

1998 PIECE ON GLOBE 98 MARCH 22, 1998 Deregulation, voluntary compliance and the delusions of the clean-up industry: Globe 1998

In 1971, prior to the first major international conference on the UN Conference on Humans and the Environment (UNCHE) in Stockholm, the General Agreement on Tariffs and Trade (GATT) secretariat expressed concern about the cost of environmental regulations. Their concern about the cost of environmental regulations- not about the cost to the environment; of not having environmental regulations, has been a continued corporate theme.

Prior to UNCED, corporations again feared the possibility of member states of the UN having finally, the political will to established principles and binding regulations at the United Nations Conference on the Environment and Development (UNCED) in Rio.

In 1991, Corporations, along with corporate sympathetic administrations, embarked upon the transformation of the International Standardization Organization which was initiated in 1949 into a quasi, pseudo standard setting body. The essence of ISO 14,000, which has emerged from this revitalization of ISO, was that corporations should set their environmental management plans and goals and then be assessed by environmental auditors on how well they conform to the corporation's self-initiated plans and goals. This approach was voluntary, non mandatory and non normative.

At Globe 1998, held in Vancouver from March 19-March 20, at most of the sessions including several sessions on voluntary compliance and specifically, on ISO 14,000, the major polluters with the assistance of government representatives, in silent collusion, congratulated themselves on their major achievements in the field of "corporate sustainability".

Through deregulation, the so-called "environment clean-up industry" thrives. The clean-up environment industry would disappear if there was the political will to establish strong mandatory principled regulations that would prevent environmentally unsound practices from being carried out and substances from being created.

What is necessary, is not to devolve power to the corporations to set their own environmental management schemes that delude the public into thinking that they are adhering to external normative standards but to work towards principled regulations to drive corporations.

The corporate sector, to justify deregulation, cite, "what could be called arbitrary regulations not principled regulations?" Arbitrary regulations are always difficult to justify in any field and they give fodder to corporations to call for deregulation.

Principled regulations are those that would bring about a complete shift in direction from the "error/attempted rectification of error/error" syndrome, to prevention technology -doing it right the first time.

Principled regulations would *drive* industry not be driven by industry.

Currently, as was evident at Globe 98, corporations and corporate sympathetic administrations, were willing to accept the devolution of regulatory regimes to the corporate sectors without making the distinction between arbitrary and principled regulations.

With principled regulations, there would be Mandatory International Normative Standards/Regulations drawn from existing international principles; continually harmonizing upwards being based on the highest and more stringent principles of members states. No state should ever be penalized for requiring higher standards and regulations; a practice that is always evident in Trade agreements.

Principled regulation would be based on the following principles that would be enforced:

1. The Precautionary Principle:

Where there is a threat of environment degradation. The lack of scientific certainty shall not be used as a reason to postpone measure to prevent the threat

Under this principle there would be sufficient evidence to justify the banning or the phasing out of the following practices and substances among others or activities:

- civil nuclear energy
- uranium mining
- current forest practices including clear-cut logging and other environmentally unsound practices
- production of toxic, hazardous wastes
- hormone treated beef, and genetically engineered organisms
- deposit of deleterious substances in water bodies
- use of chemical pesticides.

2. The Reverse Onus Principle:

the proponent of an intervention into the ecosystem must prove the safety of the intervention rather than the opponent having to prove the harm

Under this principle more stringent measures would be in place before a substance or activity would be introduced into the ecosystem.

3. Prevention of Disasters Principle:

This principle would ensure the discontinuing of all circulating and berthing of nuclear power or nuclear capable vessels eliminate weapons of mass destruction

4. The reduction of the Ecological foot print and the moving away from the current models of over-consumption;

The implementation of this principle would require a complete reassessment of what would constitute the quality of life

If these principles were implement through regulations principle would rule corporations rather than be overruled by them.

A representative from the Oil industry once said, when I asked him, what would the oil industry do if there were the political will to act on the commitment made at Habitat 1, to phase out the use of fossil fuels? He replied "we would be the first to develop the best environmentally sound energy."

In 1972, at the United Nations conference on Humans and Environment in Stockholm, the fundamental principles were laid down to address the environment. We are now living with over 25 years of negligence due to the lack of political will to act on the commitments from 1972. Maurice Strong, Director of both the Stockholm and Rio conference, when asked at Globe 98 about the failure to act on commitments appeared to endorse the corporate voluntary compliance approach. He even addressed the delegates at the Globe 98 conference as "environmentalists". This close collusion between corporations and corporate sympathetic administrations must be opposed. Regardless of whether the Multilateral Agreement on Investments does not go through, there are years of work to ensure that governments perform their role of ensuring that corporations comply and not undermine the rule of law.

As a Canadian Senator stated at one of the meetings on Kyoto, "governments thrive on pollution because of royalties and the citizens benefit from pollution through contributions to social programs".

Arbitrary regulations are regulations that would interfere with the protecting of the environment.

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