

1998 CITIZENS PUBLIC TRUST TREATY (TREATY OF ETHICS, EQUITY AND ECOLOGY)

THE CALL

We call upon the nations of the world to ensure the rights of present and future generations by implementing the principles of this Citizens Public Trust Treaty.

We urge you to support the Treaty by adding your name to the petition, by passing it on, and by sending copies to heads of states and legislators.

January 1st, 1998

CITIZENS PUBLIC TRUST TREATY
(TREATY OF ETHICS, EQUITY AND ECOLOGY)

A PROPOSED United Nations General Assembly Resolution,
to be circulated to governments by their citizens.

WE, THE CITIZENS OF THE WORLD,

DETERMINED

- * TO CREATE a world based on true participatory democracy within a framework of public trust principles;
- * TO ACCEPT the inherent limits to the Earth's resources and to promote the peaceful coexistence of all nations, races, and species;
- * TO DEVELOP a stable and peaceful international society founded on the rule of law;
- * TO HALT the consequences of unprincipled economic growth;

RECOGNIZING the Interdependence of Peace, Environmental Protection, and Human Rights and Social Justice;

NOTING that through more than 50 years of concerted effort, the member states of the United Nations have created international Public Trust obligations, commitments and expectations:

1. to Promote and fully guarantee respect for human rights including labour rights, the right to adequate food, shelter and health care, and social justice;
2. to Enable socially equitable and environmentally sound development;
3. to Achieve a state of peace, justice and security;
4. to Create a global structure that respects the rule of law; and
5. to Ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint and move away from the current model of over-consumptive development;

AFFIRMING THAT the freedom from fear and want can be achieved only if conditions are created whereby everyone is able to enjoy economic, social and cultural rights, as well as civil and political rights
(Universal Declaration of Human Rights);

AWARE THAT the rule of law and the good-faith implementation of international legal principles are the foundation for peace, security, and co-operation amongst States (Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the UN [General Assembly Resolution 2625 (XXV)]);

RECALLING

- * the obligations of States under the Charter of the United Nations to guarantee respect for human rights as set out in the International Bill of Rights, and to "prevent the scourge of war";
- * the expectations created through the United Nations Universal Declaration of Human Rights (1948), now accepted as part of customary international law, to guarantee "the inherent dignity and the equal and inalienable rights of all members of the human family";
- * the obligation undertaken by States in various multilateral treaties on human rights, that there must be no discrimination on the following grounds:
 - race, tribe, or culture;
 - colour, ethnicity, national ethnic or social origin, or language;
 - nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);

- gender, sex, sexual orientation, gender identity, marital status, or form of family,
 - disability or age;
 - religion or conviction, political or other opinion, or
 - class, economic position, or other status;
- (1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights, among others);
- * the obligations of States to ensure full employment and enjoyment of just and favourable conditions of work (1966 Covenant on Economic, Social and Cultural Rights);
 - * the expectation, created by the adoption of the precautionary principle as part of customary international law, that where there is a threat of serious environmental damage or of harm to human health, the lack of full scientific certainty will not be used as a reason for postponing measures to prevent that threat;
 - * the expectation, created by the adoption of the principle of intergenerational equity, that the rights of future generations to an ecological heritage will be respected (Convention on the Preservation of Cultural and Natural Heritage, 1972);
 - * that the potential irreversibility of environmental harm gives rise to special responsibility to prevent such harm (1994 Draft Declaration of Principles of Human Rights and the Environment);
 - * that human rights, environmental integrity, sustainable, socially equitable and environmentally sound development, and peace are interdependent and inseparable (1994 Draft Declaration of Principles of Human Rights and the Environment);

- * the commitment to prevent activities on the land of indigenous peoples that would harm the environment or be culturally inappropriate (Agenda 21, 1992);
- * the commitment to eliminate the production of weapons of mass destruction (UNCHE, 1972);
- * the obligations of States to eliminate the indiscriminate use of certain conventional weapons (1983 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);
- * the diverse obligations incurred through the Framework Convention on Climate Change (1992), the Convention on Biological Diversity (1992), the Basel Convention on the Transfer of Hazardous Waste, the Vienna Convention on the Elimination of the Production and Consumption of Ozone Depleting Substances (1985) and other relevant international environmental agreements;
- * the expectations created through diverse resolutions of the General Assembly, commitments made in Conference Action plans, and obligations incurred through Conventions:
 - to guarantee "the inherent dignity and the equal and inalienable rights of all members of the human family",
 - to "prevent the scourge of war",
 - to recognize the "peoples' right to peace",
 - to ensure that "the use of scientific technology should be in peace and for the benefits of humanity",

- to "reduce the military budget and transfer the savings into promoting social programs particularly in developing countries",
- to "ensure social justice and the equitable distribution of resources",
- to respect "the right to work for equal pay for work of equal value",
- to "ensure the rights of future generations", and
- to "respect the inherent worth of nature beyond human purpose";

CONCERNED that trade organizations such as the World Trade Organization (WTO) and Asia Pacific Economic Cooperation (APEC), and trade agreements such as the North American Free Trade Agreement (NAFTA) and the proposed Multilateral Agreement on Investments (MAI) undermine the UN's work of over 50 years in creating obligations, commitments and expectations with respect to the matters set out above;

DISMAYED by the continuing global urgency resulting from the failure of member states of the United Nations to discharge their obligations arising from conventions, treaties and covenants, to act on commitments made in conference action plans, and to fulfill expectations arising from General Assembly resolutions;

RECALLING the commitment made by all the member states of the United Nations to "ensure that corporations including transnational corporations comply with national codes, social security laws, and international law, including international environmental law" (Platform of Action at the UN Conference on Women: Equality, Development and Peace, Beijing, 1995, and also in the Habitat II Agenda, Istanbul, 1996);

WE CALL UPON THE MEMBER STATES OF THE UNITED NATIONS TO TAKE THE FOLLOWING

ACTIONS:

1. To discharge the obligations, act on the commitments, and fulfill the expectations arising from international Public Trust agreements, including:

- (a) signing and ratifying any existing international conventions, treaties, and covenants that have not yet been signed and ratified;
- (b) enacting the domestic legislation necessary to implement them or to fulfill the legitimate expectations created by General Assembly resolutions and declarations; and
- (c) acting upon the commitments arising from conference action plans.

2. (1) To establish mandatory international standards and regulations (MINS), based on international principles and on the highest and strongest regulations of member states, harmonizing standards and regulations continually upwards with respect to:

- (a) Promoting and fully guaranteeing respect for human rights including labour rights, the right to adequate food, shelter and health care, and social justice;
- (b) Enabling socially equitable and environmentally sound employment;
- (c) Achieving a state of peace, justice and security;
- (d) Creating a global structure that respects the rule of law; and
- (e) Ensuring the preservation and protection of the environment,

reducing the ecological footprint and moving away from the current model of over consumptive development.

2. (2) to require that all use of natural resources must be in accordance with the principles set out in paragraph 2. (1), that all users pay a fair rent to the community for the use of those resources, and that all public subsidies to activities, individuals or companies that do not conform to the principles set out in paragraph 2. (1) be immediately discontinued.

3. To demand compensation and reparations from investors or corporations, and from administrations that have permitted investors or corporations to, or assisted them in, degrading the environment, violating fundamental human rights, or causing harm to human health, especially where those actions occurred:

(a) in developing and developed countries, or

(b) on the lands of indigenous peoples, or in the communities of marginalized citizens in either developing or developed countries.

4. To revoke the licences and charters of corporations, including transnational corporations, if those corporations have persistently:

(a) violated human rights or denied or colluded in denying social justice,

(b) caused irreversible environmental degradation or harm to human health,

(c) disregarded labour rights,

(d) contributed to conflict and war, or

(e) failed to pay compensation for past environmental degradation or non-compliance with international agreements.

5. To reduce military budgets by at least 50% and to use the savings:

(a) to guarantee:

- the right to safe and adequate food, which has been not genetically altered or irradiated, or grown with pesticides,
- the right to safe and affordable shelter,
- the right to universal health care,
- the right to safe drinking water,
- the right to a safe environment,
- the right to education, and
- the right to peace;

(b) to fund socially equitable and environmentally sound employment; and

(c) to fund education and research free from corporate direction and control.

6. To increase funding for United Nations agencies and for international, national and regional educational institutions so that their missions will not be undermined by corporate direction or control. All funding to the United Nations should be conditional on and dedicated to furthering the objectives of international Public Trust law, not vested interest economic agreements such as GATT, WTO, MAI, etc. Since the Security Council is controlled by the nuclear armed states, the Security Council should be disbanded, and a rotational council should be selected from the membership of the General Assembly.

7. To develop criteria for partnership with the United Nations so as to ensure (i) the exclusion of corporations and (ii) that no partner has in any way, in any of its activities, violated human rights, (including labour rights), caused environmental degradation, contributed to war and conflict, or failed to promote socially equitable and environmentally sound employment.

8. To distinguish "civil society" from the "market economy" by defining civil society as those elements of society whose goals are to guarantee human rights, foster justice, protect and conserve the environment, prevent war and conflict, and provide for socially equitable and environmentally sound employment; and to declare and affirm the principle that civil society has a valid and important role to play, distinct from the market economy.

9. To prevent the transfer to other states of substances and activities that cause environmental degradation or that are harmful to human health, as agreed in the Rio Declaration, UNCED, 1992. This prohibition must cover activities such as those related to:

- (a) producing, importing or exporting toxic, hazardous, or (non-medical) atomic substances and wastes,
- (b) producing or consuming ozone-depleting substances,
- (c) extracting resources by environmentally unsound methods,
- (d) producing or distributing genetically-engineered food substances and genetically modified organisms,
- (e) producing or distributing genetically engineered crop/pesticide systems, and

(f) creating or increasing dependency on greenhouse gas emissions.

10. (1) To act upon the commitments made at recent United Nations Conferences to move away from the over-consumptive model of development, to replace the Gross Domestic Product (GDP) as an indicator of economic well-being with the Genuine Progress Indicator (GPI), the Criteria of Public Trust (CPT) or some other measure which reflects the general quality of life rather than gross economic activity.

10. (2) To reduce the ecological footprint, to move away from car/truck-dependency, and to reject the economic dogma that maximum economic growth will resolve the urgency of the global situation.

11. (1) To prohibit all trade zones that have the effect of circumventing obligations and commitments intended to guarantee human rights, including social justice and labour rights, or to protect, preserve and conserve the environment.

11. (2) To phase out all socially inequitable and environmentally unsound industries while implementing a fair transition program for affected workers and communities.

12. To forgive all developing-nation debt arising from loans by international bodies such as the World Bank and the IMF, and to terminate all structural adjustment programs (SAPs) which seek to ensure repayment of such debt at the expense of ordinary people, including programs that mandate:

- (a) the indiscriminate privatization of state-owned enterprises,
- (b) the indiscriminate reduction of government expenditures,
- (c) the indiscriminate liberalization of trade regimes,
- (d) the indiscriminate opening of states to increased foreign investment, especially where this entails the attraction of foreign capital by deregulating markets, offering low wages, implementing high interest rates, or providing little or no environmental protection,
- (e) the indiscriminate encouragement to produce goods for export at the expense of crops, products or services which serve the needs of domestic peoples, or
- (f) the creation or exacerbation of an imbalance between imports and exports.

13. (1) To ensure that no state relaxes environmental, health, human rights or labour standards in order to attract industry, and that no corporation allows a branch or subsidiary to engage in manufacturing, transferring substances, or other practices that are banned, restricted or otherwise unacceptable in the controlling corporation's state of origin.

13. (2) To ensure that fulfilling a state's obligations under international Public Trust Law shall be an absolute defense against legal action by any state, corporation, or investor.

13. (3) To expose the extent to which citizens have allowed their pension and investment funds to support corporations that have violated the public trust, and to urge citizens to invest in the promotion of the public trust.

14. To ensure that no state shall justify trade with a country that

violates human rights, including labour rights, on the grounds that such trade will lead to a betterment of human rights, except where such trade is conditional on eliminating human rights abuses.

15. To establish an International Court of Compliance to which citizens can bring evidence of state and corporate non-compliance with international Public Trust Law, including the duty to:

- (a) protect and advance human rights, including the right to adequate food, shelter and health care, labour rights, and social justice,
- (b) protect and conserve the environment,
- (c) prevent war and conflict, and
- (d) enable socially equitable and environmentally sound employment.

16. To abolish the doctrine of "corporate personality" - the notion that corporations are persons and have the rights of ordinary people - thus preventing corporations from invoking the rights proper to individuals.

17. To ensure the right of citizens to sue corporate owners and officers, in criminal and civil courts, for any violation of human rights, including labour rights, for denying social justice, for causing serious harm to the environment or to human health, or for contributing to suffering and waste through the international arms trade.

We believe that the solution to the many problems which inspire the creation of this treaty lies in a combination of:

- (i) adopting regulations which embody Public Trust principles;
- (ii) eliminating subsidies which encourage the misallocation of natural resources or the violation of international Public Trust principles;
- (iii) clarifying the true social and ecological costs of the mis-allocation of natural resources that is caused by the "externalization" of those costs and the "internalization" of benefits which come from the beneficence of nature and should therefore properly accrue to all people;
- (iv) requiring that the true social and ecological costs be factored into the prices of all products and services;
- (v) ceasing the waste, suffering and instability caused by the international arms trade; and
- (vi) encouraging a conscious effort by all people, individually and collectively, to reduce the ecological footprint.

RATIONALE

1999 is the culmination of the decade devoted to the furtherance of international law. We have just celebrated the 50th anniversary of the Universal Declaration of Human Rights.

When significant anniversaries of the United Nations are celebrated there is usually a flurry of congratulatory activity and then the documents are put back on the shelf.

Rights, however, are meaningless unless they are actually implemented and enforced.

The Citizens' Public Trust Treaty calls upon member states of the United Nations to actually implement both existing and new international obligations, commitments and expectations to ensure the realization of the global Public Trust. This treaty will provide an effective means of counteracting the process of corporate globalization that threatens to undermine over 50 years of international Public Trust agreements.

BACKGROUND:

The purpose of this Treaty is to demand that governments stop devolving their power to corporations, and to call upon them to discharge the obligations, act on the commitments and fulfill the expectations undertaken through United Nations documents and through national and regional agreements. Successive drafts of the Treaty have circulated widely for over a year and a half. It has evolved with input from many participants via the internet and has been translated into Spanish and French. The Treaty was sent to each country's UN Missions in New York in 1997 and in 1998 on the anniversaries of the United Nations (October 24) and of the Universal Declaration of Human Rights (December 10).

The proposed Treaty is supported by a body of international documents and principles drawn from the commitments, the obligations and the expectations created by the UN system. A full list of the international instruments and other documents that have been reviewed for the drafting of this Treaty is available on request. The principles embodied in the Treaty are further supported by a "Charter of Obligations" prepared by the Global Compliance Research Project, which lists, in an easy to find format, the text of many of the agreements undertaken by States over the years.

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