endorsed principles.

Students in principle-based education will participate in decision making about issues which moves away from the current model of the "multistakeholder arena of competing vested interests": a model where various sectors through asserting their interests within the consensus decision making process often compromise and detract from the actions required to bring about societal change.

In Principle-based education educators will be introduced to a range of international principles related to issues, and to a range of analytical processes for exploring issues within a principle-based framework; educators will be involved with creating lesson plans and educational material, which could become part of an international educational Program.

Although global issues defy the traditional disciplinary boundaries, and are primarily interdisciplinary or transdisciplinary, global issues could be introduced through the analytical processes in principle-based education into any discipline or subject area.

## **COMPONENTS OF PRINCIPLE -BASED EDUCATION**

### **complexity-interconnection-integration of issues**

#### INTERCONNECTION INTEGRATION OF ISSUES

- focus on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues
- reveal the full complexity and interaction of aspects of issues within a principle-based framework
- integrate different environmental issues, and integrate environment with other issues.

INTEGRATION OF ENVIRONMENTAL EDUCATION WITH OTHER SUBJECT AREAS  
develop a more responsible attitude toward self and society through the examination of environmental issues

appreciate how their lifestyle affects their environment

approach the issues surrounding land and water use in an open-minded manner

integrate the different aspects of global issues; aspects that were usually dealt with in isolation

#### ADOPTION OF INTERDISCIPLINARY AND TRANSDISCIPLINARY PERSPECTIVE

- to draw upon different disciplines to assist in the analysis of environmental problems. The importance of an interdisciplinary approach was affirmed in the "Junior Secondary Science Curriculum Guide and Resource Book.

No major scientific problem which our society is currently facing, whether it be acid rain or nuclear waste, is simply a problem of physical or life



sciences. Students should therefore be led to see that the perspectives of various disciplines when integrated often create a more illuminating and comprehensive view of a problem. Investigation of pertinent issues with a holistic approach will also provide numerous diverse experiences ... some of these experiences must be creative and future oriented.

program should be investigative to scientific processes and experiential to bridge varying levels of maturity. It should deal with practical problems helping students to cope and understand their lives. it should also attempt to show that the disciplines of science together can contribute to a greater understanding of our world

a program with these emphases requires flexibility in terms of teaching strategies, content and time allotments

#### PROVISION OF BACKGROUND KNOWLEDGE ABOUT DIFFERENT ISSUES

- To carry out research into evidence about issues, and to examine underlying assumptions
- to draw upon expertise and experience during a one-day workshop outlining scientific background to issues, and through examining primary source material
- To examine the local environmental effects resulting from science and technology

#### **THINKING, DECISION MAKING, AND ANALYTICAL PROCESSES**

##### STIMULATION OF THINKING ABOUT ISSUES THROUGH ENGAGING IN ANALYTIC PROCESSES WITHIN A PRINCIPLE-BASED FRAMEWORK

- to understand the cause and effect relationships between and among different issues
- to propose remedies for various environmental issues
- to promote problem solving from a principle-based, point of view
- to familiarize pre-service teachers with teaching approaches such as problem solving, critical analyses within a framework of internationally agreed to principles

##### DISPOSITION OF ANALYSIS AND REFLECTIVE ACTION

Stimulation of thinking about issues through engaging in analytic processes within a principle-based framework

- developing disposition of analysis and synthesis and reflection action through engaging in the following processes

Selection of issues to be examined within the principle

- Location of principle within "International principle diagram"
- Statement of principle
- Exploration of principle
- Clarification of concepts and terms through ordinary language analysis
- Establishing of criteria for 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

• **ADDITIONAL PRINCIPLE: AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE.**

• **ADDITIONAL PRINCIPLE: ENSURING THE NON-PROSECUTION FOR ADVOCATING THE COMPLIANCE WITH OBLIGATIONS, AND MANDATORY STANDARDS AND TECHNICAL REGULATIONS**

• **ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER (FOR EXAMPLE FROM WATER TO AIR). IN OTHER WORDS POLLUTION PREVENTION IS COMPLETE PREVENTION INSTEAD OF DISPLACEMENT OF PROBLEM**

APPENDIX 1V PRESENTATION OF THE GLOBAL COMPLIANCE PROJECT TO THE COMMISSION ON THE STATUS OF WOMEN  
**PRESENTATION TO THE COMMISSION ON THE STATUS OF WOMEN, TRUSTEESHIP COUNCIL, UNITED NATIONS**

APPENDIX IV

(To be completed when the prep document is available for comment)

**REVIEWING AND APPRAISING THE OBJECTIVES OF THE NAIROBI FORWARD-LOOKING STRATEGIES AT THE UN [DEVELOPMENT, ENVIRONMENTAL INTEGRITY, EQUITY AND PEACE]**

\* To review and appraise the advancement of women since 1985 in terms of the objectives of the Nairobi Forward-looking, Strategies for the Advancement of Women to the Year 2000, **and in the terms of the 50 years of the objectives in UN Treaties, Conventions, Resolutions and Declarations. and to extend these objectives of peace, equity, and development to also include the preservation and protection of the environment and the respect, enshrinement and protection of human rights. [modified stated objective of the UN Conference on Women: Action for [Development, Environmental integrity, Equity and Peace]**

\* To mobilize women and men at both the policy-making and grass-roots levels to achieve those objectives **and be willing to go beyond these objectives.**

\* To adopt a "Platform for Action", concentrating on key issues -- the "critical areas of concern" -- identified as obstacles to the advancement of women in the world. This document will propose and suggest corresponding strategic objectives and action to be taken by Governments, the international community, non-governmental organizations, the private sector and individuals for the removal of the remaining obstacles to women's full and equal participation in development in all

spheres of life. It will include actions to eradicate poverty; eliminate inequality in education; ensure access to relevant health care, employment and economic participation; further protection and preservation of the environment; end inequality in sharing of power and decision-making; improve images of women in the mass media, promote women's human rights and eliminate violence against women.

\* To determine the priority actions to be taken between 1996-2001 for implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000 by the international community, including the United Nations system.

## Appendix V

### **GUIDELINES FOR THE INTERNATIONAL GLOBAL COMPLIANCE WOMEN'S COMMITTEE FOR DOING A CONTENT ANALYSIS**

The following are suggestions about different aspects of the content analysis of international instruments. Many additional aspects will arise as we do the content analysis. Please add, delete or expand.

1. Document important usable statements that should have, or could bring about global change (concepts that reflect the highest tenable principles)
2. Document notwithstanding clauses that would prevent implementation of statement or principle and potentially misleading statements that could lead to the opposite effect than intended
3. Examine compound statements that cause inconsistency and thus non-enforceability
4. Make editorial comments for improvements (**use bold text to indicate improvements**) and for deletions (*use italics to indicate deletions*)
5. Assess what would constitute compliance
6. Include examples of non-compliance
8. Determine which agreements have been signed, ratified, and implemented.
9. Ensure that every instant of the concept has been documented because this could be used to support evidence of international customary law
10. Consult with lawyers about what a particular state might conceive of as being "International customary law", and find out whether international customary law automatically becomes the law of the state
11. Note significant definitions of key terms significant terms
12. Note contact committees, when mentioned, for document
13. Look for condescending or patronizing statements
14. Expand individual significant parts of significant statements
15. Note if specific promises have been made.
16. Record significant omissions

17. Where the symbol ++ (indicating that a critical issue has been omitted) is used, draft statement to suggest how the principle or concept could be covered.
  18. Indicate when a critical issue has been omitted by using the symbol ++
  19. Draft a statement to address the critical issue
  20. Suggest other overarching categories that should be designated
  21. Devise questions about different sections, or individual statements for the proposed questionnaire about critical issues
  22. Select items for a questionnaire for the participants
  - 23 Note additional documents suggested within the context of other documents
  24. Find links within issues and among issues
  - 25 Find links with the Nairobi future looking strategy, Women's Action Agenda, and with proposed document for Beijing
- END

## **2.1. SYSTEMIC CONSTRAINTS, SEDUCTIVE DEVICES, DOCTRINES AND DIVERGENT PRINCIPLES ... PREVENTING SIGNIFICANT SOCIOPOLITICAL GLOBAL CHANGE**

### **2.1.1. Systemic constraints preventing significant sociopolitical global change at UNCED and beyond**

(Excerpts from "Systemic Constraints preventing change," Russow J. & White, D. in progress with input from Dr. Fred Knelman and Tim Boston; to be incorporated in Boston, T and F. Knelman, J. Russow, and D. White—in preparation: Anatomy of Anti-Ecological Thought. ERA Ecological Rights Press).

Although there were many significant acknowledgments and principles which emerged from UNCED, there were systemic constraints which prevented UNCED from addressing the urgency of the global situation,

The following "systemic constraints," appear to have prevented the global community from addressing this urgency:

- the continued willingness to enshrine the sovereign right to exploit natural resources.
- the unwillingness to move beyond sovereign barriers to international environmental governance
- the failure to recognize that the situation is so urgent that international environmental governance and standards have to be necessary
- the refusal of states to accept the rule of international law
- the unwillingness to enact the necessary national legislation to ensure compliance with international obligations

- the failure to establish an International Environment Court before which citizens could present evidence of state non-compliance
- the reluctance to establish stringent and mandatory international environmental standards and technological regulations
- the unwillingness of states to allow for a stringent, and mandatory enforcement monitoring program
- the obsession with consensus which may lead to the lowest common denominator rather than striving through collaboration for the highest tenable principles
- the conceiving of the decision-making process as an arena of competing interests
- the revelation of a problem and the presentation of a solution which could have more disastrous or equally disastrous consequences as the problem (nuclear as solution to climate change)
- the continued justification and rationalization about the use of ecologically unsound practices in the guise of technological fixes
- the condoning of technological fixes suggested as solutions:
  - the continued condoning of research and development into rectifying the harm done through ecologically unsound practices rather than discontinuing ecologically unsound practices (the Green Revolution syndrome)
  - the failure to shift support from ecological unsound technology to “prevention technology” — doing it right the first time
  - the presence and use of international short-term economic regulations which justify the abandoning by sovereign states of high ecological standards (evident in Chapter 2 of Agenda 21 "Social and Economic Dimensions").
- the 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. and that in whose interest it is to benefit economically from the environment tend to ignore ecologically sound practices
- the persistence of the cooption, often through government funding, of groups, whose role should be to act as the conscience of the official decision makers

- the 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 press fails to report their statements
- the sanctioned use of "words of delusion" that either delude the public into thinking that what is unsafe, is safe, or delude the public into thinking that there is the political will to eliminate unsafe practices.
- the sanctioned use of loophole vague terms like "as appropriate, " "where possible" or of loophole provisions like without prejudice to international trade principles. For example, in the following section on consumption They should therefore review the purchasing policies of their agencies and departments so that they may improve, where possible, the environmental content of government procurement policies, without prejudice to international trade principles. (4.23, Consumption)
- the sanctioned use of the "notwithstanding clause" device. This device allows for the indulging in strong statements about deep concern and the need for significant change and then including a notwithstanding clause that negates the strong statement.  
" 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. (3.8 j Combating Poverty)
- the sanctioned use of oxymorons like "sustainable development", "Ecosystem management", the environmentally sound management of hazardous wastes" (20.22 Hazardous wastes) or "the promoting the safe and environmentally sound management of radioactive wastes" (Chapter 22 Radioactive wastes)
- the sanctioned use of term like "harmonizing" which usually leads not the highest tenable principles but to the lowest common denominator
- the reluctance to redefine what constitutes development in ecological and equitable terms such as the following:
  - (i) The degree to which a state has been able to integrate with the ecosystem through ecological sound practices causing its human activity to have little deleterious impact on the environment
  - (ii) The degree to which there is an equitable distribution of resources
  - (iii) The extent to which a state respects the rights of indigenous peoples
  - iv)The degree of condemnation, and avoidance of over- consumption

(v) the ability to minimize the human impact on the environment through fulfilling fundamental rights and thus reducing population

vi) The degree of compliance with the enshrining of positive rights (right to ecologically sound work, to food, to potable water, and health care to shelter) as well as with “negative” rights (right to security, freedom of speech etc.)

(vii) The ability to live within the carrying capacity of the ecosystem and to refrain from contributing to global ecological harm

(viii) The degree to which no or little funds are spent on the military and on arms production

ix) The degree to which laws are enacted and enforced to protect environment, human rights, equity, justice and peace

(x) The degree to which cooperation supersedes competition

(xi) The degree to which support is given to alternative non-military preventive conflict reduction measures

(xii) Degree to which citizens are listened to, and citizens make decisions within a framework of ecological principles

(xiii)...

(from Russow, Redefinition of Development in Equitable and Ecological terms, presentation at Environmental Law Conference, University of Victoria, 1994)

- the 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
- the stereotyping of countries into categories of "developed, underdeveloped, and developing" rather than designating behaviours and attitudes as being "developed, underdeveloped and developing";
- the simplistic distinction between North (environment) and South (development)
- the presumption that technological transfer should always pass from "North" to "South"
- the 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
- the reluctance to deal with essential issues such as the link between "Nuclear civil reactors and Nuclear Arms Industry" or the Link between Poverty and lack of universal "secondary" as well as "primary" health care system (3.6. e Combating Poverty)
- the reluctance to address the environmental degradation caused by military operations

### **2.1.2. Seductive devices, doctrines, dogmas, strategies and fallacies**

By Fred Knelman and Joan Russow

Dr. Fred Knelman is the Vice President of the Whistler Foundation for a Sustainable Environment, and Joan Russow, was the delegate for the Whistler Foundation at the New York Preparatory Committee for UNCED and at the Earth Summit at Rio. The Whistler Foundation and the Nuclear Age Peace Foundation had circulated a Declaration that was signed by 37 Nobel Laureates; this declaration called for the phasing out of Nuclear energy. They requested permission to read this declaration at one of the plenary sessions at Rio Centro; permission was denied.

The International Atomic Energy Agency (IAEA) was initially set up in the 1960's to regulate Nuclear energy; they have, however, become one of the strongest proponents of nuclear energy. A fundamental regulatory principle of the "separation of function" is that "the agency entrusted for regulating a technology cannot be the same agency that promotes the use of that technology"(Knelman, 1975). IAEA, through its UNCED document entitled "Nuclear Techniques and Sustainable Development." acted as a major proponent, not only of the current use, but of the increased use of nuclear energy.

Agenda 21-- the 800-page far-reaching action-plan document from UNCED, was adopted unanimously by the global community represented at the Earth Summit in Rio. In Agenda 21 the following concern about radiation was expressed:

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. (Chapter 16. subsection 12),

The extent of the consequences of the nuclear industry were also identified in Agenda 21:

Annually about 200,000 m<sup>3</sup> of low-level and intermediate- level waste and 10,000 m<sup>3</sup> of high-level waste (as well as spent nuclear fuel destined for final disposal) is generated worldwide 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 radionuclides increases. (Chapter 22, subsection 1)

Yet at one of the plenary sessions, Mr. Hans Blix, Director-General of the IAEA, was given permission to present a document advocating nuclear energy as being a safe alternative energy for the future. The International Non-Governmental Organizations, (NGOs), however, recognized that the fundamental regulatory principle had been violated, and gave IAEA, the dubious honour of being presented with the International NGO Community's "Most Preposterous Proposal Award" "for presenting nuclear power as the environmental solution in energy and successfully keeping its problems out of the documents."



We would like to highlight some of the SEDUCTIVE DEVICES, STRATEGIES, DOCTRINES, DOGMAS and FALLACIES that have made the IAEA worthy of this honour. The examples will be drawn from IAEA document which was prepared for UNCED. Also references will be made to other UNCED Documents such as Agenda 21 and the Rio Declaration-- the Earth Charter-- 1992, and the Canada's National Report for UNCED, 1992

The seductive devices, strategies and fallacies used by the IAEA all draw upon the fundamental language of 'nukespeak'. Knelman (1986, 1992) has expanded on the euphemistic nature of Nukespeak:

(term first used in Hilgartner S. R. Bell, and R. O'Connor 1982)

The rule is to sanitize by euphemism: political euphemism is of course older than nuclear power. How many of us recognize the "elimination of unreliable elements"? There are forbidden words in the language of civil nuclear power. For example, the words "accident", "pollution" or "disease" are never used. Accidents are either "transients", "events", "significant events", "anomalies", "occurrences" or "abnormal occurrences". In the extreme, they become "normal abnormalities", i.e. truth becomes lies. Explosions are "events of rapid disengagement" or "prompt criticality". Waste dumps are "residue areas". Thermal pollution becomes "thermal effects" and pollution becomes "impacts". Disease becomes "health effects". This is a euphemism for cancer and genetic malformations. And missing plutonium, which is the link to clandestine acquisition of nuclear explosives is "material unaccounted for" or simply MUF! (Knelman, 1986.) Other names relating to nuclear accidents are criticality, nuclear excursions, abnormal evolution, normal aberration, plant transients, unnecessary ignition sources. "Nukespeak" is perpetuated through "nuclear acceptance campaigns" by the PR departments of the nuclear establishment, designed to find "palatable synonyms" for "scare words" through the use of "truth squads" in order to remove "undue public concern", create "pro-energy climate" where "technically qualified persons" would agree that nuclear power poses "no significant threat" and could be entrusted for the timely detection of potential abnormalities, or there is "no evidence" of such threat (as though lack of evidence is proof of assertion) and the promises that turned into lies i.e. that nuclear power would be "too cheap to meter" providing society with "boundless energy" and save us from "freezing in the dark"., this is the language of Orwell's 1984, where peace is war and truth is a lie. (Knelman, 1992).

## **SEDUCTIVE DEVICES, DOCTRINES, DOGMAS, STRATEGIES AND FALLACIES**

- **The "blatant misrepresentation or expedient omission" device**

This device involves the convenient exclusion of any part that could be detrimental to one's position.

The IAEA through expedient omission (possibly for advantageous "clarification") has left out a significant section in Agenda 21 which does not include nuclear energy in the list of "safe" technologies for the future.

To "clarify" Agenda 21, the IAEA in its UNCED document stated the following:

The UNCED Agenda 21 notes the need for a transition to environmentally sound energy systems, which will entail major changes in the patterns of energy production and consumption (IAEA Document, p.5, 1992)

In the Atmosphere chapter of Agenda 21, the following [safe] and sound technologies are advocated:

cooperate to increase the availability of capacity, capabilities and relevant technologies ...for utilizing and producing environmentally [safe and] sound renewable energy resources, such as solar, wind, geothermal, hydropower and biomass, ... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, .... (Section 9. Subsection 9 g Agenda 21, 1992)

Thus, we see that in the Energy section of Agenda 21, Nuclear energy is not mentioned as being one of the [safe] or sound technology.

#### • The "coopted terms" strategy

This strategy involves the stipulating of a new definition for a term that would jeopardize one's own argument.

In the Rio Declaration the following precautionary principle was advocated:

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Rio Declaration, 1992).

In the following statement, the IAEA redefines the important precautionary principle that was agreed to in the Rio Declaration, 1992.

The basic principles for radiation protection and safety in all applications and activities in nuclear science and technology are precautionary (IAEA Document, p. 2, authors emphasis)

The Rio principle, however, if enacted and truly adhered to, would bring about a moratorium on new nuclear power plants while phasing out currently existing ones.

- **The "comparison of convenience" device**

This device involves the narrowing down of alternatives so that whatever aspect is compared will appear favourable to the proposed alternative.

In the following statement from the IAEA document, the IAEA narrows the alternatives used for comparison to those which would appear to be favourable within the terms of reference of their comparison. Thus, for example, they compare the relatively low volume of nuclear wastes to the much larger volume of wastes from fossil fuels. However, it is the volume of wastes multiplied by their toxicity that is significant. Merely comparing volumes is a "comparison of convenience". The same false comparison is used to compare fuel requirements for the same energy output.

A nuclear plant would require 27 tonnes of slightly enriched uranium each year, which corresponds to a few truckloads. The corresponding quantity of natural uranium is 160 tonnes.  
a coal fired plant would need 2.6 million tonnes of coal each year... which corresponds to the load carried by 5 trains, each transporting 1400 tones every day  
an oil-fired plant would require 2 million tonnes of fuel oil per year, which is about 10 supertanker loads. (IAEA document, 1992, p.12)

The nuclear establishment never fails to compare coal and nuclear as competing energy sources, always claiming the inherent superiority of nuclear. Usually this is accomplished by failing to include the entire fuel cycle over its full life of impacts, social and environmental. They conveniently exclude "safety" factors, "production of wastes," "disposability of wastes," "degree of potential for bio-accumulation," lifetimes of wastes, toxicity and proliferation problems associated with nuclear.

Yet no bombs are built of coal, no terrorist is interested in hijacking coal or in the clandestine acquisition of coal weapons, coal plants do not have to be decommissioned and mothballed after some 30 to 50 years of operation, their hazardous wastes do not have to be guarded for 100,000 years, coal dust is easier to contain than radon and coal plants do not require liability subsidies by acts of parliament" ( Knelman, 1992)

- **The "lull and lure of the technological fix" syndrome (the "misleading assurance" device or the fallacy of "technological omnipotence")**

This syndrome, device or fallacy involves the revealing of the seriousness of the problem and the offering of a "solution" which is usually worse than the problem. The proponents of a potentially dangerous act indicate that they recognize the danger and focus on one area for which they can offer a technological fix.

In the following statement from the Radioactive Wastes section of Agenda 21, into which it appears that the IAEA had input, the following situation is recognized:

Annually about 200,000 m<sup>3</sup> of low-level and intermediate-level waste and 10,000 m<sup>3</sup> of high-level waste (as well as spent nuclear fuel destined for final disposal) is generated worldwide 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 radionuclides increases. The high-level waste contains about 99 percent of the radionuclides and thus represents the largest radiological risk. (Agenda 21, Radio Active wastes, 21.1.).

In the IAEA document the authors affirm the certainty of the technological fix.

There is nevertheless a consensus among experts that safe geological disposal of high-level wastes, including spent nuclear fuel, is technically feasible. (IAEA Document, p.17)  
The view of experts in the field is that safe technological solutions exist for managing the waste. (IAEA Document, 1992, p. 15)

Knelman (1992) pointed out that

The assumption behind the notion of permanent disposal of High level wastes deep in a stable geological formation is false because this assumption relies on the mistaken belief that anything we do technologically can be permanent This assumption of permanence is particularly false when we are dealing with the lithosphere over some 100,000 years and when we must first disturb the geological structure by digging a very deep hole. AECL (Atomic Energy of Canada Limited) has dug a deep hole near Lac du Bonnet in Manitoba which is totally inappropriate for such so-called "permanent" disposal. For one thing you must, in all events, avoid water. Yet, The AECL hole must be soaked Walt Patterson, a nuclear critic described this AECL research as follows: A drunk has lost his keys and is discovered by a police officer crawling around a street light. When questioned, the drunk admitted that he had lost his keys in front of a dark building, a block away. When asked why the drunk was then searching around the street light, the drunk said " you see, officer, the light is better here" and as Dr. Martin Resnikoff, an expert on geological waste disposal has put it " the earth does not stand still. In other words, experts in the relevant fields do not agree. (Knelman, 1992, in progress)

- **The "rhetoric of notwithstanding clause" doctrine.**

This doctrine allows for the indulging in strong statements about deep concern and the need for significant change and then including a notwithstanding clause that negates the strong statement.

In the Rio declaration (1992) there is a strong statement about third world dumping:

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, 1992)

(  
There are, however, disturbing "notwithstanding clauses" that appear such as in the following statements:

Develop regulatory and non-regulatory measures and procedures aimed at preventing the export of chemicals that are banned, severely restricted, withdrawn or not approved for health or environmental reasons, *except when such export has received prior written consent from the importing country or is otherwise in accordance with the PIC procedure*; ( Section 19. subsection 53 f, Agenda 21, 1992)

In the following statement in the IAEA document, the IAEA energetically adopts the spirit of the " rhetoric of notwithstanding clauses"

The IAEA in 1990 promulgated a Code of Practice on the International Transboundary Movement of Radioactive Waste as a basis for harmonization of national legislation and policies. The code lays down the conditions and principles for international waste transfers, such as that movement must be made in a manner consistent with the international safety standards, that there must be prior notification and consent of the sending, receiving and transit States, and that each State involved should have a regulatory authority...( IAEA Document, 1992, p. 20

#### • The "flamboyant absurdity" doctrine or dogma

This doctrine or dogma carries the concerns of one's opponents to the point where the regulations governing the opponents concerns should become the standard by which other potentially lesser concerns will be addressed.

The IAEA appears to advocate that, what is considered to be the most dangerous industry, just because it is dangerous, has developed stringent standards, and that they who contribute to possibly the greatest uncontrollable hazard are the ones who should assist the community in dealing with other hazards.

The basic principles for radiation protection and safety in all applications and activities in nuclear science and technology are precautionary and are

so well founded in science and so widely accepted that they are now also being regarded as a source of guidance in controlling pollutants and impacts arising from other human activities. Their wider application would undoubtedly contribute towards sustainable development. (p.2)

- **The "justification through dire consequences of alternatives" device**

This device involves the revealing of the dire consequences of the current practices and offering one own practice as the salvation for the problem

In the following statement the IAEA cites the dire consequences of the other alternatives to justify their proposed alternative:

The problem of acid rain, which is linked to emissions from the burning of fossil fuels, has been recognized for decades..... the primary concern about the continued and increasing use of fossil fuels is the problem of CO<sub>2</sub> emission and the potential impact on world climate..... World conference on the Changing Atmosphere... need to reduce CO<sub>2</sub> emission (IAEA document, p. 5)  
climate change in connection with fossil fuels (p. 9)

- **The "benevolent outcome exploitation" strategy**

This strategy involves the selection of the outcome which the opposition to the proposed alternative would advocate and the subsequent attempt to demonstrate that the proposed alternative, which the opposition would condemn, would be the best way of achieving that outcome.

In the following statements from the IAEA document, the IAEA focuses on the desired outcomes of reducing acid rain and limiting greenhouse gas to justify the selection of their proposed alternative:

Several governments have already made commitments to reduce carbon emission, while recognizing that this will be hard to achieve except through drastic policy decisions in the energy sector. (IAEA Document, 1992, p.6)

Nuclear power plants in normal operations cause very little environmental detriment and are beneficial when they replace plants which would emit CO<sub>2</sub>, SO<sub>2</sub>, and NO<sub>2</sub> (p. 12). In this respect they would help to reduce acid rain and limit greenhouse gas emissions (IAEA Document 1992, p. 12)

To accomplish the above, IAEA and other nuclear proponents are recommending the construction of some 4000 to 5000 new commercial nuclear power plants. The combination of the multi-trillion cost and the time required for construction renders this proposal no less than bewildering. By the 6 to 10-year period required for construction,

other sources of climate-altering gases would wipe out all gains. Secondly at 1/7th to 1/10th the above cost, a much greater reduction in CO<sub>2</sub> and other climate-altering gases can be achieved through simple available conservation and efficiency measures.

- **The "shelter of fragmentation" syndrome**

This syndrome involves the dissociating of the problem from a more generic problem by placing the problem in its own isolated category.

In the agenda 21 document, Nuclear wastes are not included in the section of hazardous wastes because atomic wastes have its own section. Nuclear wastes thus seem to appear apart from hazardous wastes and from the strong recommendation associated with hazardous wastes such as:

Governments should intensify research and development activities on cost-effective alternatives for processes and substances that currently result in the generation of hazardous wastes that pose particular problems for environmentally sound disposal or treatment, the possibility of ultimate phase-out of those substances that present and unreasonable or otherwise unmanageable risk and are toxic, persistent and bio-accumulative to be considered as soon as practicable. Section 20 subsection 13c, Agenda 21, 1992)

- **The "flaunting and condoning of the vicious circle principle" strategy**

This strategy is best explained by the economic principle that "bad money drives out good": That is the opportunity costs of nuclear power are unacceptable and prohibitive. Thus the money spent to subsidize nuclear power is at the expense of the funds required to solve the energy problem with safe alternatives, and consequently, because the research into alternatives will not be effectively carried out, the safe alternatives will not be able to adequately replace the non-renewable forms of energy.

In the 1992 report to UNCED, following was stated:  
Nuclear energy has safety risks associated with the entire uranium cycle, from mining through processing to the ultimate disposal of high-level radioactive wastes. In addition, there are safety risks associated with the reactors used to generate electricity from uranium. And the use of fossil fuel to drive conventional thermal generation produces carbon dioxide and waste heat. (Canada's National report UNCED p. 46- 47)  
From a domestic consumption point of view, the least environmentally damaging energy option is energy efficiency. (Canada's National report UNCED p. 47)

Despite the above statement, the document concludes:

New, cleaner technologies such as solar energy may help, but the hard fact is that to a large extent we will have to rely on either thermal, hydro, or

nuclear energy in the future. In addition, energy projects for both export and domestic supply provide jobs and economic wealth to the country, and are especially important in some regions of Canada" (p. 47. Canada's National report UNCED June, 1992, authors' emphasis)

The Canadian government has invoked the "vicious circle principle" by cutting subsidies to conservation efficiency and renewals. Canada is thus playing an important role in facilitating this not too hidden agenda by using many strategies, devices, doctrines, etc.

### **CONCLUSION:**

The "nukespeak" and the seductive devices, strategies, syndromes used by the Nuclear Industry involve the language of delusion and distortion. Hopefully, through the continued revealing and categorizing of these words of delusion we could, in some small way, counteract the impact of the not too-hidden-agenda of the IAEA, and the rest of the nuclear establishment and their government supporters.

### **REFERENCES:**

Agenda 21, (1992) UNCED document,

Hilgartner S. Richard C. Bell, R. O'Connor 1982 *Nukespeak the Selling of Nuclear Technology in America*. Markam Ontario, Penquin Books Ltd.

IAEA (1992) Nuclear Power, Nuclear Techniques and Sustainable Development. Vienna, Austria: IAEA

Knelman, F. (1976) *Nuclear Energy the Unforgiving Technology*.  
Edmonton: Hurting Publishers

Knelman, F (. 1986) " Beyond 1984: The Future of Peace." in Arnopoulos (ed). *Prospects for Peace: An Anthology of Canadian Perspectives on Social Conflict and Peaceful Change*. Montreal: Gamma Institute Press.

Knelman, F. (1992, in progress) Nuclear Power: The Conspiracy of the Like-minded.

Patterson, W. (1992) " In search of the peaceful atom" *Energy Policy*, June 1986, pp 196-200

Rio Declaration (1992) UNCED document Russow, J (1992). Content Analysis of the UNCED documents that were adopted by Global Consensus: Agenda 21 and the Rio Declaration.

Russow, J. (1992). "Seductive Devices and Strategies in, IAEA document that was prepared for UNCED" paper presented "Nuclear Issues and Rio," public lecture sponsored by the Greater Victoria Disarmament Group and the Vancouver Island Peace Society

**END OF INTERNET MESSAGE**



(b) identifying, preserving and preventing the loss or reduction of Biological Diversity [wording in part from the Convention on Biological Diversity]

(b 1) mitigating climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change [wording from the Climate Change Convention]

(c) Achieving the goal of zero pollution in the Province

(e) applying the principles of pollution prevention as the foundation of environmental protection

[from definition of "pollution prevention"]

(a 0) \_ the prevention of the use, generation and release of any substance into the environment in such a manner or quantity as to cause pollution [repeated from 41 1)

(a) the elimination of the use of polluting substances

(b 0) the substitution of polluting substance with non-polluting substances

(b) the substitution of polluting substances with less polluting substances

(c) the reduction in the introduction and use of [non-renewable] resources and polluting substances

(d) the elimination and reduction in the generation of polluting substances

[e, f, g removed because not deemed appropriate for prevention; Discussion Environmental Group, February 19]

(f0) Confirming the responsibility of government to set up a non-vested interest board or panel with varying levels of expertise and experience to do "arms-length" research into the true environmental impacts of substances and activities by carrying out "life cycle analysis" (recommendations from various chapters of UNCED Agenda 21) (Suggested Environment meeting, February 19)

(f) Confirming the responsibility of producers for sound environmental stewardship of products through all phases of a product's life;

(g) ensuring the comprehensive and integrated consideration of environmental and socioeconomic effects in public policy-making in British Columbia. [Deemed to be inconsistent with the overriding purpose of the Act] Ensuring that in all decisions made about the environment that the ecosystem be given primacy (Suggested Environment meeting, February 19)

(h0) International obligations must be fulfilled as being not the maximum but the minimum standards to follow (proposed, Discussion, February 19)

(h) Recognizing that British Columbia residents have an interest in and a responsibility of minimizing their impact upon the regional, national and global environment and global environmental well-being (Suggested Environment meeting, February 19)

(i) using the knowledge and experience of British Columbia residents in the formulation of decisions affecting the environment,

(j) confirming the responsibility of polluters to pay for the costs of their actions (also recommended in Agenda 21) but also recognizing that no pecuniary payment of costs for environmental destruction can ever fully redress the loss to the environment, and reaffirming that the prevention of pollution and environmental destruction should be by using "prevention technologies"

(k) ensuring that every activity or substance that could prevent the protection, conservation and sustainability of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19)

(l) ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the act (Suggested, February 19)

(m) promoting the research into the development and introduction of renewable, non-polluting (protection technologies)

(n) ensuring that compensation can never be used as reason for not exercising the duty under the act to protect, conserve and sustain the environment (proposed, Discussion, February 19)

(o) agreeing that any compensation given shall be assessed on the basis of past environmental performance and environmental costs and subsidies, and that any awarded money shall be (used by the compensated party to create employment within B.C.) placed in a job creation fund (Suggested, Discussion, February 20)

(p) ensuring the maintenance and enhancement of the quality of the environment (moved from section 2.a, February 20)

2. To achieve the purposes of this Act, all persons who exercise functions and powers under this Act shall have regard to the importance of the purposes of this act ((proposed, February 20)

(a) the maintenance and enhancement of the quality of the environment

(b) the actual or potential effect of an activity or natural process on the whole of the environment, including its actual or potential effect on the health and safety, and the economic, cultural and social well-being of people and communities

(c) the potential costs and benefits of any objective, policy, or proposal to the environment

## Scope

(1) For the purposes of this Act, introduction of a substance into the environment means depositing the substance on or in or allowing or causing the substance to flow or seep on or into any land or water or allowing or causing the substance to be emitted into the air and includes indirect means of introduction into the environment

(1\*) For the purpose of this Act, the impact of an activity on the environment means the engaging in any activity which could prevent the protection, conservation and sustainability of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act (proposed, February 19)

2. Except where this Act or the regulations specifically provides to the contrary, this Act applies to the whole environment of British Columbia {The onus of proof for exclusion from the Act must reside in the proponent for exclusion (proposed, February 20)}

3. Where there is conflict between this Act, its regulations or an authorization under this Act and any other act or regulations thereunder, this Act its regulations and authorizations issued or subsisting under this Act apply, except when provisions in other Acts or regulations contribute to the fulfillment of the purposes of the Environmental Protection Act better than those contained in this Act

- (a) where this Act or its regulations provide to the contrary, or
- (b) as may be prescribed by the Lieutenant Governor in Council

4. Nothing in the Soil Conservation Act shall be taken to prevent the establishment within a local authority of any facility for the disposal of waste in accordance with this Act providing that the establishment is deemed to fulfill the purposes of the Environment Protection Act. (Proposed, February 20)

5. The Crown is bound by this Act, except where this Act or the regulations specifically provide to the contrary

[Not yet commented on rest of section]

## Part 2

### Environmental Bill of Rights

#### Public Trust

30. (1) Every resident of British Columbia has a right to protect the environment and the public trust from any pollution, impairment or destruction

(2) The government, as trustee, has a duty to conserve and protect the environment of British Columbia

3. Citizens of British Columbia has the right to have the environment conserved and protected (Suggested Environment meeting, February 19)

4. Citizens of British Columbia have to right to expect that no person shall use generate or release, waste or recyclable maters, or any other substance (including fugitive gas or leachate) into the environment in such a manner or quantity as to cause pollution [moved from 41 (1) (Suggested Environment meeting, February 19)

5. Citizens of British Columbia have the right to expect that the government will live up to its obligations (Doctrine of Legitimate Expectation)

6. Present and future generations of British Columbia have the right to an ecological heritage (Suggested Environment meeting, February 19)

7. ensuring that no citizen will be prosecuted for advocating or acting to promote the purposes of the act (Suggested Environment meeting, February 19)

#### Right of action

31. (1) The Attorney General or any resident of British Columbia may commence an action in the Supreme Court against any person who has polluted or otherwise degraded the environment and the public trust or who is likely to do so.

2. A person may commence an action under subsection (1) without having to establish that there is , has been or is likely to be an infringement of an authorization issued under this Act or an approval, permit, licence, standard, regulation, rule or order issued by or under an Act listed in Schedule A.

3. A person who commences an action under subsection (1) shall provide notice of the proceedings to the Attorney General and the Minister.

4. This section does not abrogate those common law rights that would normally be available to a plaintiff to commence an action.

5. the need for intervenor funding

#### Standing

32 A person may commence an action under section 31 without having to show that he or she has

(1) any greater or different right, harm or interest than any other person; or

(2) any pecuniary or proprietary right or interest in the subject matter at issue.

#### Burden of proof.

33.

(1 a) 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

If the proposal involves anything that could be hazardous, 0 emissions and waste must apply; if the proposal involves ...lowest achievable discharge rate should apply (February 19, discussion)

(1 b) the plaintiff shall establish a prima facie case showing that the defendant's proposed activities are likely to pollute or degrade the environment

(1) the plaintiff shall establish a prima facie case showing that the defendants' activities have polluted or degraded the environment or is likely to do so

(1 c. In a prosecution for a contravention the burden of proving compliance is on the defendant [Section 46, ss 4]

2. Where a prima facie case under subsection (1) is established, the defendant may rebut the prima facie case by showing that there is no feasible and prudent alternative to the defendant's action

[If so, there must be some criteria for determining feasible and prudent alternatives in the light of the purpose of the Act;" providing prevention, conservation and sustainability of the environment" determined by an advisory, non-vested interest board or panel with representation from varied areas of expertise and experience]

3. It is a defence to an action commenced under this Act that the defendant's action is authorized under this act or an Act listed in Schedule A, unless the plaintiff can establish, on balance of probabilities, that the standard is inadequate to protect the environment and that the defendant's action has caused, or is likely to cause, severe or irreparable contamination or degradation of the environment.

The burden of proof must be on the defendant to demonstrate that the defendant's action has not caused or is not likely to cause, severe or irreparable contamination or degradation of the environment (Discussion, February 19)

#### Limitation Period

34. The limitation period for an action under section 31 of this Act is postponed and time does not commence to run until the plaintiff becomes aware, or ought reasonably to have become aware, of the identity of the defendant and of the material facts surrounding the claim

#### Appointment of minister's environmental mediator

37 (1) Subject to section 140, the Minister may, where he or she deems it and where the conflicting parties concur, appoint an environmental mediator acceptable to the parties to mediate between persons involved in an environmental conflict.

(2) when a mediator is appointed under subsection (1), the mediator shall, within 6 weeks after completion of the mediation, report to the results of the mediation to the Minister and the parties

38 (c) award damages to (iv) any person who has a concern for the environment

39 ...licence, standard, regulation, rule or order issued under an Act listed in Schedule A affects the environment and rights of a person, any person shall be furnished with a written statement of the decision setting out.... (c) any dissenting opinions (Discussion, February 19)

[Further comment to come on subsequent sections]

Since the first United Nations Conference on the Environment in Stockholm in 1972, we have come to realize that the traditional patterns of development have contributed to poverty - denying more than a quarter of the world's population adequate living conditions — to the inequitable distribution of resources to overconsumption, to the violation of human rights, and to the potentially irreversible degradation of the ecosystem.

WE DECLARE THE FOLLOWING PRINCIPLES TO GUIDE HUMANITY TO AN  
EQUITABLE AND ECOLOGICALLY SOUND FUTURE:

1. The ecosystem of which we are a part shall be protected and preserved, ecologically unsound patterns of development shall be condemned and the inequity of development must be addressed and rectified

2. Development activities that benefit the few while compromising the biological inheritance and quality of life of the many must be condemned as being inherently wrong

4. International ecological standards should be in place so that no short-term individual pursuit of self-interest, or short sighted national or international regulations (GATT) could jeopardize the environment. The purpose of these standards is to address the individual and multinational pursuit of self-interest and consumptive and exploitative use of the environment and not to penalize local communities that wish to function in an interdependent way within the ecosystem. The economic development necessary to eliminate poverty shall not be a mandate to abuse the environment for either short-term gain or economic growth alone. Principle must drive industry not industry driving principle.

5. Environmental processes do not recognize national boundaries: Therefore, states shall not have the sovereign right to exploit resources within their territories in isolation from the global ecological needs of the Earth

6. The continued build-up of the military complex must cease, and the use of military force as a means of resolving conflict must be rejected. A radical reduction of the military budgets of the world must occur and the funds released for ecological and humanitarian purposes. Peace is not merely the absence of war but the pursuit of environmental, social justice, economic, spiritual and cultural well-being.

7. 8. the decision-making process should be clearly defined, transparent, accessible and equitable. Criteria in decision making should be revealed, and the public and affected communities should be involved at the time of the formulation of the terms of reference and through the process.

9. The international community must condemn and disallow the exporting of products deemed to be unsafe in a state where there are advance testing procedures to other states with less advanced testing procedures. 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 that inaction is negligent. The international community has enough information about the pending state of ecological irreversibility that it must act immediately (proposal for NGO Earth Charter, Rio, June, 1992)

The precautionary principle shall be extended to require those who wish to intervene in the ecological commons to have to justify their intervention and demonstrate the safety of their intervention. The full environmental costs shall be considered in any proposed development project. (NGO Earth Charter, Rio, June, 1992)

**( ) THAT, In 1995 I recirculated A CHARTER OF ECOLOGICAL AND [EQUITABLE] RIGHTS AND RESPONSIBILITIES**

Compiled by the ERA Ecological Rights Association

Contact: Joan Russow, 1230 St. Patrick St. Victoria, B.C. V8S 4Y4, CANADA, Ph. 604-380-2563 or FAX 604-385-0068

**EXHIBIT**

Date: Tue, 20 Dec 1994 07:57:33 +0200 (IST)

Subject: Re: ERA-Earth Charter

Mime-Version: 1.0

Good work... I will continue to look it over...  
I would also like to help with proof-reading  
before final submission. Please let me know  
if that would help.

Best wishes at this season,

Jay.

Jay Kaplan-Wildmann

Enosh Environmental Systems

19 Hayetzira Street, Ramat-Gan 52521 Israel

tel 972-3-7514303

fax 972-3-7514320

internet enosh@datasrv.co.IL

We saw your mailing concerning the Earth Charter. If there are any questions concerning water quality or water usage, please contact us. We are a small consulting firm dealing with ground-water investigations and cleanups. We also work with several environmental attorneys who may also be interested in helping with the charter.

Hydrotechnology Consultants, Inc.  
77 Bayberry Road  
Princeton, New Jersey 08540  
Tel. (609) 466-9628  
FAX (609) 466-3634  
E-mail: hcipri@aol.com

Include something on human population growth and negative consequences of high growth rates on harvest sustainability, ecological integrity, etc. Maybe make this item #1.

Note this is my view & does not necessarily reflect that of The Nature Conservancy. Jackie Mohan Vegetation Ecologist, The Nature Conservancy

Hi all:

The Ecological Rights Association is putting together a submission to the UN as suggestions for inclusion into the 1995 Earth Charter committed to at the 1992 UNCED conference at Rio. Any feedback and suggestions would be appreciated. We will circulate the final proposal before submission.

( ) THAT WE WORKED ON DRAFT OF A PROPOSAL FOR AN EARTH CHARTER  
SEND COMMENTS TO ERA ECOLOGICAL RIGHTS ASSOC. e-mail  
joanrussowcoastnet

## CHARTER OF ECOLOGICAL AND EQUITABLE RIGHTS AND RESPONSIBILITIES

This Charter draws from international obligations that have already been agreed to internationally. The Charter draws from both obligations undertaken by states through UN resolutions such as the "World Charter of Nature", globally agreed to documents such as the United Nations Conference on Humans and the Environment (Stockholm, 1972), The Rio Declaration (UNCED, 1992) and Agenda 21 (UNCED, 1992) and the legally binding documents such as the Vienna Convention on Ozone (1986), the Montreal Protocol (1987), The Basel Convention ( ); (Convention on Environmental Impact Assessment in a Transboundary (1994) Convention on Biological Diversity (UNCED, 1992, in Force, 1993) and the Convention on Climate Change (UNCED, 1992, in force 1993), and the Law of the Sea (in force 1994). This Charter also proposes additions that complement existing obligations or that are necessary so that compliance is possible.

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"



## Legend

Underlined: what has already been agreed to internationally (agreed to principles)

**Bold**: what still needs to be done (proposed principles or changes)

**and underlined** (proposed by international NGOs, or official panels)

*Italics*: What should be left out

Acknowledgement that International obligations must be fulfilled as being not the maximum but the minimum standards to follow (recommendation from the Scientific Panel, B.C.)

## 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 wellbeing (Agenda 21, UNCED)

## CONDEMNATION OF TRADITIONAL CONSUMPTION PATTERNS OF DEVELOPMENT

[ one of the most serious problems now facing the planet is that associated with historical patterns of unsustainable consumption and production, leading to environmental degradation, aggravation of poverty and imbalances in the development of countries.] (4.3 Changing consumption patterns, Agenda 21)

We have come to realize that the traditional consumptive patterns of development have contributed to poverty, to the inequitable distribution of resources, to over-consumption, to the violation of human rights and to the potentially irreversible degradation of the ecosystem (ERA Ecological Rights, Alternative Earth Charter)

We demand recognition of the causes of economic and ecological crises arising from patterns of Production and over-consumption in the rich North. This causes depletion of the world's resources, especially in the South, with all the accompanying negative ecological, social, economic and political consequences. (Statement from the Women of the South, Women and Sustainable Development Conference, 1994)

## ACKNOWLEDGMENT OF 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 that inaction is negligent. The international community has enough

information about the pending state of ecological irreversibility that it must act immediately. (affirmed by the NGO Earth Charter, Global Forum)

#### UNDERTAKING OF TRANSFERRING AGREED TO PRINCIPLES TO STATE PRACTICES

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 (World Charter of Nature)

#### ENSURING THE INHERENT WORTH OF NATURE

ensuring that every form of life is unique, warranting respect regardless of its worth to man [human], and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (World Charter of nature) (World Charter of Nature)

#### RECOGNITION OF INTERCONNECTEDNESS WITH NATURE

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)

#### RESPECT FOR ESSENTIAL PROCESSES

Nature shall be respected and its essential processes shall not be impaired (World Charter of Nature)

#### ACKNOWLEDGEMENT OF URGENCY OF CONSERVING AND PRESERVING NATURE

Humans can alter nature and exhaust natural resources by their actions or the consequences and, therefore, must fully recognize the urgency for maintaining the stability and quality of nature and of conserving natural resources and preserving nature (World Charter of nature)

#### ACCEPTANCE OF NEED FOR MORAL CODE OF ACTION IN RESPECT OF NATURE

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

#### ENUNCIATION OF THE PRIMACY OF THE ECOSYSTEM

Ensuring that in all decisions made about the environment that the ecosystem be given primacy

#### ACKNOWLEDGING THE IMPORTANCE OF PRESERVATION OF ECOSYSTEMS

QUALIFICATION OF DEVELOPMENT (ALTERNATIVE EXPRESSION FOR 'SUSTAINABLE DEVELOPMENT' OR "SUSTAINABILITY")

Equitable, and ecologically sustainable use (Adopted by the IUCN, annual General Meeting, 1994)

ADHERENCE 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, 1994)

INVOCATION 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 (from the Biodiversity Convention)

ENUNCIATION OF 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 effects are not fully understood, the activities should shall not proceed (World Charter of Nature)

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

ADOPTION 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.

Non introduction of hazardous products in the environment  
the onus of proving the non-hazardous nature of the product 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]

Environmental Assessment review

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)

Assertion of the avoidance of activities

Activities which are likely to cause irreversible damage to nature shall be avoided (World Charter of Nature)

Affirmation of inter-generational 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

(World Charter of Nature)

Commitment to 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 (Rio Declaration)

Affirmation of positive-duty-to protect-indigenous-lands principle.

recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate (Agenda 21, 16.3. ii)

Elimination of 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 (Principle 26)

Prepared by the ERA Ecological Rights Association

1230 St. Patrick St. Victoria, B.C. V8S 4Y4, CANADA, Ph. 604-380-2563 or FAX 604-385-0068

Include something on human population growth and negative consequences of high growth rates on harvest sustainability, ecological integrity, etc. Maybe make this item #1.

Note this is my view & does not necessarily reflect that of The Nature Conservancy.

Had I not thought this to be the view of the Nature Conservancy, then I wouldn't have become a lifetime member. Thanks.

Gary A Howard - Tonka Bay Minnesota  
ghoward@uswnvg.com

Jackie Mohan  
Vegetation Ecologist  
The Nature Conservancy

On Mon, 19 Dec 1994 jwight@amtsgi.bc.ca wrote:

Hi all:

The Ecological Rights Association is putting together a submission to the UN as suggestions for inclusion into the 1995 Earth Charter committed to at the 1992 UNCED conference at Rio. Any feedback and suggestions would be appreciated. We will circulate the final proposal before submission.

[clip]

Errors-To: pdh@u.washington.edu  
Reply-To: consbio@u.washington.edu  
Originator: consbio@u.washington.edu  
Sender: consbio@u.washington.edu  
Precedence: bulk  
From: sequent!uswnvg!ghoward@uunet.uu.net (Gary Howard)  
To: Multiple recipients of list <consbio@u.washington.edu>  
Subject: Re: ERA-Earth Charter  
X-List Processor-Version: 6.0b -- List Processor by Anastasios Kotsikonas  
X-Comment: Supports discussions in conservation biology.  
X-To: uunet!u.washington.edu!consbio@uunet.uu.net

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ghoward@uswnvg.com

Jackie Mohan  
Vegetation Ecologist

The Nature Conservancy

On Mon, 19 Dec 1994 jwright@amtsgi.bc.ca wrote:

Hi all:

The Ecological Rights Association is putting together a submission to the UN as suggestions for inclusion into the 1995 Earth Charter committed to at the 1992 UNCED conference at Rio. Any feedback and suggestions would be appreciated. We will circulate the final proposal before submission.

... Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer, (MPSDOL)

. New approaches and strengthened international co-operation are essential to anticipate and prevent damage to the environment, which knows no national frontiers.... We shall also address other concerns such as climatic change, the protection of the ozone layer... 1985 Bonn economic Declaration May 4, 1985

Stratospheric ozone depletion threatens us with enhanced ultra-violet radiation at the earth's surface, which can be damaging or lethal to many life forms. Air pollution near ground level and acid precipitation, are already causing widespread injury to humans, forests and crops. (World Scientists Warning to Humanity 1993

*The Atmosphere*

WSWH)

(i) legally binding International Conventions, Treaties, Covenants and Declarations

(ii) Globally adopted UN documents and resolutions

(iii) Globally adopted NGO documents and resolutions

HUMAN RIGHTS INSTRUMENTS:

International Declaration of Human Rights (1948), International Covenant of Economic, Social and Cultural Rights (date), International Covenant on Civil and Political Rights (1976), Convention on the Political Rights of Women (1953), Slavery Convention signed at Geneva, 1926 and amended by the Protocol (1953), Convention on the Nationality of Married Women (1957), *International Convention on the Elimination of All forms of Racial Discrimination (1966)*; Convention on the Elimination of all Forms of Discrimination against Women (1979)\*, UN Convention on the Rights of the Child (1989), Youth Treaty (1992)

#### ENVIRONMENTAL RIGHTS INSTRUMENTS:

Stockholm Conference on the Human Environment (1972), 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 General Assembly Resolution 35/8 "Historical Responsibility of States for the Preservation of Nature for Present and Future Generations* (1980), World Charter of Nature (1982), Vienna Convention for the Protection of the Ozone (1985), ASEAN Agreement on the Conservation of Nature and Natural Resources (Kuala Lumpur, 1985),

Montreal Protocol on Substances that Deplete the Ozone Layer (1987) (including London and Copenhagen Protocols), *Convention for the Control of Transboundary Movements of Hazardous Wastes (Basel Convention, 1989)*, International Chamber of Commerce: Business Charter for Sustainable Development (1992), Rio Declaration and Agenda 21\*\* (1992), Convention on Biological Diversity, (1992), UN Framework Convention on Climate Change (1992),

#### PEACE INSTRUMENTS:

*Non-proliferation Treaty of nuclear weapons* (1968); *The Atmospheric Test Ban Treaty: Prohibiting the testing of Nuclear weapons in the Atmosphere* (1963); *Strategic Arms Limitation Talks (SALT 1 & II)*; *Strategic Arms Reduction Treaty (START I (1989) & II (1992): Comprehensive Test Ban Treaty (in progress) meeting, August 1995). Treaty of Tlatco (declaring South America as a nuclear Free weapons zone.)*

The Vienna Convention on the Law of Treaties (1969)

#### INTERNATIONAL NGO RESOLUTIONS AND DOCUMENTS:

The Imperative of Equity: the Missing Dimension of UNCED: Statement of the South Asia NGO Summit, New Delhi, February 17-19, (1992), Earth Charter, (Global Forum, 1992), *NGO Treaty on Militarism, Environment and Development* ( Global Forum, 1992), *NGO Treaty on Population, Environment and Development* (Global Forum, (1992); NGO Treaty on "Over-consumption" (19

The Charter draws upon obligations undertaken by states through UN resolutions such as the "World Charter of Nature"; globally agreed to documents such as the United Nations Conference on Humans and the Environment (Stockholm, 1972), The Rio Declaration (UNCED, 1992) and Agenda 21 (UNCED, 1992) and Programme of Action of the United Nations International Conference on Population and Development Draft document (1994); Covenant. International Covenant on Civil and Political Rights—adopted 1976 and the legally binding documents such as the Vienna Convention on Ozone (1986), the Montreal Protocol (1987), The Basel Convention ( ); (Convention on Environmental Impact Assessment in a Transboundary (1994) Convention on Biological Diversity (UNCED, 1992, in Force, 1993) and the Convention on Climate Change (UNCED, 1992, in force 1993), and the Law of the Sea (in force 1994). This Charter also draws upon statements from international NGO resolutions, such as the

Women's Action Agenda. In addition. This Charter also proposes additions that complement existing obligations or that are necessary to ensure compliance, such as those proposed in the UN Proclamation for Transferring Rhetoric into Action. Additional statements have been included from the ERA Ecological Rights Charter, (circulated at the New York Prep Com and at the Earth Summit, 1992).

Note: Acknowledgment that International obligations must be fulfilled as being not the maximum but the minimum standards to follow (recommendation from the Scientific Panel, B.C., CANADA)

## **AWARENESS OF THE INADEQUACIES OF CURRENT ECONOMIC AND POLITICAL SYSTEMS AND THE LACK OF POLITICAL WILL TO ADDRESS THE URGENCY OF THE GLOBAL SITUATION**

There does not yet appear to be the political will to substantially change the economic and political systems that function primarily on the basis of short-term economic gain instead of long term equitable and ecological principles. (modified input from Internet) **[the political will may not be found within the state, but the political will is found amongst the people and there are examples of peoples attempting to develop economic and political systems on a small scale that are based on equitable and ecological principles]**

∞We demand recognition of the causes of economic and ecological crises arising from patterns of production and overconsumption in the rich North. This causes depletion of the world's resources, especially in the South, with all the accompanying negative ecological, social, economic and political consequences. (Statement from the Women of the South, Women and Sustainable Development Conference, 1994)

## **INCREASED LOSS OF ENVIRONMENTAL INTEGRITY AND INCREASED ENVIRONMENTAL DEGRADATION**

Exponential growth

- Increased depletion of the ozone layer exceeds all predictions
- Increased species impoverishment
- Increased loss of species habitat
- Fragmentation of habitats
- "If species has no name then no identity and no conservation status"
- Decreasing biodiversity
- Increased Species impoverishment
- Increased deforestation
- Increased loss of temperate and tropical rain forests
- Increased loss of carbon sink
- Increased desertification
- Increase in population beyond the carrying capacity
- Increase in inequitable distribution of resources
- Increase in inequitable production
- Increased technological malfunctioning
- Increased dependency on fossil fuels



- Increased energy production and consumption
- Increased susceptibility to ecological disasters as development increases
- Increased susceptibility to ecological disasters as terrorism increases
- Increased production of toxic, hazardous and atomic wastes
- Increased difficulty of waste disposal
- Increased "global imbalance" re. hydroxide
- Increased "concentration of carbon dioxide"
- Long residue time of chemicals re. CFCs
- Increased potential of climate change
- Increased destruction through acid rain
- Increased extraction of chemicals
- Increased transportation of chemicals
- Increased refinement of chemicals
- Increased disposal of chemicals
- Increased persistence of chemicals
- Increased bio-accumulation of chemicals
- Increased biomagnification of chemicals
- Increased dispersal of toxic and hazardous chemicals into the ecosystem
- Increased exposure to chemicals
- Increased entry into the food chain of deleterious chemicals
- Increased impact of environmentally induced toxins. (Assessment from the Global Change Conference, 1991, by the Royal Society of Canada)

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.

CHECK SOURCE 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

#### • **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) see quote on original proposal for UNCED ∞

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

*∞ Aware that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed. (Declaration on the Preparation of Societies for Life in peace)*

PROCLAIMING that all States shall take measures to extend the benefits of science and technology to all strata of the population and **to both men and women** and to protect them, both socially and materially, from possible harmful effects of the misuse of scientific and technological developments... (Art. 6, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace) **[again, why are we focusing on science and tech. so early in the preamble... science and technology... when we make reference to it... is western science and technology... i think we need to start with a vision of an equitable society before we address the role of science and tech and how it can benefit or not benefit different strata of the global population, i.e. who is deciding on the priorities for research and development for ex., money is spent on research and dev. that will increase productivity... for capital gain.. not for distributing wealth more equitably]**

[THE PREAMBLE NEEDS TO ADDRESS MORE PERTINENT ISSUES CURRENTLY FACING THE GLOBE.. IE. THE DEVOLUTION OF POWER FROM THE STATE TO CAPITAL.... THE ROLE OF TNC'S IN INSTITUTIONALIZATION OF GATT AND WORLD TRADE ORGANIZATION... AND THE INEQUITABLE POWER BETWEEN NORTH AND SOUTH IN REGARDS TO THE WORLD BANK AND THE IMF WHICH SETS THE AGENDA.. RE: POLICY ON SOCIAL, ENVIRONMENTAL, AND ISSUES RELATED TO MILITARISM... POWER IS BEING TAKEN AWAY FROM THE STATE.. AND IN ESSENCE FROM THE CITIZEN AND IS BEING VESTED IN CAPITAL.... AND FREE ENTERPRISE.. THE REAL ISSUES OF CONCERN EMERGE FROM THE RELATIONS OF POWER... WHO HAS ACCESS TO THE MEANS OF PRODUCTION... IN OTHER WORDS I THINK WE SHOULD START FROM RECOGNIZING GLOBAL INEQUITIES IN POWER TO THE INEQUITIES BETWEEN GROUPS... AND BETWEEN THE GENDERS....Preamble HAS TO HAVE A STRONG SENSE OF GENDER EQUITY.... THIS IS GOING TO WOMEN PREPARING FOR THE FOURTH UN CONFERENCE OF WOMEN... AND THE PREAMBLE DOES NOT MAKE MENTION OF WOMEN'S PLACE IN SOCIETY... AND HOW INEQUITABLE POWER RELATIONS.. HAVE IMPACTED ON WOMEN'S LIVES... IN REGARDS TO THE ISSUES OF PEACE, SOCIAL JUSTICE AND THE ENVIRONMENT]

CONVINCED that the intolerance demonstrated by a significant number of institutionalized religions has contributed to the violation of human rights

" 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." (UNCED, Agenda 21, 3.8 j Combating Poverty)

Earth Charter has been compiled by the ERA Ecological Rights Association.

*¶ Governments endeavour to guarantee their people and, in that context, stresses its belief in the general principle that food should not be used as an instrument of political pressure (Article 10 UN Resolution, 1981 Global Strategy for Health for All by the Year 2000);*

Calls again upon all States to adhere strictly in their international relations to the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered (1. UN resolution 36/110. Peaceful settlement of disputes between states)

17 December 1982

Resolution 37/137 Protection against products harmful to health and the environment, 1982

The General Assembly,

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)

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)

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,

Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,

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,

Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,

Taking into account that the primary responsibility for consumer protection rests with each State,

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,

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 Organisation, the United Nations Environment Programme, the General Agreement on Tariffs and Trade, the Centre on Transnational Corporations and other relevant intergovernmental organizations,

1. Agrees that products that have been banned from domestic consumption and/or sale because they have been judged to endanger health and the environment should be sold abroad by companies, corporations or individuals only when a request for such products is received from an importing country or when the consumption of such products is officially permitted in the importing country (Resolution 37/137 Protection against products harmful to health and the environment, 1982)

2. Agrees that all countries that have severely restricted or have not approved the domestic consumption and/or sale of specific products, in particular pharmaceuticals and pesticides, should make available full information on these products with a view to safeguarding the health and environment of the importing country, including clear labeling in a language acceptable to the importing country.

3. 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;

4. 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;

5. Agrees that the consolidated list referred to in paragraph 4 should be easy to read and understand and should contain both generic/chemical and brand names in an alphabetical order, as well as the names of all manufacturers and a short reference to the grounds and decisions taken by Governments that have led to the banning, withdrawal or severe restriction of such products;

6. Decides, on the basis of the above-agreed criteria, to keep under review the format of the consolidated list with a view to its possible improvement;

7. Requests Governments and relevant organs, organizations and bodies of the United Nations system to provide all the information and assistance necessary for the prompt and effective fulfillment of the task entrusted to the Secretary-General.

#### UN Resolution 36/82 1981, Reduction of Military Budgets

A

The General Assembly,

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),

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,

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)

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 1981, Reduction of Military Budgets)

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)

Recalling its resolution 35/142 A of 12 December 1980 in which it requested the Disarmament Commission to continue at its session to be held in 1981, the consideration of the item entitled "Reduction of military budgets" and in particular to identify and elaborate on the principles which should govern further actions of States in the field of the freezing and reduction of military expenditures, keeping in mind the possibility of embodying such principles into a suitable document at an appropriate stage,

Having considered the report of the Disarmament Commission on the work accomplished during its session in 1981 and taking into account the proposals and ideas submitted by States concerning the principles which should govern further actions of States in the field of the freezing and reduction of military expenditures, as contained in the working document annexed to the Commission's report,

Aware of the various proposals submitted by Member States and of the activities carried out so far within the framework of the United Nations in the field of the reduction of military budgets,

Considering that the identification and elaboration of the principles which should govern further actions of States in the field of the freezing and reduction of military budgets and the other ongoing activities within the framework of the United Nations related to the question of the reduction of military budgets should be regarded as having the fundamental objective of reaching international agreements on the reduction of military expenditures,

1. 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;

2. 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;

3. Requests the Disarmament Commission to continue at its session to be held in 1982 the consideration of the item entitled

"Reduction of military budgets", taking into account the provisions

of General Assembly resolution 35/142 A as well as those of the present resolution and other relevant proposals and ideas, with a view to identifying and elaborating on the principles which should govern further actions of States in the field of the freezing and reduction of military expenditures, keeping in mind the possibility of embodying such principles into a suitable document at an appropriate stage;

4. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Reduction of military budgets."

## B

The General Assembly,

Deeply concerned about the arms race, its extremely harmful effects on world peace and security and its deplorable waste of human and economic resources,

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)

Considering that gradual reductions of military expenditures on a mutually agreed basis would be a measure that would contribute to curbing the arms race and would increase the possibilities of reallocating resources, now being used for military

purposes, to economic and social development, particularly for the benefit of the developing countries.

Convinced that such reductions could and should be carried out on a mutually agreed basis without affecting the military balance to the detriment of the national security of any country,

Reaffirming also its conviction that provisions for comparability and verification will have to be basic elements of any agreement to reduce military expenditures, Recalling the fact that these matters are being studied by a group of experts established in pursuance of General Assembly resolution 35/142 B of 12 December 1980 and that this group is expected to submit its report before the second special session of the Assembly devoted to disarmament,

Recalling further that a standardized system for international reporting of military expenditures has been recommended for use and that the first national reports have been received this year,

Emphasizing the value of a full implementation of such a reporting instrument and of its further refinement as a means to increase confidence between States by contributing to greater openness in military matters, which is particularly important for arriving at international agreements to reduce military expenditures,

Reaffirming also its conviction that the reporting of military data and the examination of problems concerning verification and comparability have the fundamental objective of making possible the conclusion of international agreements to reduce military expenditures,

Noting with appreciation the first report of the Secretary-General on these matters,

Considering that the activities related to the reporting of military expenditures as well as to the questions of comparability and verification and other ongoing activities within the framework of the United Nations related to the question of the reduction of military budgets should be regarded as having the fundamental objective of reaching international agreements on the reduction of military expenditures,

1. Stresses the need of increasing the number of reporting States with a view to the broadest possible participation from different geographic regions and representing different budgeting systems;

2. Reiterates its recommendation that all Member States should make use of the reporting instrument and report annually, by 30 April, to the Secretary-General their military expenditures of the latest fiscal year for which data are available;

3. Requests the Secretary-General to examine ways and means to make the collection and assembling of data on military expenditures, reported by States on the basis of the reporting instrument, an integral part of the regular United Nations statistical services and to arrange and publish these data according to statistical practice;

4. Also requests the Secretary-General to include these matters in his next annual report on military budgets to the General Assembly.

SPEECH BY THE MINISTER COORDINATOR FOR IGADD, HON

JOHN K. SAMBU, M.P. MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES, KENYA, AT THE 5TH SESSION OF THE INTER GOVERNMENTAL NEGOTIATING COMMITTEE OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA, MEETING IN PARIS 6-17 JUNE 1994  
MR CHAIRMAN, HONORABLE MINISTERS EXCELLENCY HEADS OF DELEGATIONS AND AMBASSADORS THE EXECUTIVE SECRETARY OF THE INCD, LADIES AND GENTLEMEN.

STRUCTURE OF THE INTERNATIONAL LAW COMMISSION  
Resolution 36/39

18 November 1981  
63rd plenary meeting

Enlargement of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission

The General Assembly,

Reaffirming the importance of the International Law Commission as the main permanent subsidiary organ of the General Assembly entrusted with the promotion of the progressive development of international law and its codification,

Recalling its resolution 1647 (XVI) of 6 November 1961, by which the membership of the International Law Commission was established at twenty-five members,

Noting that the membership of the United Nations has grown substantially since the adoption of that resolution,

Conscious of the increased interest shown by Member States, particularly those admitted to membership in the Organization since 1961, in the Commission's work on the progressive development of international law and its codification,

1. Decides to amend article 2, paragraph 1, of the Statute of the International Law Commission to read as follows:

"The Commission shall consist of thirty-four members who shall be persons of recognized competence in international law";

2. Also decides to amend article 9, paragraph 1, of the said Statute to read as follows:

"Those candidates, up to the maximum number prescribed for each regional group, who obtain the greatest number of votes and not less than a majority of the votes of the Members



present and voting shall be elected";

3. Decides further that the thirty-four members of the International Law Commission shall be elected according to the following pattern:

- (a) Eight nationals from African States;
- (b) Seven nationals from Asian States;
- (c) Three nationals from Eastern European States;
- (d) Six nationals from Latin American States;
- (e) Eight nationals from Western European or other States;
- (f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the present resolution;
- (g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the present resolution;

4. Decides, by way of exception and in consequence of the enlargement of the Commission, to request the Secretary-General to

include in the list of candidates for the election to be held at the current session, in addition to the nominations already received, such names as shall have been communicated to him in writing before 21 November 1981.

#### Resolution 36/43

19 November 1981

64th plenary meeting

Global Strategy for Health for All by the Year 2000

The General Assembly,

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

Noting with approval World Health Assembly resolution WHA 34.36 of 22 May 1981 by which the thirty-fourth Assembly unanimously

adopted the Global Strategy for Health for All by the Year 2000,

Considering that the Global Strategy fully reflects the spirit of General Assembly resolution 34/58,

Considering that peace and security are important conditions for the preservation and improvement of the health of all people and that co-operation among nations on vital health issues can contribute substantially to peace,

Noting further that the Global Strategy is based upon the principles of the Declaration of Alma-Ata on primary health care, which implies an integrated approach to the solution of health care problems and requires the fullest support and involvement of all economic and social development sectors,

Recognizing that the implementation of the Global Strategy will constitute a valuable contribution to the improvement of over-all socioeconomic conditions, and thus to the fulfilment of the

International Development Strategy for the Third United Nations Development Decade,

1. 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 fulfilment of the International Development Strategy for the Third United Nations Development Decade;

2. 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;

3. 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 fulfilment of the International Development Strategy;

4. 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;

5. Requests the Director-General of the World Health Organization to ensure that measures to implement the Global Strategy are taken into account in the review and appraisal of the implementation of the International Development Strategy.

## APPENDIX 5 EARLY DOCUMENTS RELATED TO WOMEN A/RES/37/59

3 December 1982

Improvement of the situation of women in rural areas

The General Assembly,

Bearing in mind the objectives of the United Nations Decade for Women: Equality, Development and Peace,

Recalling its resolution 35/136 of 11 December 1980, in which it endorsed the Programme of Action for the Second Half of the United Nations Decade for Women,

Reaffirming the importance attached by the International Development Strategy for the Third United Nations Development Decade to the need to improve the status of women and ensure their full participation in the development process as agents and beneficiaries of development,

Reaffirming further the importance attached in the Programme of Action for the Second Half of the United Nations Decade for Women as well as in the Convention on the Elimination of All Forms of Discrimination against Women to the need to improve the situation of women in rural areas in many parts of the world,

Recalling the Declaration of Principles and the Programme of Action adopted by the World Conference on Agrarian Reform and Rural Development, particularly concerning the integration of women in rural development,

Bearing in mind that a majority of women, particularly in developing countries, live and work in rural areas and suffer most from the exploitation of agricultural labour, in particular by transnational corporations,

Convinced that the eradication of apartheid, all forms of racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination is essential to the further improvement of the situation of rural women,

Considering that the strengthening of international peace and co-operation is one of the most important conditions for further improving the situation of rural women,

Convinced also that the effective implementation of fundamental human rights is essential for the improvement of the situation of rural women,

Recognizing the urgent need to take additional appropriate measures aimed at further improving the situation of women in rural areas,

Recognizing also the importance of exchanging experiences in this field among States,

1. Calls upon Member States to take additional appropriate measures for further improving the economic and social conditions of women in rural areas;
2. Requests the Economic and Social Council, the Commission on the Status of Women, the regional commissions and other bodies of the United Nations system, in particular the Food and Agriculture Organization of the United Nations, to devote greater attention to the problems of elevating the status of rural women;
3. Requests the Secretary-General to prepare, within the framework of the integrated reporting system on the status of women decided upon by the Economic and Social Council in its resolution 1980/38 of 2 May 1980, a comprehensive report containing the observations and comments received from Governments on national experience in improving the situation of women in rural areas, paying special attention

to such aspects as social insurance, mother and child care, health facilities, training, education and employment opportunities;

4. Also requests the Secretary-General to consider holding within the Programme of Action for the Second Half of the United Nations Decade for Women, as a matter of priority, an inter-regional seminar on national experience relating to the improvement of the situation of women in rural areas, with special emphasis on the problem of developing countries;

5. Further requests the Secretary-General to submit to the General Assembly at its thirty-ninth session, through the Commission on the Status of Women and the Economic and Social Council, the report mentioned in paragraph 3 above.

A/RES/37/60

3 December 1982

Preparations for the World Conference to Review and  
Appraise the Achievements of the United Nations  
Decade for Women

The General Assembly,

Recalling its resolution 3520 (XXX) of 15 December 1975, in which it endorsed, inter alia, the action proposals contained in the World Plan of Action for the Implementation of the Objectives of the International Women's Year,

Recalling its resolution 3490 (XXX) of 12 December 1975, in which it expressed its conviction that a comprehensive and thorough review and appraisal of progress made in meeting the goals of the World Plan of Action was of crucial importance for the success of the Plan and recognized that the results of the implementation of the Plan would contribute to the consideration of the review and appraisal of the International Development Strategy for the Second United Nations Development Decade and would consequently promote the role of women in the development process,

Recalling also its resolution 35/136 of 11 December 1980, in which it endorsed the Programme of Action for the Second Half of the United Nations Decade for Women as adopted at the World Conference of the United Nations Decade for Women, and decided to convene in 1985, at the conclusion of the Decade, a World Conference to Review and Appraise the Achievements of the United Nations Decade for Women,

Recalling further that the International Development Strategy for the Third United Nations Development Decade stressed that the important set of measures to improve the status of women contained in the World Plan of Action adopted at Mexico City in 1975 and the important agreed measures relating to the International Development Strategy in the Programme of Action for the Second Half of the United Nations Decade

for Women, adopted at Copenhagen in 1980, should be implemented, recalling its resolution 36/126 of 14 December 1981, in which it requested the Commission on the Status of Women, at its session to be held in 1982, to give priority to the question of the preparations for the Conference,

Noting that the Economic and Social Council, at its first regular session of 1982, considered the recommendations of the Commission on the Status of Women as set forth in its report and adopted, on 4 May 1982, resolution 1982/26 on the preparations for the Conference,

Bearing in mind all its relevant resolutions and decisions regarding preparations for special conferences, in particular its resolution 33/189 of 29 January 1979,

1. Endorses Economic and Social Council resolution 1982/26 on the preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, to be held in 1985;

2. Welcomes the decision of the Economic and Social Council that the Commission on the Status of Women should be the preparatory body for the Conference and that it should operate on the basis of consensus;

3. Endorses the decision of the Economic and Social Council to invite the widest possible participation by States in the preparatory meetings for the conference and expresses the hope that they will designate representatives who will have the background and experience in the area of women and development;

4. Notes that the first session of the Commission on the Status of Women as the preparatory body of the Conference is to be held at Vienna from 23 February to 4 March 1983 and that the report on that session will be considered by the Economic and Social Council at its first regular session of 1983;

5. Requests the Secretary-General to take into account paragraph 9 of General Assembly resolution 33/189 of 29 January 1979 when appointing the Secretary-General of the Conference;

6. Decides to consider at its thirty-eighth session the recommendations of the Economic and Social Council at its first regular session of 1983 based on the report of the first session of the Commission on the Status of Women as the preparatory body for the Conference, together with the observations, if any, of the Secretary-General;

7. Takes note with appreciation of the report of the Secretary-General on the progress made in the preparation of a world survey on the role of women in development and recommends that the survey should be submitted to the Conference;

8. Decides to include in the provisional agenda of its thirty-eighth session an item entitled "Preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women."

A/RES/38/107

16 December 1983  
Meeting no. 100

## Prevention of prostitution

The General Assembly,

Reaffirming the objectives of the United Nations Decade for Women: Equality, Development and Peace,

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations, the specialized agencies and international conferences designed to eliminate all forms of discrimination against women, as well as those relating to the suppression of traffic in persons and the exploitation of the prostitution of others, including Economic and Social Council resolution 1983/30 of 26 May 1983,

Convinced of the importance of the full integration of women in the social, political and economic activities of their community,

Bearing in mind the essential role of women in the welfare of the family and the development of society,

Considering that prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

Further considering that women and children are still all too often victims of physical abuse and sexual exploitation,

Mindful that the prevailing economic and social conditions are largely responsible for the continued existence of the social problems of prostitution and traffic in persons,

1. Urges Member States to take all appropriate humane measures, including legislation, to combat prostitution, exploitation of the prostitution of others and all forms of traffic in persons;
2. Appeals to Member States to provide special protection to victims of prostitution through measures including education, social guarantees and employment opportunities for those victims with a view to their rehabilitation;

ITEMS TO BE DISCUSSED FURTHER WITH EUGENIA  
§\*\*{natural family planning}

§ {This is a very strong statement . Do you think it will be implemented? Even if implemented there is a possible consequence: the developing countries could still remain indebted and would have to pay in kind.}

§\*\*{This principle does not seem to belong to this section. It will be more appropriate under human rights section.}

§\*\* the implication of the availability of these contraceptives on teenagers should be recognized and thus there must be provision for sex education}

It is critical that “systemic constraints” or obstacles preventing the implementation of international obligations are identified throughout the documents.

Throughout the international instruments there is also recognition of the need to move beyond the statement of urgency to actions addressing the urgency. Falling in the year of the 50th Anniversary of the United Nations, Women at the Beijing Conference are in a unique position to call for compliance with the international obligations that have been undertaken since the formation of the United Nations. The proposed Global Compliance Research Charter, the “Charter for Action for Development, Equality/Equity, Environmental integrity and Peace” reflects the obligations that have been undertaken by states along with those obligations proposed by various institutions and NGO’s. If these obligations were undertaken and the recommendations adhered to, the international community would be closer to achieving a global solution to the current problems.

The Charter begins by acknowledging the urgency of the global situation and the need for action. The actions identified as necessary include: changing lifestyles and government policies; accelerating equality; emphasizing the need to assume personal responsibility and a re-ordering of priorities; limiting the power of transnational corporations; and cancelling third world debt.

The document follows with identifying principles of action, which include: increasing Equality/equity between north and "South"; *endorsing fundamental rights to safety, security and survival*; endorsing fundamental rights and freedoms; endorsing the rights of future generations, protecting the rights of the girl child; respecting the basic rights of women; affirming the rights of indigenous peoples; affirming the basic rights of persons with disabilities; emphasizing the commitment to transfer military budgets to socially equitable and ecologically sound development; establishing the dedication to communications research and information exchange; and confirming the commitment to peace.

It is critical that if these international instruments are to have any relevance in the 50th anniversary of the United Nations, states that have failed to sign significant international agreements must sign them. States that have signed but failed to ratify agreements must ratify them. States that have signed and ratified but have failed to enact the necessary legislation to ensure the discharging of their obligations under the agreements must enact legislation and states that have signed, ratified, and enacted legislation but have failed to enforce the legislation must enforce the legislation. In addition to the fulfillment of already agreed to obligations, states must seriously

undertake to act on the recommendations of the NGOs who have continually indicated where the international obligations fall short.

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### **GATT Article XX**

*Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:*

(a) necessary to protect public morals;

**(b) necessary to protect human, animal or plant life or health;**

**[NOTE: ENVIRONMENT, AS SUGGESTED IN DRAFT FROM 1992 HAS NOT BEEN INCLUDED]**

(c) relating to the importation or exportation of gold or silver,

**(d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices;**

(e) relating to the products of prison labour;

**(f) imposed for the protection of national treasures of artistic, historic or archaeological value;**

**(g) relating to the conservation of exhaustible natural resources is such measures are made effective in conjunction with restrictions on domestic production or consumption;**

(h) undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the

CONTRACTING PARTIES and not disapproved by them or which is itself so submitted and not so disapproved;

PRINCIPLE OF URGENCY AND URGENT PRINCIPLED ACTION

UNITED NATIONS, STATES AND CIVIL SOCIETY

- States, institutions and individuals shall cease to give primacy to short term economic interests over long term socially equitable and environmentally sound concerns



- the term “Civil society” shall 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.
- International institutions, Governments, civil society and the market must recognize that the global situation is so urgent that immediate action is necessary

#### United Nations

- United Nations shall establish an International Court before which civil society could present evidence of state non-compliance to international obligations?
- United Nations shall ensure that General Assembly resolutions as an expression of the majority of state opinion are implemented, by using the doctrine of legitimate expectation
- United Nations shall discontinue a structure which supports a state hierarchical system, As stated in the Charter of the United Nations, all nations are equal “sovereign equality”, and therefore no states shall be perceived to be less equal than others
- United Nations shall discourage the continued financial support for the promotion of the Western model of socially inequitable, and environmentally unsound development
- United Nations shall redefine “development” in equitable and ecological terms

#### United Nations and States

- the United Nations and States shall abide by the common law “doctrine of legitimate expectation”, and thus, when they have undertaken an obligation, civil society can expect that the obligation will be discharged

#### States

- states shall not use the claim of “sovereign right to exploit natural resources” as a means of justifying environmental degradation, violation of human rights, escalating conflict and war, and condoning inequity
  - States shall accept the jurisdiction of the International Court of Justice, and the rule of international law, and shall “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (UN. Charter)
  - states shall enact the necessary national legislation to ensure compliance with international obligations, or regional obligations whichever is based on the higher ground
  - States shall involve “civil society” in the decision-making process, at the formulation of the terms of reference, and throughout the decision-making process
  - States shall involve respect the interpretation of “Civil society,” in the determining o what would constitute compliance with international, national, regional and local obligations.
- “Civil society”
- “Civil society” shall be involved in the determination of what would constitute compliance with international, national, regional and local obligations.
  - “Civil society” shall be involved in lobbying governments to discharge the international obligations, and to require the “market” to conform to principles of socially equitable and environmentally sound development
- the failure of states and citizens to recognize that the global situation is so urgent that immediate action is necessary
  - the refusal of states to accept the jurisdiction of the International Court of Justice, and the refusal of states to accept 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)
  - the unwillingness of states to enact the necessary national legislation to ensure compliance with international obligations

- the failure for federal nations to implement international agreements because of differential provincial/state and federal jurisdiction
- the failure to establish an International Court before which citizens could present evidence of state non-compliance to international obligations?
- the refusal of states to look beyond national sovereignty in domestic affairs, and to cooperate at the international level on global governance
- the continued use by states of the “sovereign right to exploit natural resources” as a means of justifying environmental degradation, violation of human rights, escalating conflict and war, and condoning inequity
- the inability of citizens to lobby their national governments to discharge the international obligations because citizens are not sufficiently aware of international instruments and proceedings
- the continued reinforcement of the primacy of short-term economic interests over long term environmental concern
- the inability for national governments to conceive of the long-term implications of their actions in the pursuit of short-term economic gains.
- the continued promotion of the Western model of development which is both inappropriate and undesirable
- the refusal on the part of powerful states to relinquish their structural power within the international system
- the failure to redefine development in equitable and ecological terms, and the continued support of international organizations for culturally inappropriate and ecologically unsound projects
- that fragments the ability for individuals to lobby their national governments to implement the international agreements in order to instigate decisive action
- **the reluctance on the part of states to establish stringent and mandatory international standards and technological regulations that would protect the environment, guarantee human rights and equity and attain peace with justice**

## DECISION MAKING PROCESS

- the abuse by states, in the process of international decision making, of a consensus process which often leads to the lowest common denominator
- The failure of states to strive, through collaboration, for the highest tenable principles
- the inclusion of competing interests, (i.e. "multi-stakeholder) in the decision-making process and the condoning of their vested interests as a legitimate part of the decision-making process
- the monopolization and influence of economic interest groups such as transnational corporations in the global decision-making process
- The failure of states to involve concerned citizens in the decision-making process, at the formulation of the terms of reference, and throughout the process
- the condoning of "solutions" which could have more disastrous or equally disastrous consequences as the original problem (nuclear as solution to climate change)
- the tendency to put limitless faith in the capacity of science and technology to rectify the environmental problems of the past and to monitor the deleterious impacts of human activity in the present.
- the willingness to take unacceptable risks, endangering human health and causing irreparable damage to the environment
- the failure to use preventive measures to undermine environmental devastation due to the prevalent use of the "technological fix"
- the condoning of technological fixes suggested as solutions
- the continued condoning of research and development into rectifying the harm done through ecologically unsound practices rather than discontinuing ecologically unsound practices (the Green Revolution syndrome)
- the failure to shift support from ecologically unsound technology to "prevention technology" — doing it right the first time

- the presence and use of international short-term economic regulations which justify the abandoning by sovereign states of high ecological standards.
- the condoning of the precedence of trade agreements over other internationally undertaken obligations.
- the condoning of trade agreements that include measures that will strengthen the international power of capital at the expense of the international power of labour
- the condoning of bilateral and multilateral agreements that reinforce the power of decision making based on capital and not the environment
- the recognition of the importance of enforcing international collaboration in economic areas but the lack of recognition of the need for enforcement of social and environmental collaboration
- the 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.
- the persistence of the co-option, often through government funding, of groups, whose role should be to act as the conscience of the official decision makers
- the 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
- the 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
- the sanctioned use of "words of delusion" that either convince citizens that there is the political will to change.
- the sanctioned use of misleading statistics to delude the public into thinking that change is being made or change is not needed
- the sanctioned use of vague terms like "as appropriate, " "where possible" or of loophole provisions like "without prejudice to international trade principles. "For example, in the following section on consumption in Agenda 21 (UNCED):

"They should therefore review the purchasing policies of their agencies and departments so that they may improve, where possible, the environmental content of government procurement policies, without prejudice, to international trade principles." (UNCED, Agenda 21, 4.23, Consumption)

- the sanctioned use of the "notwithstanding clause" device. This device allows for indulging in strong statements about deep concern and the need for significant change and then concluding with a notwithstanding clause that negates the strong statement.
- the sanctioned use of oxymorons like "sustainable development", "Ecosystem management", the environmentally sound management of hazardous wastes" (UNCED, Agenda 21, 20.22 Hazardous wastes) or "the promotion of the safe and environmentally sound management of radioactive wastes" (UNCED, Agenda 21, Chapter 22, Radioactive wastes)
- the sanctioned use of term like "harmonizing" which usually leads not the highest tenable principles but to the lowest common denominator
- the 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
- the stereotyping of countries into categories of "developed, underdeveloped, and developing" rather than designating behaviours and attitudes as being "developed, underdeveloped and developing" the division of countries into developed and underdeveloped which indicates that the present patterns of development in "developed" countries is attainable or desirable as the ultimate goal for "underdeveloped" countries
- the simplistic distinction between North (environment) and South (development)
- 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 would have the result of imitating the mitigative strategies toward environmental destruction that is employed by the "North" instead of encouraging preventive strategies

- the reluctance 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
- the reluctance to address the environmental degradation caused by military operations
- the lack of recognition of the power politics by dominant countries in the international order which is at the root of international military conflict
- the failure to reduce the global military budget and transfer funds to socially equitable and environmentally sound development
- The failure

(adapted from Russow, J. and D. White, and T. Russow and , "Systemic Constraints Preventing Change"199

### ***OBJECTIVES OF THE GLOBAL COMPLIANCE RESEARCH PROJECT***

Non-governmental organizations (NGO's) are often unaware of the international legal obligations of nation states and their governments. Due to the specificity of issues handled and limited time constraints, NGO's are also often unaware of significant international NGO documents that address pertinent issues to their own organizations. These international obligations and NGO significant contributions are often carefully crafted and form an excellent set of precedents for groups that are advocating for change. International documents provide a legislative basis for the encouragement of states to prevent the destruction of the environment, the escalation of war, the violation of human rights, the disregard for social justice and the perpetuation of inequity and poverty.

This project will attempt to increase awareness of international legal obligations through the following activities or measures in collaboration with representatives from different countries:

- The clustering of statements and principles and carrying out of a content analysis of international documents which reflect concerns for peace, the environment, equity, social justice and human rights and then to compile these statements into a draft Charter of Obligations
- The preparing of diagrams and graphic materials based on the content analysis and Charter. These materials will inform representatives from different

countries of international obligations made by the global community and by individual states. The obligations that will be examined will be those from both

- (i) legally binding United Nations (UN) treaties, conventions, covenants, and charters;
- (ii) globally adopted United Nations Conference action plans;
- (iii) General Assembly resolutions and Declarations;
- (iv) in addition to the UN documents, significant multilateral governmental agreements such as the ASEAN Agreement on the Conservation of Nature and Natural Resources, recommendations from the "South Institute" and significant international NGO agreements, and Declarations will be included.

( ) THAT, In 1995, I attended a rally about Migrant workers and read from articles Comment since 1992 reference to this convention has been Included

Canada has refused to ratify this convention  
Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families 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.

2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

NOTE THE FULL CONVENTION IS IN THIS DOCUMENT, SEARCH FOR IT BY NAME

Increase financial and other support from all sources for preventive, appropriate biomedical, behavioral, epidemiological and health service research on women's health issues and research on the social, economic and political causes and consequences of women's health issues, including the impact of [gender and] age inequalities, especially areas such as: chronic and non-communicable diseases, particularly cardio-vascular diseases and conditions; cancers; reproductive tract infections and injuries, HIV/AIDS and other STDs; domestic violence; occupational health; disabilities; environmentally related health problems; tropical diseases and health aspects of aging (Art.110 d Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

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 Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Ensure the access of women with disabilities to information and services in the field of violence against women (Art.115 m Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries (Art.127 d Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Support programmes that enhance the self-reliance of special groups of women, such as young women, women with disabilities, elderly women and women belonging to racial and ethnic minorities (Art.177 d. Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Implement and monitor positive public and private-sector employment equity and positive action programmes to address systemic discrimination against women in the labour force, in particular women with disabilities and women belonging to other disadvantaged groups, with respect to [employment], hiring, retention and promotion, and vocational training of women in all sectors (Art.180 f Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

[Ensure] access to and develop special programmes to enable women with disabilities to obtain and retain employment and [ensure] access to education and training at all proper levels in accordance with the United Nations Standard Rules on the Equalization of Opportunities for People with Disabilities. Adjust, to the extent possible, working conditions in order to suit the needs of women with disabilities, who should be secured legal protection against unfounded job loss on account of their disabilities (Art.180 j Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities, and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions (Art.197 a Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Strengthen and encourage the implementation of the recommendations contained in the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, paying special attention to ensure non-discrimination and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities, including their

access to information and services in the field of violence against women as well as their active participation and economic contribution in all aspects of society (Art.232 p Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Improve concepts and methods of data collection on the participation of women and men with disabilities, including their access to resources (Art.209 k Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

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 Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Publicize and disseminate such information in easily understandable formats and into alternative formats appropriate for persons with disabilities, and persons of low-level literacy (Art.233 b Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Facilitate the equal provision of appropriate services and devices to girls with disabilities and provide, as appropriate, their families with related support services (Art.278 b Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

Ensure access to appropriate education and skills training to girl children with disabilities for their full participation in life (Art.280 c Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

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The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfill the conditions provided for the paragraphs 2 and 3 (Art. 7, 4. Convention Relating to the Status of Refugees, 1951).

## ERA ECOLOGICAL RIGHTS ASSOCIATION

The ERA Ecological Rights Association has been formed for the purpose of lobbying for the enshrinement of ecological rights in the Canadian Charter of Rights and Freedoms, (and in other national charters or constitutions), for the establishment of an institutional framework to ensure that these ecological rights are protected, for a UN. Covenant for the protection of Ecological Rights, for the inclusion of ecological rights within trade agreements, for the criminalization of acts causing ecological damage, for access to the courts for individuals and community groups wishing to prevent the destruction of their ecological heritage, for monitoring and reporting on compliance with international obligations and with federal and provincial statutes, and for documenting and compiling definitions and descriptions of what would constitute ecological rights.

ERA Ecological Rights Association, Victoria, B.C., Canada

Contacts:

Joan Russow Co-Chair 1230 St. Patrick Street Victoria, B.C. V8S 4Y4  
(604) 380-2563; FAX (604) 385-0068

David White Co-Chair 502 Craigflower Rd. Victoria, B.C. V9A 2V8  
(604) 385-0195 FAX (604) 385-0068

Dr. Fred Knelman Director of Research 4-4631 Lochside Victoria, B.C.  
Ph/FAX(604) 658-2740

## PROJECTS:

### ANALYSIS OF INTERNATIONAL OBLIGATIONS

- Carried out a content analysis of international documents. such as the following International legal instruments and UN resolutions:

A preliminary analysis of the following international instruments and documents has been completed by Joan Russow. The documents include the following:

- (i) legally binding International Conventions, Treaties, Covenants and Declarations
- (ii) Globally adopted UN documents and resolutions
- (iii) Globally adopted NGO documents and resolutions

### HUMAN RIGHTS INSTRUMENTS:

International Declaration of Human Rights (1948), International Covenant of Economic, Social and Cultural Rights (date), International Covenant of Civil and Political Rights (1976), Convention on the Political Rights of Women (1953), Slavery Convention signed at Geneva, 1926 and amended by the Protocol (1953), Convention on the Nationality of Married Women (1957), *International Convention on the Elimination of All forms of Racial Discrimination* (1966); Convention on the Elimination of all Forms of Discrimination against Women (1975)\*, UN Convention on the Rights of the Child (1989), Youth Treaty (1992)

#### ENVIRONMENTAL RIGHTS INSTRUMENTS:

Stockholm Conference on the Human Environment (1972), 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 General Assembly Resolution 35/8 "Historical Responsibility of States for the Preservation of Nature for Present and Future Generations* (1980), World Charter of Nature (1982), Vienna Convention for the Protection of the Ozone (1985), ASEAN Agreement on the Conservation of Nature and Natural Resources (Kuala Lumpur, 1985),

Montreal Protocol on Substances that Deplete the Ozone Layer (1987) (including London and Copenhagen Protocols), *Convention for the Control of Transboundary Movements of Hazardous Wastes (Basel Convention, 1989)*, International Chamber of Commerce: Business Charter for Sustainable Development (1992), Rio Declaration and Agenda 21\*\* (1992), Convention on Biological Diversity, (1992), UN Framework Convention on Climate Change (1992),

#### PEACE INSTRUMENTS:

*Non-proliferation Treaty of nuclear weapons* (1968); *The Atmospheric Test Ban Treaty : Prohibiting the testing of Nuclear weapons in the Atmosphere* (1963); *Strategic Arms Limitation Talks (SALT 1 & II)* ; *Strategic Arms Reduction Treaty (START I (1989) & II (1992)* : *Comprehensive Test Ban Treaty (in progress) meeting, August 1995)* . *Treaty of Tlatco (declaring South America as a nuclear Free weapons zone.)*

The Vienna Convention on the Law of Treaties (1969)

#### INTERNATIONAL NGO RESOLUTIONS AND DOCUMENTS:

The Imperative of Equity: the Missing Dimension of UNCED: Statement of the South Asia NGO Summit, New Delhi, February 17-19, (1992), Earth Charter, (Global Forum, 1992), *NGO Treaty on Militarism, Environment and Development ( Global Forum, 1992)*, *NGO Treaty on Population, Environment and Development (Global Forum, (1992)*; *NGO Treaty on "Overconsumption" (1992)*

- Reviewed international documents such as the UNCED Forest Principles document, and indicated its inconsistency with other international documents;
- Did a content analysis of the UNCED documents, and extracted over 200 principles enunciated in those documents.
- Prepared a content analysis of Agenda 21 and other UNCED documents for a work shop organized by the United Nations Assoc. (July 1992)
- Gave numerous workshops on international obligations to groups like the 1994 B.C.E.N. Annual General Meeting, Western Canada Wilderness Committee, the West Coast Environmental Youth Alliance, the Friends of Clayoquot Sound, and the Forest

Action Camp, the Environmental Law Conference (University of Victoria), and the International Law Caucus, B.C. Bar Association

#### ANALYSIS OF FEDERAL LEGAL DOCUMENTS

- Reviewed federal documents such as the proposed Charlottetown Accord - the proposed Constitutional document, and submitted a proposal to extend "the right to security" to include the right to common security (including environment and human rights provisions)
- Sent a submission to Government for the entrenchment of ecological rights in the Charter of Rights and Freedoms, and presenting a brief to the Constitutional Committee.
- Proposed more stringent provisions drawn from international principles for the CIDA (Canadian International Development Agency) guidelines for international projects, and indicated the inconsistency of these documents with other international and federal documents.

#### ANALYSIS OF PROVINCIAL DOCUMENTS

- Submitted to the CORE (Commission for Resources and the Environment) a document entitled "Statement of Obligations" where ERA indicated that these obligation should form the basis for the discussion - the minimum standards that had to be agreed to.
- Reviewed the CORE charter, and demonstrated the inconsistencies with internationally agreed to principles
- Reviewed provincial documents such as CORE Charter, B.C. Environmental Bill of Rights, the B.C. Prevention Act, the Forest Practices Code; B.C. Standards for Pollution Prevention, and indicated the inconsistency of these documents with other Federal and international documents.

#### AN ANATOMY OF ANTI-ECOLOGICAL THOUGHT

- Preparing a manuscript for a publisher for a book which reports on content analyses of documents from organizations, institutions, and government documents

#### CANADIAN MILITARY POLICY

- participated in the review of Canada Military Policy representing the Vancouver Peace Society and the Greater Victoria Disarmament group.

#### CANADA/BRAZIL PROJECT: INTERDEPENDENCE OF ISSUES

Initiated a Canada/Brazil Project examining the Interdependence of Issues  
Recently received a grant from EDSP to proceed with the exploratory phase of the project, and will be responsible for the administration of the project

#### CHARTERS

- Drafted an Earth Charter as part of the 1991 Royal Society of Canada Conference on Global Change. When the ERA suggested that a proposed Charter for UNCED should emerge from this conference, the President of the Royal Society

challenged the ERA to prepare one. This Charter was presented at conferences, received input from different organizations, and was then distributed at the New York Prep Com and at the Earth Summit.

- Had input into the drafting of several international documents: the NGO Earth Charter at the UNCED Global Forum; and the IUCN "Covenant" prepared by the IUCN Commission on Environmental Law.
- Initiated and collaborated with different organization on the drafting the Nobel Laureate Proclamation— a Proclamation signed by 37 Nobel Laureates, and distributed the Proclamation at the Earth Summit (1992)
- Prepared a diagram of different charter proposals for UNCED at the "Path to Brazil Conference". This diagram delineated the contrast between the proposals from the different countries, the NGO proposals and the Alternative Charter prepared by the ERA.
- Prepared a series of new charters based on principles already agreed to in international documents

#### CLIMATE CHANGE

- Worked on an international (8 country )project based in Harvard, on assessing Social Change in attitudes towards the issue of Climate Change in Canada.
- Prepared a diagram integrating different dimensions within the social learning project.
- Prepared charts linking climate change and forestry
- Participated in a panel discussion on Climate Change at the Public Interest and Environmental Law Conference.
- Submitted a proposal for "Option 6" — a proposed programme for addressing obligations under the Framework Convention on Climate Change

#### COMMUNITY PARTICIPATION ACT

- Participating in the Committee for promoting changes in legislation related to "Slapp suits" . This Committee has drafted an act and is negotiating with government to have it presented to the legislature in the next session.

#### CONNECTION WITH BRAZIL

- Submitted a proposal to the CEN (Canadian Environmental Network) for an exchange between the ERA and the Amazon Working Group in a community forest project.
- Worked with a Brazilian on a video on B.C. Forests.
- Currently drafting a proposal for a Brazil/Canada study of the "interdependence and complexity of issues"

#### CORE PROCESS

- Published an article criticizing the Core Process as an "arena of competing interests" where there was the "glorification of conflict of interest". In particular, there was a criticism of CORE (Commission on Resources and Environment) for failing to have as a basis to discussion, non-negotiable international obligations, and to seek expert advice beyond the table

## ECO-INFORMATION TOURS

- Organized tours of community leaders and Members of the Legislature to the Walbran, an old growth forest on Southern Vancouver Island

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- Prepared a diagram criticizing the notion of "sustainable development" for university course in Global Issues
- Supported the change in the IUCN (World Conservation Union) mission statement from "sustainable development" to "ecologically sustainable development"

## EDUCATION (REVIEW)

- Prepared an initial draft for a series of guidelines for the selection of materials for environmental education
- Reviewed and critiqued the Round Table document on Education for Sustainability
- Reviewed and criticized educational materials prepared by the Ministry of Forests, called "All Things Considered" and published the review in "Ecolacy"

## EDUCATION (DEVELOPMENT OF PROGRAM AND MATERIALS)

- Developed educational material for an environmental Studies course on Global issues. Different themes were selected and the relevant principles from international law were applied. A series was done on "Ozone", "Climate Change", "Equity" "Biodiversity" (1993-94)
- Extracted over 200 principles from the UNCED and other international documents and developed a method of teaching issues based on International principles. A proposal for a course in the Faculty of Education on "Principle Based Education" (1994-5) has been submitted.
- Presented a paper on "Principle-based" education at the IUCN (World Conservation Union, January, 1994)
- Presented papers at ECO ED October, 1992 on "Miseducation through Rhetoric: implications for Global Education" and on the "Role of Industry in Environmental Education" .
- Preparing a paper on "Principle-based education" for the Tri-University Global Education

## ENVIRONMENTAL ASSESSMENT REVIEW

- Participated in a consultation by government on the proposed Environmental Assessment Act.
- Presented a critique on the contrast between Preventive environmental assessment reviews (assessing whether the intervention should proceed or not) and Mitigative environmental assessment reviews (assessing what can be done to minimize the impact of an intervention into the ecosystem).
- Involved in a court case calling for an environmental assessment review of nuclear powered and armed vessel visits in the urban Port of Victoria.

- Submitted Brief to FEARO review of the Deposit of Nuclear Waste

#### ECOLOGY BOOK

- Supporting the "story book of ecology" a method of teaching Ecology by Dr Fred Knelman, a Director of the ERA.

#### FOREST PRINCIPLES DOCUMENT (UNCED)

- Reviewed international documents such as the UNCED Forest Principles document, and indicated its inconsistency with other international documents; this document was circulated through the Canadian Environmental Network Forest Caucus and was reported on in the Treeroots Network Newsletter. This document has been submitted to Dr. Jag Maini, Deputy Minister of Forests,

#### FOREST CODE

- Attended a BCEN workshop analyzing and commenting on proposed Forest Code. The ERA submitted review of the Code to the Ministry of Forests
- Prepared numerous documents calling for government to enforce sections 59, 60 and 61 of the Forest Act; these sections allow for suspensions of licenses if there has been misrepresentation, or damage caused to the natural environment. In addition section 61 is a provision for suspension of licenses.
- Authored a paper on "Discrepancies within the NDP Environmental Policy.

#### FOREST PROTOCOL

- Supported IUCN resolution to call for a "Forest Protocol" associated with the Convention on Biological Diversity, rather than a "Forest Convention"

#### FREEDOM OF INFORMATION

- Has made several applications through the Freedom of Information act
- Obtained a document from the Freedom of Information Act which indicated that British Columbia had endorsed the UNCED Conventions at the Cabinet Level
- Exposed unpublished government document which indicated that Mac Millan Bloedel had overestimated the inventory in the Queen Charlotte island by over 40%, and used this inventory as the basis for forest extraction since 1963.

#### GLOBAL COMPLIANCE RESEARCH PROJECT

- Attended the conference on Women and Sustainable Development where the ERA Initiated a project called the Global Compliance Research Project in which a framework for examining international obligations has been devised and will be circulated to a committee with representation from Chili, China, Thailand, Pakistan, and Nepal. The project will involve determining which countries have signed agreements, which countries have both signed and ratified agreements, and how have different countries implemented these obligations. This is as a project for the Beijing Conference on Women, September, 1995. The project has currently been funded by CIDA, and is under the auspices of the BCCIC



## GLOBAL EDUCATION (GLOBAL ISSUES COURSE )

- Developed a course on teaching global issues for fourth year course in the Environmental Studies Program. This course is closely related to examining issues within the context of interdependence of peace, environment, equity and human rights, drawing upon globally adopted principles, and the dualistic nature of science and technology — accommodation and criticism, and the dynamics of “global change” — from ecological perspective (a negative notion) and from the sociological (a positive notion).

## HUMAN RIGHTS AND THE ENVIRONMENT

- Prepared a large diagram delineating international human rights as recognized in the Universal Declaration of Human Rights, the international Human Rights Covenants and extended the notion of Human Rights to include principles from UNCED. This diagram was circulated to the International Conference on Human Rights in Vienna June 1993
- Developed a course outline for an environmental program in the Masters program in Business Administration

## INJUNCTIVE LAW

- Attempted (September 1993) to rescind the Clayoquot injunction which resulted in the arrest of over 800 citizens on the grounds that there was failure to inform the judge that the granting of the injunction could contribute to non-compliance with international obligations. Currently seeking leave to appeal a decision by the Chambers judge that "international law not expressed in Canadian Law is irrelevant in this case"

## INNU ISSUES

- Submitted proposal for intervention in the Environmental Assessment of Low level Flights over Innu territory in Labrador; this funding proposal examined the international obligations that were violated by the continuation of low level flights
- Is currently assessing the Environmental Assessment Review Report on Low level Flights over Innu territory

## INTERNATIONAL AFFAIRS CAUCUS BCEN

- Initiated and organized the "International Affairs Caucus" of the BCEN, and currently acting as chair
- Drafted mission statement
- Circulating founding Charter for international Affairs Caucus (BCEN) on Ecological Principles
- Initiated a Canada/Brazil Project examining the Interdependence of Issues Recently received a grant from EDSP to proceed with the exploratory phase of the project, and will be responsible for the administration of the project

## INTERNATIONAL LAW AND OBLIGATIONS INSTITUTE (ILOI)

- Organized a panel discussion on "International Law and Obligations: Implications for the Clayoquot" ; Out of which was formed the ILOI
- Founded an institute to monitor government compliance to international obligations

#### NAFTA

- Assisted in preparation of paper for presentation at NAMI on the need for all three countries to establish the highest tenable principles drawn from all three countries before entering into any agreement
- Appeared on a Panel on NAFTA at the Public Interest and Environmental Law Conference
- \* Presented information at Public Forums on discrepancies between the environmental provisions in NAFTA and the Canadian Government's interpretation of those provisions in the Government's publication entitled " An Environmental Assessment Review of NAFTA
- Prepared a diagram showing with the contrast between the environmental provisions in NAFTA and the Canadian Government's interpretation of those provisions in the Government's publication entitled " An Environmental Assessment Review of NAFTA

#### NATIVE ISSUES

- Prepared a paper on references to native issues in the UNCED Documents and circulated it to native groups
- Presented a paper at the Forum "500 years .." on "the UNCED Documents: Commitments or Vacuous Promises"
- Organized a community forum on native sovereignty
- Prepared a diagram for the forum on the aspects of the native sovereignty. issue
- Authored "Five Valleys Proposal: and Socioeconomic Development Plan for the Remaining Old Growth Area of South Vancouver Island" - prepared for various native bands and groups in the region

#### NUCLEAR ISSUES

- Circulated a Nobel Laureate Proclamation which called for the elimination of nuclear weapons and the phase-out of nuclear power
- Wrote to the President of the Concerned Scientists on the issue of the nuclear industry's use of the Concerned Scientists' document "A Warning to Humanity" in which the Nobel Laureates and scientists failed to address the nuclear issue.
  - Drafting with the Nuclear Age Peace Foundation a brief to be presented at the World Court hearings on the "illegality of nuclear weapons"

#### NUCLEAR SUBMARINE CASE

- Wrote an affidavit for the case on a content analysis of federal environmental documents that could be contravened by continuing to permit the berthing of nuclear armed or nuclear powered ships in the urban Port of Victoria.
- Participated in a briefing session with government, and in particular distributed information on the way international obligations could be contravened by the continued visits of nuclear armed or powered ships in the Port of Victoria.

## OMBUDSMAN INVESTIGATION

- has filed a complaint with the B.C. Ombudsman about the Ministry of Forest's non-compliance with the B.C. Forest Act; the complaint is currently being investigated, and also an inquiry with the Ombudsman's office into the way B.C. is intending to

## OZONE DEPLETION AND ULTRAVIOLET RADIATION

- Assisted in the co-ordination of an International Conference on Ozone Depletion and Ultra Violet Radiation
- Presented a paper at the Plenary of the Ozone Conference on the "Beyond the Precautionary Principle: the Cautionary Principle"
- Presented a paper at the Plenary
- Chaired the session on Education at the Ozone Conference

## PRINCIPLES FROM INTERNATIONAL DOCUMENTS

- Submitted 10 principles extracted from UNCED documents at the request of the Director of Conservation, in the Federal Ministry of Environment, as being the 10 most important principles with which Canada is failing to comply.

## PROCLAMATIONS

- Drafted the old Growth Proclamation (March, 1992) which demonstrated the way Canada had been in violation of UN Resolution 37/7.
- Drafted a proclamation called the United Nations Proclamation for Translating Rhetoric into Action. This Proclamation was part of a presentation entitled "Miseducation through Rhetoric: implications for Global Education". (October, 1992)
- Drafted the UN Proclamation entitled "The 1994 Old Growth Proclamation" which demonstrates the way Canada, through the actions of B.C has been in violation of the Biodiversity Convention.
- Circulated petition calling for a permanent injunction against logging of non-fragmented old growth forests

## PUBLIC FORUMS

- Organized public forums on community issues at Community high school: such as Native Sovereignty, Sewage Disposal: Waste or Resource, Nuclear sub Case, and Community Development

## RESOLUTIONS SUPPORTED AND PROPOSED:

- Circulated at the Earth Summit, the Resolutions from the 4th International Conference on Peace and the UN (the Path to Brazil conference, February, 1992)
- Worked with the Sierra Club international on drafting a resolution at the 1994 Annual General Meeting IUCN (the World Conservation Union) —an organization that has both non-governmental and governmental representation, and academic and professional representation from 125 countries. The resolution was the "North American Temperate Rainforest" Resolution which passed with only one state abstaining, Canada. The IUCN undertakes to circulate any resolution passed at the Annual General Meeting to

all states in the United Nations, and it is the responsibility of the proposer of a resolution to monitor the fulfillment of IUCN resolutions, and to submit documentation about the fulfillment of the resolutions for distribution at the next IUCN Annual General Meeting. There has consequently been international condemnation of British Columbia for its forest practices that contribute to loss of biodiversity and for its failure to preserve significant network of ancient temperate rainforests through a resolution from IUCN, an international organization with representation from 125 countries, including representation from governments and non-governmental organizations. It should be noted that the IUCN is the organization that has been given the responsibility by the United Nations of determining whether proposed sites should be nominated as World Heritage Sites.

- Proposed and worked on a draft of a resolution calling for the waiting until there were North American principles of enforceable law related to Human Rights, Environment, and equity issues. This resolution was supported unanimously by the 200 participants at the NAFTA session Public Interest and Environmental Law Conference
- Proposed a resolution at a post-Rio meeting to report on transferring of the Military budget to address equity and environmental concerns. Passed Unanimously
- Proposed a resolution condemning the violation of human rights and ecological rights in Clayoquot Sound. Proposed at a session on "B.C. Forests" the Public Interest and Environmental Law Conference. Passed unanimously.
- Proposed a resolution at the panel discussion on "International Law and Obligations" calling for the Canada's compliance to the UN Conventions signed at the Earth Summit, and indicating how Canada is in violation of these obligations. This Resolution was sent to UNEP (United Nations Environmental Program) Passed unanimously
- Proposed a resolution at the International Affairs Caucus meeting at the Canadian Environmental Network Annual General Meeting, on the drafting of a NGO report card on Canada's compliance or non-compliance with international obligations.

#### REPORT CARDS ON COMPLIANCE TO INTERNATIONAL OBLIGATIONS

- Issued a Report Card on B.C. Non-compliance to the Biodiversity Convention on December 29, 1993 — the date of the coming into force of the Biodiversity Convention.
- Circulated a Report Card on how the Climate Change Convention will be violated by the construction of the Island Highway
- Currently drafting a report card on Canada's non-compliance with international obligations. The Report card is to be released on August 24, during the Commonwealth Games.

#### TRANSPORTATION ISSUES:

- Initiated and served on a Municipal Committee for establishing "Car Free Day" Organized a panel discussion in collaboration with the United Nations Association and the World Federalist on "International Law and Obligations Institute: implications for the Clayoquot"
- Served on a Committee to call for alternative transportation and cessation of the Island Highway Project

## PARTICIPATION IN OR CONTRIBUTION TO PROJECTS:

If you would like to participate in or contribute to any of the above projects: please contact to The ERA Ecological Rights Association.

1230 St. Patrick St. Victoria, B.C. V8S-4Y4, CANADA. Ph. (604) 380-2563 or FAX (604) 385-0068

May 28, 1995, I gave an update of EDSP EVENT

I circulated information about Marcos terana to the international affairs caucus; he will be one of the representatives coming to BC for the EDSP project:

### [Marcos Terena - Sacred Fire Foundation](https://www.sacredfire.foundation)

<https://www.sacredfire.foundation> › elder › marcos-terena

Mariano **Marcos Terena**, is the son of the Xane' Pueblo, from the region of Aguas del Pantanal, between Brazil, Bolivia and Paraguay.

### **Chairperson:**

Mr. Marcos Terena is the next speaker. He is the representative of the non-governmental organization, the Committee Inter-Tribal. He has the floor.

### **Marcos Terena:**



Ladies and gentlemen, it's a great pleasure to be here at this United Nations Conference on Environment and Development. I am a Brazilian Indian and I have been asked by 92 Indigenous organizations of the five continents of this planet to talk to you this afternoon.

The main problem we have faced is that over these 500 years that are now being celebrated in 1992, the Indigenous Peoples always try to be heard, to have their voices heard, and to have their problems listened to, however the ears of the world were never open to what we had to say. But the history of mankind, the history of the world, of the contemporary world, of the peoples' 21st century is already showing through it's machinery that something is wrong with the so-called development and this is why you have all come from Rio de Janeiro, from many places in the world to discuss what can be done with our planet earth.

We Indigenous Peoples of the world, we did not have a podium, we did not have a forum. We have no place to have our voices heard. So we tried to make our own forum,

according to our own technology, according to our own wisdom and our own science, according to our own architecture. And we set up an Indigenous village right here in Rio de Janeiro. When we thought about doing that there were many people who think of themselves as experts on Indigenous issues, who began to say, what you are doing is just folklore, it's just going to be something to make the UN happy. But that's not so. This temple of centuries old wisdom, this life code that no scientist have ever managed to unveil, rests with the Indigenous Peoples. And it is exactly that that you are looking for, here, at this conference.

You don't have to look any further or research any further, or spend millions of dollars on new research, we the Indigenous Peoples would like to offer you our science, our wisdom, for your civilization. And once again, we have to ask you, "are you prepared for that?" "Is the contemporary world prepared to listen to what we want to convey after 500 years of silence? Silence that was forced on us by colonizers, by the priests, with a catechism, this is why we came here to Rio and to this Kari-Oca village." We have tried to put down on paper our philosophy, our thoughts, because we know nature, we practice sustainable development, for us, this has been a daily routine in our lives, it is not an alternative approach as it is known. We have drafted our own Earth Charter.

We wrote our Earth Charter, but what are we going to do with that piece of paper? What should we do with these proposals here? We would like you who are listening to us, we would like to ask you to ponder about what it means to be a person? What does it mean to be an individual, because we Indigenous peoples, we have always been neglected as second rate citizens in the relations between peoples. Right here at this conference, we cannot speak as Indigenous Peoples. We can just speak as Indigenous Populations. That is our status, but why? Why is that so? Why do you do this to us? I am using the same clothes that you are, I might be even wearing a tie.

I can learn English, I can learn French. We have our own policies, we have our own style of government, it's different from your own of course, but, never the less, this is no reason for us to have been considered as wild people as the Brazilian press has said this week. We are not wild, because we do not kill our children as happens in the large urban centers. We do not have slums as the big cities do. We do not have psychiatric hospitals in our villages. So, we wonder what does living mean?

When the Minister of Norway said, "Let us ensure our common future", what do you mean by that?

You cannot just squander millions and millions of dollars on a conference such as this, if you do not want to listen to what the earth has to tell you. Nature is being destroyed every minute. Each jet that crosses the Atlantic is destroying Mother Nature. Each atomic, nuclear explosion in the Pacific or any ocean is destroying Nature. Every time money is allocated to research under the aegis of peace for new nuclear weapons, we are destroying Nature again, we are destroying our own lives. It's not just the lives of the Indigenous Peoples that are being destroyed, but this is why we wonder why we have five to seven minutes to speak after 500 years of silence. But will we be heard?

Like everyone, can we get into your minds, can we get into your hearts? Can we sensitize you as people? As individuals? We did not come here to Rio to just pretend, play at being Indians. We did not come here to please the leaders. We came here to fight for life. We came here to fight for our life, for our survival, but also for the survival of the planet, and the planet is just like a big canoe, a big boat, where we have blacks, Indians, whites. Because, when your lungs fail, can no longer breathe this air, your bodies will be sick and so will ours. And when we no longer have any water to drink, when you can no longer quench your thirst with the water from rivers, when you can no longer have forests, what are you going to do? You many invent some kind of pill to quench your thirst, but this will never taste as good as the fresh waters that we drink in our forests.

And we might mention here, several things from Indigenous lore, of Indigenous philosophy and wisdom, but it would be useless unless you are prepared to listen to what we have to say about Agenda 21 for example. About this business of not reaching consensus about what biological diversity means. We have our own biodiversity and we are fighting for the demarcation of our land for this very reason because behind the fight for land lies our heritage, our heritage for survival, the medicines given to us by Mother Nature, the food that is granted to us by Mother Nature. This is why we are saying that over these past few days of UNCED, you should try maybe to listen to what we could convey to you in this paper, through these words that are on paper. It is very important to us to be addressing you here, in person, because you, you are representatives of your respective governments, and we, what are we? What do we represent to you? I do not want to go on a harangue of Indigenous wisdom here, but I do want to ask you to open your hearts.

We have been following the prepCom activities for over a year. Very often I was embarrassed when I saw small countries, the so-called Third World countries rushing after the representatives of the so-called First World with their hands out, asking for money. This is not sovereignty. This is not dignity. We Indigenous Peoples want dignity. We want equal treatment, serious treatment as Indigenous Peoples. Maybe some day we will have a seat in this hall, when the minds of white men open out to understand that we are no threat to your civilization. Quite the opposite, we have always been threatened. Many of our Indigenous Nations have been extinguished.

For this reason, I think it is very important to be here addressing you, not as a Brazilian Indian, but as a native, as an Indigenous person, a citizen of the forest, the waters and of Mother Nature. And here in Rio de Janeiro, we also tried to show that we are not just on discourse, that our words are not just plain rhetoric. We do have values that we would like to share with those who live in the city. You talk about stable development. But what does that mean? You talk about transfer of technology. What might that be to you in your understanding? What does it mean to be developed in your mind?

When I left my village and I arrived in the city, I was seen as a poor boy. I didn't know what poverty was, though. I didn't know what it meant to be rich, because in my village,

there was no money, there was no coins, we had food, we had freedom - like birds, like wildlife. But here, the children who are our future are increasingly becoming extinct. So I'd like you to think this over. Look at what we propose here. I am going to hand this over to the Chairman. Perhaps I should have given this document to Mr. Strong (Maurice Strong), but he must be elsewhere doing more important things.

But the mere fact that each one of you is listening to me wherever you are is much more important than the political issue which might be in the headlines in tomorrow's papers. Because we want to tell you that for 500 years, we held this biodiversity, the wealth of our peoples in our hands. We don't want to do that alone anymore. We want to share this with you because you hold the technology, because you hold the machinery and because we have the wisdom of nature.

Could I maybe dream about this? We believe we can dream of this. We believe that we can hope, can you?

Can you dream of this and hope for this?

When we drafted the Kari-Oca Declaration, we were hoping to tell you that our entire future is seen and will develop on the footsteps of our forefathers. This is our culture. This is our strength, the spiritual strength that mankind is losing. The spiritual strength that has become religious strength, and which becomes political strength. Don't play with the spirit. Your spirit is holy. Your spirit is sacred, it is your strength, not anybody else's strength, and so, all of this planning which we will develop in our relations with the white man will be based on that.

Next year (1993) the United Nations will offer the Indigenous Peoples the International Year for Indigenous People. What can we do during that year? Sign Convention 169 which has brought so many problems to Indigenous communities? Sign the Universal Declaration on the Rights of Indigenous Peoples? More than that, we must establish a new order of relations amongst the peoples, but we will also have to rethink economic issues, we must establish a new economic order between Indigenous Peoples and settlers. So, this is why one of the most controversial proposals, not for us, but for the government leaders is the establishment of an Indigenous fund; everyone seems to fear this. Please, do not fear anything, because our struggle is a struggle for life, survival.

The new economic order between Indigenous Peoples and the colonists might arise here, in this forum, because the United Nations has to think in terms of everyone: Indigenous Peoples, blacks and whites alike. On an equal basis.

In conclusion, Mr. Chairman and distinguished delegates who are listening to me this afternoon, I would like to read to you the Declaration we drafted at Kari-Oca village. It does not say maybe, exactly what you might expect, but it talks about our hearts. The technical issues are here, there are several pages dealing with our technology and the Declaration that we drafted, that we would like to share with mankind says that



We, the Indigenous Peoples, are marching towards the future in the footsteps of our ancestors. From the greatest to the least important individuals, from the four directions, the air, the wind, the earth and the mountains, the Creator placed us, the Indigenous Peoples on our land, which is our Mother Earth. The footsteps of our ancestors are there all the time. They are forever imprinted on our land and this is why we fight for our land. Not just for the sake of land ownership, but we fight for land as Mother Earth. We, Indigenous Peoples, intend to retain our rights to self-determination, self-determination that so many people fear that Indigenous Peoples might achieve someday, as you all have in your relations with other peoples.

We want to have the right to decide on our own forms of government. We want to use and enforce our own laws. We want to educate our own children. We want to have the right to our own cultural identity with no interference, with no outside interference. We will continue to struggle for our inalienable rights on our lands and peoples, and on our own resources also - from the soils, from the underground areas and from our waters. And we re-affirm our commitment and our responsibility to share these rights, not to other people, but to our children, to our future generations. We cannot be dislodged from our lands, because, we, the Indigenous Peoples are united by a circle of life that the white man does not understand. It is a circle of life that circles the earth, waters, the air, what you call, here at this meeting, the environment.

We, the Indigenous Peoples, are moving towards the future along the trails left by our forefathers. Do you believe this? Could you think about this? When you sign the Conventions here, we might not be here in this hall, but you will be. When you sign the Conventions dealing with the future of this planet, we, who believe are most familiar with nature will not be sitting here among you, but you will be here. And, you must become our allies. You have to be partners with the future. This is why we always say, "this is the Earth's Charter." Very simple. Straightforward. It is as obvious as your lives, as our lives are. It is straightforward and simple as children are, and as the colours of the rainbow are. Please believe this. All of you, government authorities and leaders, do not fear us, because the future of the Indigenous Peoples is your future too, and it is also the future of our planet.

Thank you very much.

## GOREPTHAW

### E.S. 420, F01 GLOBAL ISSUES IN SUSTAINABILITY

( ) **THAT in 1995**, we completed our course proposal for the fall session in 1995  
EXHIBIT

E.S. 420, F01 Global Issues in Sustainability, FALL 1995  
Global Issues: Environmental and Social Dynamics of Global Change  
Lecturers: Dr. Fred Knelman and Joan Russow

Classes: Monday and Thursday 8:30 to 10:00 am, Clearihue D 125  
First class: Thursday, September 7, 1995  
Last class: Monday, December 4, 1995  
Holiday: Monday, October 9  
Reading Break: Monday, November 13 to Wednesday, November 15

Office Monday and Thursday 10:05-11:30 (Room C 187 Sedgewick)  
Hours or by special appointment.

#### Broad Description of Course

The major focus of this course is an analysis of global sustainability within the context of two contending paradigms, one which assigns primacy to economic development and treats ecological conservation as derivative and the other which reverses the relationship. The former paradigm is often coupled with the notion of technological omnipotence. The tension that is created thereby is complicated by the critical social gulf between the rich and poor worlds as well as violent conflicts of all kinds. The UN world commission on Environment and Development, 1987 (WCED) made one attempt at resolution by promoting the concept of sustainable development. The course will treat the above issues in depth, in particular analyzing the nature of economic development, philosophically, socio-politically and operationally and the consequences for ecological conservation. Alternative development programs that create a true resolution of the economics/ecology conflict will be proposed. A key factor in the above treatment is the current trend of globalization and the nature of global change. With the above introduction and background features, the major thrust of the course will then examine a number of critical issues that impact and interact with the natural environment. Among these issues are population, food and agriculture, energy

and resources, trade and equity/equality. At all times there will be an attempt to analyze the multiple complex relationships among the above issues.

Following the above issues-centred part of the course we will analyze two biospheric case studies: climate change and ozone depletion, utilizing all the previous analysis as background and context. Finally, the course will attempt to describe a viable system of global sustainability and to assess the possibility of its being achieved within an analysis of the constraints and obstacles to be overcome.

### ORGANIZATION:

Each week, the Monday session will be a lecture followed by class discussion while the Thursday session will be a class discussion based on appropriate weekly assigned readings, three copies of which will be placed on reserve in the McPherson Library. These Thursday sessions will be student-led with 2 to 3 students assigned to make presentations and lead the discussions on the major themes of the weekly readings. These can be group presentations.

### REQUIREMENTS

1. A major paper of some 4000 words, the topic of which should be discussed with the instructors. The paper is to be suitably referenced
2. A classroom presentation, individually or as a group
3. A series of 5 short critical reviews (approx. 300 words) on topics appropriate to the course.

### GRADING DISTRIBUTION

Major essay 55%

Classroom presentation and participation 25%

Short reviews 20%

## WEEK BY WEEK LECTURE THEMES

Thursday, September 7

Class organization, description of course, handouts etc.

Monday, September 11

Historical, sociopolitical and philosophical background to the issue of global sustainability, contending paradigms in economics and ecology; the notion of progress

Monday September 18

The social gap between the rich and poor worlds in the context of the nature of economic development; the impact on the search for global sustainability (Basic Question: can we simultaneously sustain economic development and ecological conservation?)

Monday September 25

Population, Environment and sustainability

Monday, October 2

Food and Agriculture, Environment and sustainability

Monday October 16

Energy, resources, environment and sustainability

Monday, October 23

Trade, environment and sustainability

Monday, October 30

War, environment and sustainability

Monday November 6

The status of women, environment and sustainability

Monday, November 20

A case study of climate change

Monday November 27.

A case study of ozone depletion

Monday, December 4

Class assessment of course and discussion of viable systems of global sustainability

Notes:

1. Student course evaluation will be held on December 4

2. In compliance with department directives, all course requirement materials must be handed in to the classroom assistant no later than December 4, 1995. This is a firm date. Late materials will be marked down in order to be fair to all students. The only exception is in the case of illness or other serious personal problems which must be confirmed by letter from a physician or University of Victoria counselor.

**( ) THAT IN SEPTEMBER 1995, I COMPLETED MY DISSERTATION AND PASSED MY ORAL EXAMINATION. I WAS SO NERVOUS THAT I WAS AWAKE ALL NIGHT.**

I had to rush off to the conference in Beijing , so David looked after the distribution of the five copies of my dissertation

#### EXHIBIT

THE TITLE WAS "A General Principle and Manifestation of this Principle in Modes of Thinking, Composing, Expression and Interacting  
By Joan Russow

B.A. University of British Columbia 1978\M.Ed. University of British Columbia, 1986  
A Dissertation Submitted in the Fulfillment of the requirement for the Degree of  
Doctor of Philosophy  
in Interdisciplinary Studies.

## UNICEF

I attended the New York Prep Com and the UN Conference on Women: Equality, Peace and Development. For this conference, through a CIDA grant, I initiated the Global Compliance Research Project and prepared a 350 page Charter of Obligations for circulation at Beijing. This Charter resulted from a content analysis of 50 years of obligations which, if undertaken 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, and disarmament achieved.

This Charter was classified as research material and an English and French version were officially distributed to each state delegation.

In rereading some of the material that I picked up in Beijing I came across the UNICEF brochure and was very impressed with your statement:

“To build a better future for all, we must ensure that every girl has not only the right but also the means to get an education—and realize her dreams.

As part of the research that I have been doing, I developed a method of teaching issues called “principle-based education” (in Russow J. 1985 A method of teaching Human Rights, Environment and Peace Issues. This method draws upon significant advances in Conventions, Treaties, Covenants, Declarations, UN General Assembly resolutions and Conference statements. I have presented principle based education widely including, in 1994, to the IUCN Commission on Education and Communication of which I am a member.

I am currently revising principle-based education by combining sections with the information from the Charter of Obligations, and from the Conference material from Beijing, and I was wondering if UNICEF would suggest and send me material to be included and would be able to give me some input and some financial assistance in the publication of this text.

## **URGENCY**

### UNICEF

Millions of girls miss-out on school

- of the nearly 1 billion illiterates adults in the world, two thirds are women; by the time she is 18, a girl has had an average of 4.4 fewer years of education than a boy; UNICEF

out of 130 million children in developing countries without access to primary schooling 81 million are girls UNICEF

of the 100 million children who drop out of primary school before completing four years, two thirds are girls; UNICEF

The gender gap is widest in the poorest countries and presents the biggest problem in South Asia, Sub-Saharan Africa and some countries in the Middle East and North Africa UNICEF

In many countries, girls are treated as second-class citizens from the day they are born. They are given less health care, food, nurture and schooling than boys. They are also expected to work longer hours at home and take care of siblings. In some countries, girls rarely make it to school at all, especially when education costs are high and boys are viewed as the sole future breadwinners. Even when girls get the chance to go to school, they often face crippling bias from administrators, teachers and textbooks.

UNICEF

Because of these and other obstacles, many more girls than boys miss school altogether or drop out early. The poorer the country, the greater the disparity between boys and girls in the classroom. In developing countries, for instance, girls account for two thirds of the children who never enter school or who drop out before reaching fifth grade. UNICEF

It is time for us to recognize that a girl's education is not a luxury—it is a human right and urgent development priority. UNICEF

Women on the Frontlines of conflict: from crisis to development (March 17)

From Chechnya to Rwanda, from Cambodia to Colombia, from Afghanistan to Liberia, women and children are shouldering a disproportionate burden of the consequences of armed conflict. Women therefore have a high stake in conflict resolution and in people-centre development—which could be critical in preventing armed conflicts. Because of their roles in the family and community, women are mediators, facilitators and negotiators in conflict resolution. Yet women are often grossly under-represented, and even absent, when decisions are taken on peace and security matters.

(note organizer of the panel was Ellen Johnson Sirleaf, Assistant Secretary-General and Director, UNDP Regional Bureau for Africa. UNDP

## **Obstacles**

Millions of girls in developing countries face a host of obstacles that keep them from enrolling and staying in school:

- poverty
- unfair treatment at home
- exploitive labour
- traditions that discourage girls' education
- early marriage and pregnancy
- school programmes that favour boys or are irrelevant to girls' lives and needs.

UNICEF

Influence of education

- In India each additional year a girl spends in school increases her work pay by 10 to 20 %

- In Africa where women grow most of the food, a female farmer with education is more likely than one without education to obtain credit, use modern farming methods and take training courses that help her in her work. UNICEF

-In Brazil, a woman with a high-school education has on average less than half as many children as a woman with no education; UNICEF

A girl who gets a basic education is more likely than a non-educated girl to marry at a later age, have fewer, healthier and better-educated children and take more advantage of her community's social services. She is also likely to be more productive at home and on the job—and get better pay for her work. Many studies have shown that these advantages can help lower a country's population growth and benefit the economy by boosting national production. UNICEF

## **Recommendations:**

### **• Valuing Women's Employment:**

- Globalization of unemployment: Women's share

The case of Economies in Transition

Alena Nesporova (IL))

-Flexibilization of the labour market and atypical forms of employment: the dilemma of precocity and social protection

-the case of home work

Self-employed Women Association - India

HOMENES -Thailand

Y.P.P (rural Development Foundation)- Indonesia

• The cases of part-time and peripheral work

Conchita Poncini (IFUW)

Margaret Prosser (ICFTU)

• Recognition of unpaid work: The struggle continues

• Quantification and valuation of unpaid work

Martha Duenas-Loza (INSTRAW)

Margaret Prescod (IWCN)

\* Testimonies from NGOs on voluntary, community, social, household, subsistence and caring work

**( ) THAT in 1995, I drafted a letter to send to IFUW**

### **EXHIBIT**

#### **Letter to IFUW**

Conchita Poncini

IFUW (International Federation of University Women

NGO Working Group on Employment (WGE)

Geneva Sub-Committee on the Status of Women

7 Chemin Champ-Carre

CH-1256 Geneva

Fax (+41 22 343 37 66)



The Global Compliance Research project prepared a Charter of Obligations — 350 page Charter of Obligations for circulation at Beijing. This Charter resulted from a content analysis of 50 years of obligations which, if undertaken 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, and disarmament achieved. This Charter was classified as research material and an English and French version were officially distributed to each state delegation.

In rereading some of the material that I picked up in Beijing I came across your brochure on “Valuing Women’s Employment” I was sorry that I missed your session and I was wondering if you could send me some material about the session, and about what you felt was achieved in terms of this issue in the Platform of Action. My students in University in the course that I teach in Global issues were particularly interested in this issue.

Also we are preparing a second edition of the Charter of Obligations in which we are incorporating concerns addressed in Beijing, in particular those that are yet to be accomplished. We would also like to invite you to be a member of the International advisory Committee that now has representation from over 60 states, and invitations are being sent out to representatives from another 40 states.

Yours sincerely

Dr. Joan E. Russov  
Co-ordinator of the Global Compliance Project  
Sessional lecturer in Global Issues, University of Victoria

### **International**

- Girls do best when:
- parents become involved in their daughters’ education and in the planning and managing of schools;
- education is free or low-cost;
- they have access to preschool and development programmes that enhance their self-esteem and preparedness for school;
- schools are close to home and the workplace and they can take advantage of non-formal or alternative schools that offer flexible schedules, where appropriate—provided these schools give girls the opportunity to enter the formal school system when they are ready;
- income-generating and practical skills are taught in addition to formal school subjects;
- classes relate to their background and experience and are taught in local languages;
- curriculum and textbooks do not favour boys and schools hire female teachers;
- they have access to all-girl classes and separate facilities if they come from traditional families worried about their safety and modesty. UNICEF

**Successes [do “successes” numb the political will to guarantee real equality.**

In Bangladesh, BRAC (Bangladesh Rural Advancement Committee) non-formal schools target poor rural girls—who make up 70% of the programme’s 360,000 children— with flexible schedules, a mostly female teaching staff, a culturally relevant and practical curriculum and high parent/community management and involvement UNICEF

In Pakistan, home schools taught by women offer girls a flexible primary education at very little cost; 90% of these students go on to government schools.

In Nepal, the Cheli Beti ( young girl) programme reaches girls living in remote mountainous regions and uses innovative programmes to train and recruit female teachers UNICEF

In Togo, literacy programmes that incorporate income-generating skills have brought education to 12,000 women and girls UNICEF

In Guatemala, the Girls in Development Programme teaches girls in the local Mayan languages and incorporates ethnic traditions and skills into the curriculum. UNICEF

In Peru, the Mobile Video Literacy Programme brings basic education to rural girls and women through mobile unit that provide audiovisual instruction

In Kenya, Mali, Pakistan, Somalia, the Sudan and several other countries, religious schools are incorporating primary school curricula to provide basic education to children, especially girls, who have low enrolment in secular schools.

#### **[Documents to add]**

**1990 World Conference on Education for All singled out education for girls and women as its most urgent priority, underlined again in 1995, at the Fourth world Conference on Women in Beijing.**

**175 countries have ratified the Convention on the rights of the Child**

#### **SAVE THE CHILDREN**

##### **“A Girl’s Right to Development Equality and Peace**

The UN convention on the child lays down international norms and standards and emphasizes for the first time that the interests of children do not always coincide with those of their parents or guardians. . the four principles of non-discrimination, the best interests of the child, survival and development and participation underpin all substantive articles of the convention and provide a clear ethical framework for all policies for all children. **SAVE THE CHILDREN**

... the four Articles which embody these principles set out a clear and uncompromising commitment to a girl’s right to her development as an individual.

- That girls have equal value as human beings;
- That the best interests of girls should be primary;
- That due weight should be given to the opinion of girls;
- That every girl has rights. **SAVE THE CHILDREN**

close to one hundred and eight governments have ratified the UN Convention accepting this framework for rights. These governments must now recognize the responsibilities which follow from this strong international commitment.

The international Save the Children Alliance believes that full acknowledgment and understanding of these responsibilities will lead governments away from a perception of “the girl child” as victim, or girls as a “vulnerable group” towards a more positive vision of girls, as constructive members of and contributors to society. **SAVE THE CHILDREN**

### **\* the Principle of Non-discrimination**

#### **Article 2**

1. 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, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities expressed opinions, or beliefs of the child’s parents, legal guardians, or family members

Article of the UN convention on the rights of the Child espouses the principle that discrimination is not permitted: all rights apply to all children without exception and it is the duty of the state to ensure that all children are protected from discrimination. **SAVE THE CHILDREN**

.... Governments are obliged to take pro-active measures to address patterns of discrimination. Wherever there is a gender bias in the degree of implementation the government is obliged to remedy that gap. This may mean that measures must be taken to increase the level of enrollment of girls going and staying on at school by reducing the obstacles to girls attending school. .... (6)

**[Does this principle include the right of a child against violation resulting from religious practices. Can a distinction be made between violating and non-violating religious practices? At what point does cultural relativism permit non-enforcement of fundamental principles? ]**

### **The Principle of “Best Interest”**

#### **Article 3**

1. 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
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being , taking into account the rights and duties of his or her parents, legal guardians or other individuals legally responsible for him or her, and to this end, shall take all appropriate legislative and administrative measures.

### **the Principle of survival and development**

#### **Article 6**

1. States Parties recognize that every child has the inherent right to life

**2. States Parties shall ensure to the maximum extent possible the survival and development of the child.**

**Article 6 confirms every child's inherent right to life and to development. This goes much further than just granting the child's right not to be killed. By requiring governments to ensure "to the maximum extent possible the survival and development of the child" the article is stating that every girl has the right to fulfill her potential . (p. 12) SAVE THE CHILDREN**

**The rights of girls to survival and development in its fullest sense are violated at every stage of the life cycle, although this goes unrecognized or unopposed in many societies. (p. 12) SAVE THE CHILDREN**

### **URGENCY**

**[Need for an international court to condemn and prosecute on failure to undertake the positive duty to ensure equality. Discontinue all money for "small projects" which by their very existence suggest that governments are not obliged to fulfill these obligations. Projects should only be engaged in if the state demonstrates that there is the political will to engage in fundamental structural social political change. There appears to be no reluctance in enforcing conditional "structural adjustment programs" as conditional for World Bank funding.**

### **Infanticide**

**Even before birth a child's sex can play a critical part in determining his or her life changes. Although the convention takes no position of the issue of abortion, medical examinations to determine the sex of the fetus followed by abortion to prevent the birth of girls are not in harmony with the spirit of the Convention **SAVE THE CHILDREN****

### **Child Mortality**

**Higher mortality rates among girls between zero and five years have been found in demographic and health surveys in a significant number of countries. **SAVE THE CHILDREN****

### **Nutrition**

**Studies from several countries indicate that girls are likely to be breast fed less often and for a shorter time than boys. The desire for a son after a daughter's birth may prompt a mother to discontinue breast feeding so that she may ovulate and conceive again more quickly. Girls often receive food of poorer quality and lower quantity than male siblings. This has been shown to be particularly prevalent in times of famine. **SAVE THE CHILDREN****

### **Health Care**

**The sex bias in access to health care is measurable in parts of Asia, Africa and the Middle East. Many studies have shown that boys are admitted to hospital earlier than girls who are only admitted when their situation becomes critical **SAVE THE CHILDREN****

## Conflict

- Ten million children— one child in every 200 throughout the world— have been traumatized by effects of war and more than 1.5 million children have been killed in wars worldwide.
- More than 12 million children have lost their homes
- More than 4 million, children have been disabled, maimed, blinded or brain-damaged
- <sup>a</sup> There are no figures on girl soldiers although it is known that some armies and guerrilla organization such as the Shining Path in Peru, recruit women and girls on the ideological grounds of sexual equality. In Sri Lanka as many as 3000 female soldiers, many of them young girls, are thought to have joined the rebel Tamil Tigers.
- Girls are particularly vulnerable in conflict situation to rape by soldiers and to being forced into prostitution, whether or not they are in an army.
- Play

The early childhood period is particularly critical as a time when the groundwork for a girl's full development is laid; a girl's right to play is often neglected during these early years, as she is expected to participate in household chores and in the care of her siblings. **SAVE THE CHILDREN**

## Labour

Both girls and boys across the world are suffering increasing and disproportionate poverty and their work, both paid and unpaid, is often an essential component of family survival. While children are vulnerable many studies show girls work longer hours in unpaid work, at agriculture and are likely to be exploited in hazardous industries **SAVE THE CHILDREN**

## Health Care

The sex bias in access to health care is measurable in parts of Asia, Africa and the Middle East. Many studies have shown that boys are admitted to hospital earlier than girls who are only admitted when their situation becomes critical. **SAVE THE CHILDREN**

## Principle of Participation

### Article 12

1. states Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. for this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law.

**This article and those associated with it have proved controversial. Many cultures regard children, boys but particularly girls, as minors subject to control and authority until they reach the age of majority or are married. There are few attempts to enable young women to define their own interests and problems since they are not thought capable of taking responsibility despite the fact that they can marry, bear children and work inside and outside the home. This can result in inadequate and inappropriate interventions being imposed upon the children. SAVE THE CHILDREN**

## **RESEARCH**

**“enough research has been done; now is the time to synthesize; inaction is negligence” Digby McLaren.**

## **ADVOCACY**

To achieve long-lasting changes for girls, awareness has to be raised, perceptions and attitudes changed, not only in her family but amongst society at large. Decision makers and trendsetters in society should be influenced. Girls should be placed at the heart of policy making their role in development high-lighted. **SAVE THE CHILDREN**

**( ) THAT 1995**, I drafted a letter to International Save the Children Alliance  
EXHIBIT

[ Advocacy in addition

**Letter to International Save the Children Alliance**

I attended the New York Prep Com and the UN Conference on Women: Equality, Peace and Development. For this conference, through a CIDA grant, I initiated the Global Compliance Research Project and prepared a 350 page Charter of Obligations for circulation at Beijing. This Charter resulted from a content analysis of 50 years of obligations which, if undertaken 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, and disarmament achieved.

This Charter was classified as research material and an English and French version were officially distributed to each state delegation. As part of the research that I have been doing, I developed a method of teaching issues called “principle-based education” (in Russow J. 1985 A method of teaching Human Rights, Environment and Peace Issues. This method draws upon significant advances in Conventions, Treaties, Covenants, Declarations, UN General Assembly resolutions and Conference statements.

In rereading some of the material that I picked up in Beijing I came across the “International Save the Children Alliance” Publication. I was particularly interested in your use of the Convention on the Rights of the Child. In my research, I attempted to show that the Rights of the Child should be linked with other Conventions, such as those related to the right to peace, to be free from the apprehension of conflict, the right to a safe environment and ecological heritage. In particular I have built on the

importance of the principle of customary law, inter-generational equity— the rights of future generations.

I was also interested in your advocacy statement. "To achieve long-lasting changes for girls, awareness has to be raised, perceptions and attitudes changed, not only in her family but among society at large. Decision makers and trendsetters in society should be influenced. Girls should be placed at the heart of policy making their role in development high-lighted."

I believe one way to increase awareness and change attitudes is to make policy makers and citizens aware of the legal obligations to present and future generations of children not only through the rights of the child but through generalized rights inherent in 50 years of obligations. I have been compiling an extended booklet linking obligations incurred through other conventions, treaties, covenants, declarations, UN general Assembly resolutions which impact on the rights of the Child. I was wondering if you would be interested in sending me materials that you think would be worthy of inclusion, in having input into the publications, and in assisting in the funding of this publication.

Yours sincerely

Dr. Joan E. Russow  
Co-ordinator of the Global Compliance Project  
Sessional lecturer in Global Issues, University of Victoria

letter to the United Nations Committee for the Convention on the rights of the Child  
via: Centre for Human Rights  
Palais des Nations  
Ch. 1211  
Geneva 10, Switzerland  
Phone: 41-22-917-0123  
FAX 41-22-907-1234 NGO

**( ) THAT in 1995, I sent a follow-up letter to the Administrator of the UNDP  
EXHIBIT**

**Attention**

**Letter to UNDP**

Attention: Dr. James G Speth  
Administrator, UNDP. FAX 212-906 5778

I enjoyed talking with you briefly after the session that you gave on the last day of the Huairou forum. I was encouraged by your interest in the Global Compliance Research Project and with your comment that we were "doing on the outside what you were doing on the inside, trying to persuade states to live up to their obligations.." You also mentioned that you might be interested in having more copies of the "Charter of Obligations."

I am currently revising the Charter of Obligations incorporating issues raised in Beijing, and adding additional international obligations omitted in the previous

publication or incurred since the Conference. In addition , we are working on what would constitute compliance with these international obligations.

We also have a side project where we are linking the Charter of Obligations with what I have referred to as the “Proclamation of Implementation”—a content analysis of the term “implementation” in the Platform of Action generated a 84 x 8 inches of 10 point single spaced references to the need for implementation. A third long standing project has been “Principle-based education” which is a program built on stimulating thinking and concern for issues within a conceptual Framework of international principles.

As you know the Charter of Obligations resulted from a content analysis of 50 years of obligations which, if undertaken 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, and disarmament achieved. In the new phase, The Charter of Obligations could assist in redefining the construct of “civil society” . “Civil society” as those members of society that concur with the fundamental principles enunciated in the United Nations documents.

I was wondering if you would be interested in sending me materials that you think would be worthy of inclusion, in having input into the publications, and in assisting in the funding or distribution of these various publications.

At the end of the Conference in Beijing, the Global Compliance Project had representation from over 60 states, and we are following up with invitations to representatives from about 40 other states.

Yours sincerely

Dr. Joan E. Russow  
Co-ordinator of the Global Compliance Project  
Sessional lecturer in Global Issues, University of Victoria

Organizations  
UNU/INTECh  
FAO

OECD  
World Bank (Minh Chau Nguyen)  
UNICEF Stephen Lewis  
Misrak Elias  
UNDP rosina Wiltshire  
UNFPA Virginia Ofuso-amaah, Nafis Sadik  
UNIFEM Noeleen Heyzer  
UNCHCR Sadaka Ogata  
Gloria Steinem  
Ms Foundation for Women



( ) THAT in 1995, I wrote to Oxfam  
OXFAM

CONSUMPTION /PRODUCTION

**Malaysia Third World Network started working on women and consumption/production issues in the mid-80s**

Voice is a New Delhi based consumer organization that distributes the VOICE Newsletter. Voice's aim is to create consumer awareness about products which are dangerous to human and health and the environment and to question the copying of western consumer habits in India

QUESTIONING THE DEVELOPMENT MODEL  
ALTERNATIVE TECHNOLOGIES

INDIA Development Alternatives founded by A. Koshia, is an organization that practices sustainable production and consumption and develops and promotes appropriate technologies for doing so in the Indian context

USA First Nations Development Institute supports tribes in building sound, sustainable economies, and in mobilizing tribal members to start enterprises that are reform oriented, culturally suitable and economically feasible. USA

DISCRIMINATION

October 24, 1994

Despite the Turkish Constitution's guarantee that women and men are equal and shall enjoy equal rights, several laws—especially those concerning the marriage and family—place women in a subordinate position in the family. For example, the husband is defined as the head of the marriage union, thus granting him final say over the choice of domicile as well as final say concerning children. Married women are required to assume their husband's surname and can be required to submit their husband's permission to receive a passport, thus restricting their freedom to mobility. Adultery laws discriminate against women, making it easier for a man to initiate divorce based on his wife's alleged adultery than vice-versa. A married woman cannot procure an abortion without her husband's permission.

These and other discriminatory laws are in contradiction with both the spirit and content of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which Turkey signed and ratified in 1985 and they have formed the basis for the reservation which the Turkish government placed on CEDAW's Articles 15 and 16.

Although a proposal to render these laws obsolete has been presented to the National Assembly since 1984, the proposal has yet to be accepted and implemented. In the meantime, women's groups and individuals have submitted several petitions to the National Assembly, urging its acceptance, to date, there has been no change. Yet another petition is soon to be presented to the National Assembly. In order to add international pressure on the National Assembly to pass the proposal this time, we are asking for help from our friends around the world. We appeal to you to circulate, sign

and fax or send the following petition to the President of the National Assembly. Mr. Husamettin Cindoruk at the address/fax number provide below:

( ) **THAT in 1995**, I sent a letter to President of the National Assembly. Mr. Husamettin Cindoruk

Mr Mrhusamettin Cindoruk

c/o Prime Ministry. Undersecretariat for Women's Affairs and Social Services

Directorate General on the Status and Problems of Women

Merutiyet Caddesi No 19

Bakanliklar— Ankaraa )6650

TURKEY

TO THE ATTENTION OF THE MEMBERS OF THE TURKISH NATIONAL ASSEMBLY AND THE JUSTICE COMMISSION:

Despite the proclamation of the Turkish constitution guaranteeing women equal rights with men. The Turkish Civil Code contains articles which discriminate against women and which violate their rights.

A proposal to change these discriminatory laws has been "under consideration" by the Turkish national Assembly since 1984, and has yet to be approved. Most recently, a petition containing over 100,000 signatures was presented to the President of the National Assembly, Mr. Cindoruk, on February 17 1994, urging the Justice Commission and the national Assembly to pass this proposal. Yet the proposal is still being held and there has been no discernible move to have it ratified and implemented.

In addition, the discriminatory articles of the Turkish Civil Code are in blatant contradiction with paragraphs 15 and 16 of the Convention of the Elimination of All forms of Discrimination Against Women (CEDAW), which Turkey signed and ratified on July 24 1985.

As is the case globally, the significant role that women play in Turkey's social, economic and political development cannot be denied. We therefore urge you to accept and implement without further delay, the legal changes addressing the laws which prevent women from fully contributing to, as well as benefiting from, this development process.

( ) THAT on September 15, I wrote a letter to Premier Clark about a call for an Inquiry into Canadian Government and Police Actions in Gustafafason Lake

To: Premier Glen Clark

legislative Building

Victoria BC. [email premier@gov.bc.ca]

September 15 1995

cc. media

Attention: Mr. Chretien, Mr. Clark,

I am writing to you, on behalf of the Global Compliance Research Project to request a full and public inquiry into the events that occurred at Gustafson Lake BC and Ipperwash Ontario in the summer of 1995.

We support the recent Assembly of First Nations resolution moved by Chief Stewart Philip of the Penticton Indian Band, seconded by Chief Ron Jules of the Adams Lake Band and adopted at the Convention. It reads as follows:

Resolution #19/97

Subject: Call for an Inquiry into Canadian Government and Police Actions

WHEREAS in both the Gustafsen Lake and Ipperwash incidents, the actions of government and police officials in using excessive force against First Nations citizens is unacceptable; and

WHEREAS governments are attempting to prevent the public from learning the truth about these incidents; and

THEREFORE BE IT RESOLVED THAT the Chiefs-in-Assembly support the demand for a full and comprehensive public inquiry into all aspects of the Gustafsen Lake and Ipperwash matters; and

BE IT FURTHER RESOLVED THAT the Assembly of First Nations will take full responsibility for establishing a mechanism to ensure that a public inquiry takes place into the actions of the provincial and federal governments at Gustafsen Lake BC and Ipperwash, Ont.

We have previously initiated and submitted a petition to parliament on our concern about the violation of the civil and political rights of first nations peoples in Gustafson Lake and Ipperwash.

We look forward to your immediate action in addressing this issue.

Yours very truly

Joan Russow (PhD)

Global Compliance Research Project

( ) THAT in 1995 October 2 I was on a Panel and made a presentation on the enforcement of International Environmental law, at the Faculty of Law, University of Victoria

( ) THAT on October 25 1995, I made a presentation at the United Nations celebration of the 50th Anniversary of the United Nations organized by the United Nations Association of Victoria.

( ) THAT in 1995, I conducted a workshop on a Content analysis of Agenda 21 of UNCED for an International Forum of Students from Simon Fraser and University of B.C.

( ) THAT in October 2 I drafted a proposal for a resolution for the 50<sup>th</sup> Anniversary for an International day of Global Compliance

## EXHIBIT

### **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*

( ) THAT on October 24, I circulated the following statement:

1995 OCT 50

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 ( $\infty$  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.**

AUGUST 24, 1995

## 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/equal 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,

( ) THAT in 1995, I wrote a follow-up letter in response to Bhotros Bhotros Ghali's letter of July 1995. The Global Compliance Resolution that I moved and that Alicia Barcena seconded, was passed unanimously at the Plenary session of the We the Peoples Conference in San Francisco on the 50 anniversary of the signing of the Charter of the United Nations. The resolution was then officially passed on to Bhotros Bhotros Ghali at the end of the plenary.

EXHIBIT

Dr. Boutros Boutros Ghali  
Secretary General of the United Nations

October 9, 1995

Dear Dr. Boutros Boutros Ghali

This is a follow-up letter to inform you about the actions that have been taken to further the Global Compliance resolution that was endorsed by the plenary session of the "We the Peoples..." Conference in San Francisco on June 24, 1995. We appreciated your encouraging response of July 5, 1995 in which you stated that the spirit of the Global Compliance Resolution reaffirms the commitment of people the world over to the principles enshrined in the Charter of the United Nations.

We are concerned that reaffirming the commitment to the principles enshrined in the Charter will only be effectively achieved if the member states are seriously called upon to undertake to discharge fifty years of obligations. The serious undertaking of discharging these obligations could only be achieved if there is a global effort to ratify existing agreements, and to implement the necessary legislation to ensure compliance.

At the United Nations Conference on Women: Equality, Development and Peace, we prepared a book entitled "Charter of Obligations" (English version 350 pages/ French version 100 pages) in which we delineated a substantial range of obligations incurred over the past 50 years in areas of human rights, equity, peace and environment. We were given permission to distribute this book to all of the delegations of the member states on the first day of the conference, September 4, 1995. In the Platform of Action, and in the Beijing Declaration, we were astounded at how often states, , would be revisiting obligations that they had already undertaken— as one delegate admitted "institutional memory is extremely short." In addition, too often because the global problematique is fragmented by states and non-governmental organizations, the interdependent complex vision is lost, and delegates, as well as the NGO s themselves are unaware of the obligations that have been undertaken.

On September 15, we widely circulated the enclosed Global Compliance resolution for September 15 along with your supportive letter of July 5, 1995 to all the member state delegations, and the media. We had hoped that one of the state delegations might have been interested in proposing a General Assembly resolution for the 50th Anniversary of the United Nations on October 24, 1995.

Prior to our attending the Conference in Beijing we sent the resolution out to 140 state representatives for the UN 50th Anniversary. In response to our letter and resolution we were told that the only way a resolution of this nature could be on the floor of the General Assembly would be if a member state proposed the resolution. Surely such a resolution, because of its global nature and of its possible perception of infringing on sovereign equality, would be more appropriately proposed by the Office of the Secretary General of the United Nations.

We believe that the 50th anniversary year is a unique opportunity to demonstrate the vision embodied in obligations of the United Nations, as well as to seriously consider the implications of the general disregard among many Member states for the discharging of their obligations.

We strongly urge you to find a way of introducing the Global Compliance Resolution to the General Assembly. It is important not only for states to be reminded of the extent and range of obligations on the 50th Anniversary of the United Nations, but also for "civil society" — the segment of society committed to the fulfillment of principles of the United Nations — to become aware of the "principles enshrined " in the Charter of the United Nations and in the fifty years of obligations undertaken through UN Conventions, Treaties, Declarations, Covenants, Conference Action plans and General Assembly Resolutions.

We feel that it is our responsibility to continue to encourage the consideration of the Global Compliance Resolution because of the supportive endorsement of this resolution by a significant body of civil society gathered at the plenary of the "We the Peoples— the role of civil society in the history and the future of the United Nations.

Thank you again for your consideration of this request.

Sincerely,

Joan Russow  
Sessional Lecturer, Global Issues.  
University of Victoria, B.C.

Coordinator  
Global Compliance Research Project— a project with representatives from over seventy states.

After the Conference in Beijing, the Global Compliance Project has representatives from over seventy states.

The emphasis in the conference was primarily on equal access to a global structure and institutions rather than on fundamentally changing the existing structure and institutions.

We requested to present the enclosed Global Compliance resolution to the General Assembly. Our request was denied because our resolution was perceived to not be directly related to women's issues. The marginalization of women's issues was carried to absurdity, when a woman who is a specialist in international law was told that nuclear issues was not a women's issue and that she would have to link the issue to breast cancer in order to have it addressed. We were, however, given permission to circulate a modified version of the resolution to the state delegations.

[It is only because of my research for the global issues course that I teach at the University, and my 50th anniversary with the United Nations (my father worked in New York at the inception of the United Nations) that I have become aware of the extent of the agreed-to obligations and I have been so persistent about calling upon states to live up to their obligations.]

In New York in March, 1995, we introduced a similar resolution at the plenary session of the UN Congress on International Public Law, and at a plenary session of the Commission on the Status of Women.

we noted that there was a specific resolution for the fortieth Anniversary. We have also enclosed a proposed resolution for October 24, 1995. We know this is presumptuous on our part to request that the General Assembly consider such a resolution. We are, however, convinced that it is only through seizing the opportunity of these unique events that we can truly "reaffirm the commitment of peoples to the principles enshrined in the Charter of the United Nations."

The Global Compliance Project has an International Advisory Committee of fifty women from over thirty countries.

In addition, we would like to have permission to use your letter of support to assist us in furthering the dissemination of this re

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Some of us will be attending the UN Conference on Women: Equality, Development and Peace from August 30 to September 16. We would like to have the opportunity of presenting the enclosed resolution to the plenary session on September 15 in Beijing. We have also examined the 1985 "Resolutions and Decisions adopted by the General Assembly", and

Dr. Boutros Boutros Ghali  
Secretary General of the United Nations

October 9, 1995

Dear Dr. Boutros Boutros Ghali

This is a follow-up letter to inform you about the actions that have been taken to further the Global Compliance resolution that was endorsed by the plenary session of the "We the Peoples..." Conference in San Francisco on June 24, 1995. We appreciated your encouraging response of July 5, 1995 in which you stated that the spirit of the Global Compliance Resolution reaffirms the commitment of people the world over to the principles enshrined in the Charter of the United Nations.

We are concerned that reaffirming the commitment to the principles enshrined in the Charter will only be effectively achieved if the member states are seriously called upon to undertake to discharge fifty years of obligations. The serious undertaking of discharging these obligations could only be achieved if there is a global effort to ratify existing agreements, and to implement the necessary legislation to ensure compliance.

At the United Nations Conference on Women: Equality, Development and Peace, we prepared a book entitled "Charter of Obligations" (English version 350 pages/ French version 100 pages) in which we delineated a substantial range of obligations incurred over the past 50 years in areas of human rights, equity, peace and environment. We were given permission to distribute this book to all of the delegations of the member states on the first day of the conference, September 4, 1995. In the Platform of Action, and in the Beijing Declaration, we were astounded at how often states, , would be revisiting obligations that they had already undertaken— as one delegate admitted "institutional memory is extremely short." In addition, too often because the global problematique is fragmented by states and non governmental organizations, the interdependent complex vision is lost, and delegates, as well as the NGO s themselves are unaware of the obligations that have been undertaken.

On September 15, we widely circulated the enclosed Global Compliance resolution for September 15 along with your supportive letter of July 5, 1995 to all the member state delegations, and the media. We had hoped that one of the state delegations might have been interested in proposing a General Assembly resolution for the 50th Anniversary of the United Nations on October 24, 1995.

Prior to our attending the Conference in Beijing we sent the resolution out to 140 state representatives for the UN 50th Anniversary. In response to our letter and resolution we were told that the only way a resolution of this nature could be on the floor of the General Assembly would be if a member state proposed the resolution. Surely such a resolution, because of its global nature and of its possible perception of infringing on sovereign equality, would be more appropriately proposed by the Office of the Secretary General of the United Nations.

We believe that the 50th anniversary year is a unique opportunity to demonstrate the vision embodied in obligations of the United Nations, as well as to seriously consider

the implications of the general disregard among many Member states for the discharging of their obligations.

We strongly urge you to find a way of introducing the Global Compliance Resolution to the General Assembly. It is important not only for states to be reminded of the extent and range of obligations on the 50th Anniversary of the United Nations, but also for "civil society" — the segment of society committed to the fulfillment of principles of the United Nations — to become aware of the "principles enshrined " in the Charter of the United Nations and in the fifty years of obligations undertaken through UN Conventions, Treaties, Declarations, Covenants, Conference Action plans and General Assembly Resolutions.

We feel that it is our responsibility to continue to encourage the consideration of the Global Compliance Resolution because of the supportive endorsement of this resolution by a significant body of civil society gathered at the plenary of the "We the Peoples— the role of civil society in the history and the future of the United Nations.

Thank you again for your consideration of this request.

Sincerely,

Joan Russow  
Sessional Lecturer, Global Issues.  
University of Victoria, B.C.

Co-ordinator  
Global Compliance Research Project— a project with representatives from over seventy states.

After the Conference in Beijing, the Global Compliance Project has representatives from over seventy states.

The emphasis in the conference was primarily on equal access to a global structure and institutions rather than on fundamentally changing the existing structure and institutions.

We requested to present the enclosed Global Compliance resolution to the General Assembly. Our request was denied because our resolution was perceived to not be directly related to women's issues. The marginalization of women's issues was carried to absurdity, when a woman who is a specialist in international law was told that nuclear issues was not a women's issue and that she would have to link the issue to breast cancer in order to have it addressed. We were, however, given permission to circulate a modified version of the resolution to the state delegations.

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( ) **THAT, in 1995**, I was invited to give a presentation about the conference in Beijing; for the presentation I did an analysis of all the statements with "implement" or "ensure" etc.- words that demonstrate strong commitment in the Platform of Action; and then I prepare a scroll of obligations with a questionnaire to evaluate the government on its fulfillment of the commitments to implement



EXHIBIT  
COVENANT OF IMPLEMENTATION

DRAWN FROM THE COMMITMENTS MADE FROM THE BEIJING PLATFORM OF ACTION

60 (P) **FORMULATE AND IMPLEMENT POLICIES AND PROGRAMMES THAT ENHANCE THE ACCESS OF WOMEN AGRICULTURAL AND FISHERIES PRODUCERS (INCLUDING SUBSISTENCE FARMERS AND PRODUCERS, ESPECIALLY IN RURAL AREAS) TO FINANCIAL, TECHNICAL, EXTENSION AND MARKETING SERVICES;** PROVIDE ACCESS TO AND CONTROL OF LAND, APPROPRIATE INFRASTRUCTURE AND TECHNOLOGY IN ORDER TO INCREASE WOMEN'S INCOMES AND PROMOTE HOUSEHOLD FOOD SECURITY, ESPECIALLY IN RURAL AREAS AND, WHERE APPROPRIATE, ENCOURAGE THE DEVELOPMENT OF PRODUCER-OWNED, MARKET-BASED COOPERATIVES; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

60 (p) **Formulate and implement policies and programmes that enhance the access of women agricultural and fisheries producers (including subsistence farmers and producers, especially in rural areas) to financial, technical, extension and marketing services;** provide access to and control of land, appropriate infrastructure and technology in order to increase women's incomes and promote household food security, especially in rural areas and, where appropriate, encourage the development of producer-owned, market-based cooperatives; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

61 (b) Strengthen analytical capacity in order to more systematically strengthen gender perspectives and integrate them into the design and implementation of lending programmes, including structural adjustment and economic recovery programmes; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

62(b) Engage in lobbying and establish monitoring mechanisms, as appropriate, and other relevant activities **to ensure implementation of the recommendations on poverty eradication outlined in the Platform for Action and aimed at ensuring accountability and transparency from the State and private sectors;** **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

(A) **DEVELOP AND IMPLEMENT EDUCATION, TRAINING AND RETRAINING POLICIES FOR WOMEN, ESPECIALLY YOUNG WOMEN AND WOMEN RE-ENTERING THE LABOUR MARKET, TO PROVIDE SKILLS TO MEET THE NEEDS OF A CHANGING SOCIOECONOMIC CONTEXT FOR IMPROVING THEIR EMPLOYMENT OPPORTUNITIES;**

84. By Governments, in cooperation with employers, workers and trade unions, international and non-governmental organizations, including women's and youth organizations, and educational institutions: (a) Develop and implement education,

training and retraining policies for women, especially young women and women re-entering the labour market, to provide skills to meet the needs of a changing socioeconomic context for improving their employment opportunities;

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

## **EDUCATIONAL INDICATORS**

### **IMPLEMENTING MEASURES TO ELIMINATE DIFFERENCES BETWEEN WOMEN AND MEN BOYS AND GIRLS**

#### **OPPORTUNITIES IN EDUCATION AND TRAINING**

89(a) Contribute to the evaluation of progress achieved, using educational indicators generated by national, regional and international bodies, and urge Governments, **in implementing measures, to eliminate differences between women and men, boys and girls with regard to opportunities in education and training and the levels achieved in all fields, particularly in primary and literacy programmes;**

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

107 (w) Promote and ensure household and national food security, as appropriate, and implement programmes aimed at improving the nutritional status of all girls and women **by implementing the commitments made in the Plan of Action on Nutrition of the International Conference on Nutrition, 16/ including a reduction world wide of severe and moderate malnutrition among children under the age of five by one half of 1990 levels by the year 2000, giving special attention to the gender gap in nutrition, and a reduction in iron deficiency anemia in girls and women by one third of the 1990 levels by the year 2000;**

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

#### **PREVENTING DISASTERS AND REDUCING ENVIRONMENTAL HAZARDS**

##### **PRECAUTIONARY APPROACH**

108 (n) **Reduce environmental hazards that pose a growing threat to health, especially in poor regions and communities; apply a precautionary approach, as agreed to in the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, 17/ and include reporting on women's health risks related to the environment in monitoring the implementation of Agenda 21;** **(STRONGLY AGREE 1 2 3 4 5 STRONGLY**

### **ASSIST WOMEN AND THEIR FORMAL AND INFORMAL ORGANIZATIONS TO ESTABLISH AND EXPAND EFFECTIVE PEER EDUCATION AND OUTREACH PROGRAMMES AND TO PARTICIPATE IN THE DESIGN OF THESE PROGRAMS**

109(j) Assist women and their formal and informal organizations to establish and expand effective peer education and outreach programmes and to participate **in the design, implementation and monitoring of these programmes;**

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

111(d) Develop goals and time-frames, where appropriate, for improving women's health and for planning, **implementing, monitoring and evaluating programmes, based on gender-impact assessments using qualitative and quantitative data**

**disaggregated by sex, age, other established demographic criteria and socio-economic variables;**  
**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

167. By Governments: **(a) Enact and enforce legislation to guarantee the rights of women and men to equal pay for equal work or work of equal value;**  
**(b) Adopt and implement laws against discrimination based on sex in the labour market, especially considering older women workers, hiring and promotion, the extension of employment benefits and social security, and working conditions;**  
**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

167 (k) Revise and implement national policies that support the traditional savings, credit and lending mechanisms for women;  
**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

168 (h) Review, reformulate, if necessary, and **implement policies, including business, commercial and contract law and government regulations, to ensure that they do not discriminate against micro, small and medium-scale enterprises owned by women in rural and urban areas;** **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

168 (i) Analyse, advise on, coordinate and implement policies that integrate the needs and interests of employed, self-employed and entrepreneurial women into sectoral and inter-ministerial policies, programmes and budgets;  
**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

169 (d) Ensure that women's priorities are included in public investment programmes for economic infrastructure, such as water and sanitation, electrification and energy conservation, transport and road construction. Promote greater involvement of women beneficiaries at the project planning and implementation stages to ensure access to jobs and contracts.  
**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

171. By multilateral funders and regional development banks, as well as bilateral and private funding agencies, at the international, regional and sub-regional levels:  
**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

171 (a) Review, where necessary reformulate, **and implement policies, programmes and projects, to ensure that a higher proportion of resources reach women in rural and remote areas;** **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

180. By Governments, employers, employees, trade unions and women's organizations:  
**(a) Implement and enforce laws and regulations and encourage voluntary codes of conduct that ensure that international labour standards, such as International Labour**

Organization Convention 100 on equal pay and workers' rights, apply equally to female and male workers; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

appropriate COOPERATIVE technology

180 (m) Set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and **ensure the full enforcement of relevant existing laws and, where appropriate, enact the legislation necessary to implement the Convention on the Rights of the Child and International Labour Organization standards**, ensuring the protection of working children, in particular, street children, through the provision of appropriate health, education and other social services;

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

PROMOTE THE IMPLEMENTATION OF, EXECUTE, MONITOR, EVALUATE, ADVOCATE AND MOBILIZE SUPPORT FOR POLICIES THAT PROMOTE THE ADVANCEMENT OF WOMEN

198. National machineries for the advancement of women have been established in almost every Member State to, inter alia, design, **promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women**. National machineries are diverse in form and uneven in their effectiveness, and in some cases have declined. Often marginalized in national government structures, these mechanisms are frequently hampered by unclear mandates, lack of adequate staff, training, data and sufficient resources, and insufficient support from national political leadership.

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

203. A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include:

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

209 (c) Involve centres for women's studies and research organizations in developing and testing appropriate indicators and research methodologies to strengthen gender analysis, as well as in monitoring and evaluating the implementation of the goals of the Platform for Action; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

253 (a) 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;

**(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

243 (e) Take measures to integrate a gender perspective in the design and implementation of, among other things, environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure

development in rural and urban areas; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

254 (d) Establish strategies and mechanisms to increase the proportion of women, particularly at grass-roots levels, involved as decision makers, planners, managers, scientists and technical advisers and as beneficiaries in the design, development and implementation of policies and programmes for natural resource management and environmental protection and conservation; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

254 (i) Develop programmes to involve female professionals and scientists, as well as technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

256 (i) Develop programmes to involve female professionals and scientists, as well as technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

256 (l) Ensure that clean water is available and accessible to all by the year 2000 and that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds. **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

#### PROMOTING COORDINATION AMONG...

259 (d) Promote coordination within and among institutions to implement the Platform for Action and chapter 24 of Agenda 21 by, inter alia, requesting the Commission on Sustainable Development, through the Economic and Social Council, to seek input from the Commission on the Status of Women when reviewing the implementation of Agenda 21 with regard to women and the environment. **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

274(a) By States that have not signed or ratified the Convention on the Rights of the Child, take urgent measures towards signing and ratifying the Convention, bearing in mind the strong exhortation made at the World Conference on Human Rights to sign it before the end of 1995, and by States that have signed and ratified the Convention, ensure its full implementation through the adoption of all necessary legislative, administrative and other measures and by fostering an enabling environment that encourages full respect for the rights of children; **(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

CREATE A SOCIAL, ECONOMIC AND INTELLECTUAL CLIMATE BASED ON EQUALITY BETWEEN WOMEN AND MEN.

289. Non-governmental and grass-roots organizations have a specific role to play in creating a social, economic, political and intellectual climate based on equality between women and men. Women should be for Action. in the internal dynamics of institutions and organizations, including values, behaviour, rules and procedures that are inimical to the advancement of women. Sexual harassment should be eliminated. should have strong and clear mandates and the authority, resources and for Action. Their methods of operation should ensure efficient and effective implementation of the Platform. There should be a clear women and men as a basis for all actions. **STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)**

ARTICLE 5. STATES PARTIES SHALL TAKE ALL APPROPRIATE MEASURES:  
**(A) 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;**

before mid December

lobbying indicating people area

French and Chinese deplore the testing and called for immediate testing

once test ban treaty

production

Non-proliferation Arms Control and Disarmament Division

Dept of Foreign Affairs

Ottawa fax 613-992 8011

Vicken Koundakjian

Hi Bob, Sandy, Joan et al....Here's my "draft" notes of the meeting yesterday. Send me a note re any serious omissions, distortions (or if you don't get them at all - they are coming as an "attached document" to this. Did it work.? Does Al have an e-mail address too? Fred? Others? If not I will print and fax this to them....

CU on Dec. 10 at 2 pm, if not sooner.... Norm

[ Part 2: "Attached Text" ]

Norm's notes from Saturday Nov. 11, 1995 V.I.P. Soc. Meeting at Wildwood Farm

Present: Joan, Merv and Ann, Gregory, Bob, Norman, Sandy. (We also met earlier in the day at the Nanoose Peace Walk.)

Appreciations were expressed to Gregory for the Oct. 28 musical/potluck benefit which paid off the trial costs to Harry Wruck's crew. We agreed to continue with our small, flexible format, as opposed to a mass-membership group. (We still welcome new blood of course!) Our brainstorm of possible new post-litigation directions touched on:

- Supporting particular projects of other groups, like the E.Y.A. protest of French Tests coming up on November 20, support of the World Court Project by publicizing it and/or making our affidavits available (according to David Wright, the hearings have already started), endorsement of "Nuclear-Free-Nanoose Coalition" regarding campaign for June 1996 non-renewal David Wright, the hearings have already started), endorsement of "Nuclear-Free-Nanoose Coalition" regarding campaign for June 1996 non-renewal of the Nanoose Agreement (IE: working closely with NCC, End the Arms Race etc. on this focus for the near future), etc. Mere will begin to formulate a practical "conversion" proposal for Nanoose, to use it as a center for forestry and marine research.

- Looking into and/or helping with an economic analysis of CFMETR. Ivan Bulic (736-3194 in Vancouver or 741-1662 in Nanaimo) has already initiated inquiries on this topic.

- Need to do something 'dramatic'. Going up a flag-pole? Civil disobedience? Sit-ins at David Anderson's office? (the court case was both focused and dramatic. What next?)

- French and US wine boycotts? More use of the internet. Joan will post Michael Candler's press release about the Commonwealth conference in New Zealand (and Canada's hypocrisy) on the WWW connection called "Infoterra": Bob, Joan and Norm also shared e-mail addresses which respectively are:

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Folder: INBOX Message 3 of 8 END

Zealand (and Canada's hypocrisy) on the WWW connection called "Infoterra." Bob, Joan and Norm also shared e-mail addresses which respectively are:  
<hobbit@cyberstore.ca, <jrussow@uvaix.uvic.ca, and <convert@nanaimo.ark.com

- need to maintain and build on the VIP Soc. successes and accomplishments such as the affidavits and the political support from 51 of 52 MLAs and the municipal councils.

- possibly we could induce the BC government to take a stronger stand on peace issues as a way of boosting their sagging fortunes. Have gotten positive encouraging letters from Sihota although he hasn't promised specific action yet. We could make nuclear ship visits a higher profile issues for candidates and incumbents at upcoming all-candidate meetings for BC election....

Next VIP meeting set for 2 pm on Sunday, December 10, at Wildwood farm.

( ) **THAT** in November 1995, I circulated sections in international agreements that related to the right to food

EXHIBIT  
1995 NOVEMBER 10 RIGHT TO FOOD  
ERADICATION OF HUNGER  
URGENCY

**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)

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)

**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



## PRINCIPLES OF ACTION

### **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)

### **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)

### **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)

### **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)

### **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)

### **Giving priority to sustenance of land/water ecosystems**

### **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)

(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 navigation, 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)

**EQUITABLE DISTRIBUTION OF RESOURCES**

(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 inter-generational 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.I., Combating Poverty, Agenda 21, UNCED, 1992)**

### **FOOD SECURITY AND GREEN REVOLUTION**

**(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*

*DISTRIBUTION OF CULTURALLY IMPOSED FOOD*

(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 (Several documents from UNCED, Human Right Covenants)

(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.

(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)*

**THERE IS ENOUGH SCIENTIFIC EVIDENCE TO INDICATE THE LOSS OF BIOLOGICAL DIVERSITY THROUGH THE USE OF PESTICIDES ON FORESTS AND ON FOOD TO JUSTIFY THE ADOPTION OF MEASURES TO AVOID OR MINIMIZE THE THREAT**

## **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.**

**1.12.**

**1.13.**

**1.14. 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 Safe 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 no 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 Safe 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 worldwide (Citizens Association to Safe the Environment- CASE, 1995).

(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-arm's 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

(25)

**PRINCIPLE OF DISCRIMINATION**

This principle requires the discrimination between military and not military competence and non-competence

**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)**

( ) **THAT** in December 1995, Dr Fred Knelman and I submitted suggestions for improving our course in Global issues

EXHIBIT

1995 DECEMBER 18

Suggestions for changes for ES 420 Global Issues in Sustainability  
Dr. Fred Knelman and Joan Russow

## **1. Content**

- **Overlapping of content:**  
There must be more synchronization with the content of other courses. This course should not repeat issues that were dealt with already in 300 A;
- **Scientific component**  
Most of the students indicated that they did not have a science background, and if they did have a background that it was limited to one of the sciences. The students all agreed that it would be extremely useful to have the basic scientific knowledge of global issues introduced as a component in the class;
- **Contemporary unresolved issues**  
The students agreed on the importance of introducing contemporary issues that were currently under discussion internationally. This is where information about international documents could be introduced;

- Areas of compliance and non-compliance:  
Specific examples of compliance from different countries  
students who have lived in other countries should be encouraged to draw upon their own experience;
- Interdependence of issues:  
Need to continue to link human rights, social equity, environment and peace with environmental issues;
- Problems, systemic constraints and Solutions  
Students were interested in understanding the problems, appreciating the systemic constraints and being introduced to potential solutions;
- Class reading material and Bibliography:  
Now with the possibility of the University getting the copyright on articles, it would be useful to have a book of readings. It would also be useful to have key journals on the reading list from the South: need for a concerted effort to obtain good reading material from the South.

## **2. Approaches**

- Interdisciplinary  
In the first class there should be more of a discussion about what constitutes interdisciplinary;
- Graphic connection to show interdependence  
Presentation of issues could be through diagrams so that students could see the interdependence of issues;
- Flexibility of topics  
Allow for flexibility of topics to include areas of student expertise;
- Contribution of students from different disciplines  
Spend more time in the first class finding out about student's backgrounds so that several topics could be included so as to draw upon their area of expertise e.g. Such as specific area of research in biotechnology  
The importance of learning from other students needs to be stressed.

## **3. Assignments:**

- Class presentations:  
presentations should be not on articles but on challenging unresolved issues that have arisen in the class. Presentations should be primarily group presentations.
- Reviews:

- many of the students indicated that having to review specific articles was useful
- it was also suggested that perhaps two or more pieces submitted could be on unresolved issues in the class

- **Papers:**

There should be a linking of international issues with international primary source material, and with local issues. Students appeared to appreciate the opportunity to introduce paper to the class and to receive input from instructors and other students. Some of the papers will have a life beyond the class; many of the students were dealing with issues that could be circulated at international conferences.

#### **4. Logistics**

- **Attendance**

- the continued 25 marks for presentation and participation was important
- the instructors proposed that the presentations should be required to integrate topics with areas