

PART IN DEFENCE OF LEGITIMATE DISSENT 1996

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>DOB: 1953-09-19 Potential to be Violent HIV Positive AIDS Activist, White male, 175cm, 64lb, brown hair, brown eyes</p>	 <p>DOB: 1961-11-21 AIDS Activist</p>	 <p>DOB: 1963-06-23 Lesbian activist / anarchist White, female, 180cm, 93.5kg, brown hair, very masculine</p>	 <p>DOB: 1966-11-21 Anarchist / activist</p>	 <p>DOB: 1971-04-3 Activist</p>
 <p>DOB: 1973-01-27 Activist - Threw blood on security tent.</p>	 <p>RUSLOW, Joan DOB: 1938-11-01 Media Person UBC protest sympathizer</p>	 <p>DOB: 1976-07-17 Media Person UBC protest sympathizer</p>	 <p>DOB: 1946-03-27 Activist</p>	 <p>DOB: 1963-12-17 Activist</p>

THIS IS EXHIBIT E
REFERRED TO IN THE AFFIDAVIT OF
Joan Elizabeth Ruslow
SWORN BEFORE ME THIS 9 DAY
OF September, 2001
[Signature]
A Commissioner for Taking Affidavits
Within British Columbia

No dissemination without approval from NCO /w/ 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 for being put on this list. I believe that, over the years, I have engaged in legitimate dissent so I decided to compile a document in the form of an affidavit and dedicated it the RCMP letting the reader determine if I have been a threat; and if so, to whom?

The following is part four of a five part compilation of events from 1980 to 2005, at which time, I was invited to appear before the senate to make a presentation. NOTE: for a quick read, search for () which begins each item or by month which is written twice

IN DEFENCE OF LEGIITIMATE DISSENT

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

1996

In some items I have included some relevant background from 1995

1996

ITEMS: CSW 40 covenant of implementation follow-up to Beijing,- Globe 1996
INTERVENTIONS -Option Protocol for CEDAW – HUMAN RIGHTS FRAME
WORK comment on Habitat II -Istanbul Manifesto
World bank spoof – International Affairs submission for Green Party Platform

January January 1996

() THAT in 1996, We were not successful in getting funding for the second phase of the Brazil/ Canada Project. We were extremely disappointed.

I mused in defence of our project: “That when fragmentation of issues fails, the lack of certainty of success should not be used to ignore the potential for exploring the complexity and interdependence of issues:”

And “Where simple solutions fail to address urgency of issues, the value of complexity should not be denied, avoided or rejected.”

Or “Where the rigour of disciplinary boundaries is inadequate, interdisciplinary approach could be a benefit.”

This project reminds me of the obstacles I had to face in my dissertation in interdisciplinary studies.

My topic was exploring the avoidance of complexity and how simplistic models are imposed on complexity of thought. I was proposing alternative modes of expression evaluating. While trying to understand the reason for avoidance complexity, I did a content analysis of 'complexity' finding it was associated with cognitive dissonance and that there were even warnings about avoiding "the morass of complexity."

For my doctorate, I went through the graduate calendar searching for professors who were going beyond the limits of their disciplines and approached them. There were professors from: Philosophy, Language Arts (Semiotics), Experimental Music, Mathematics, Psychology, Computer Science Linguistic and Art History. They agreed to support me providing they were not the only advisers.

AN INTERDISCIPLINARY DOCTORATE COULD ONLY BE WITH ADVISERS FROM TWO DISCIPLINES

The Deputy Dean who was the one tasked with evaluating interdisciplinary proposals for a doctorate in interdisciplinary studies, informed me that an interdisciplinary doctorate could only be between two disciplines. The only previous Interdisciplinary doctorate dissertation submitted at the University of Victoria, involved the two disciplines of Psychology and Physical Education.

I had a number professors agreed to support me, providing that they were not the only advisers.

The deputy dean who was overseeing interdisciplinary doctorates then informed me that interdisciplinary would need to involve two departments so I went through the Fine arts and Linguistics Departments.

Then he told me that I had to have all the professors involved commit to give me directed study courses within three years; they all agreed to do that.

Then there was the question about what would constitute an interdisciplinary review of the literature, I proposed expanding on a review of the literature within the courses that I had taken but that was not accepted. I finally co-authored with my principal.

We contacted Cambridge University to ask what train of thought should constitute an interdisciplinary review of the literature. They responded that they had no idea. I co-authored with Dr Gary Miller in Mathematics; a submission that drew upon the most relevant literature in my dissertation. This was accepted.

Then what would constitute an interdisciplinary bibliography : I proposed Pearce's concept of Unlimited Semiosis; that was also accepted.

I finally fulfilled the requirements in September, 1995 and my oral in January 1996 and graduated with a doctorate in interdisciplinary studies in 1995.

() THAT In reference to the Canada /Brazil Project Proposal failure, I decided in 2022, that it is never too late to go through access to information to find out the real reason for the refusal and I will try to contact Diane Sabil, the former EDSP contact.

Contact:

Diane Saibil

Sylvie Trudel

Catherine Cameron

Steven Kotze

EDSP via CEN P.O. Stn "B" Ottawa KIP 5R3

Ph. 613-563-2078

FAX 613-563-7236

One of her papers was on the impact of international trade of GATT on B.C. impacting on social development conserver society.

NAFTA Uruguay round our ability to do anything provincially

() THAT IN 1996, in January, I wrote a comment about the Precaution Principle being the most important principle that was agreed to in the Rio Declaration, the Convention on Biological Diversity and the UN Framework Convention on Climate Change. The Precautionary Principle in the Rio Declaration reads, Where there are threats of serious or irreversible damage, [to the environment and human health] *

In the Convention on Biological Diversity, it further states, "where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty [that it is harmful should not be used as a reason for postponing measures to avoid or minimize such a threat"

And under chapter IV, PRINCIPLES of the UN Framework Convention on Climate Change, it reads:

"there was the obligation: to take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. 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. (UNFCCC, 1992)

ATTENTION: Frits and Wendy

January 13 1996

ATTENTION: Frits and Wendy

IUCN Commission on Education and Communication- Network File

Joan E. Russow PhD
 Global Compliance Research Project
 1230 St. Patrick St.
 Victoria, B.C. V8S4Y4
 Tel/FAX (604) 598-0071

Dear Fritz and Wendy

- What I can offer by way of expertise:

As a sessional lecturer in Global Issues in the Environmental Studies Program at the University of Victoria, I have been carrying out a content analysis of International instruments. From the analysis of international instruments, I have initiated a program called "Principle-Based Education". In this program, students examine issues within the context of established international principles related to the preserving and protecting of the environment, the guaranteeing of respect for human rights, the ensuring of social equity and the fostering of peace.

- What would I like to take home:

Undertaking of a project that would be beyond regional divisions, I would like to suggest possibly the development of standards for evaluating what constitutes legitimate environmental education. Institutions are being flooded with questionable material under the guise of environmental education. I would be willing to draft a discussion piece and submit it for your approval, and then circulate it to the membership of the Commission for discussion. If accepted, we could then endorse these standards at the meeting in Montreal.

- The problem I am trying to solve:

For over 50 years, states have undertaken obligations through conventions, treaties and covenants, and created expectations through declarations, General Assembly resolutions, and conference action plans. What needs to be done now is to establish an educational program which would delineate what would constitute discharging these obligations or what would constitute fulfilling these expectations.

STP

Abstract

"Principle-Based Education: Environmental Education for Civil Society"

I completed a 350-page book called the "Charter of Obligations" for the UN Conference on Women in Beijing, and I also have prepared a 170-page commentary on the Habitat Agenda for the Conference in Istanbul. Both of these conferences have significant articles related to the environment. Drawing upon these two publications, as well as from the work I have done on the UNCED

documents and other international instruments, I have further developed the program on Principle-Based Education for application to “civil society”: The term “civil society” has been consistently used at United Nations for fora. It is essential (if “civil society” is to play a significant international role), that the designation of what would constitute civil society would depend on the adherence to international principles established throughout the United Nations system. I have prepared materials based on international principles for the education of civil society and I would like to make a short presentation at the Commission meeting on the educational materials that I have developed for civil society.

() THAT in 1996 I wrote a “Report on Beijing: Failure to discharge obligations”. Victoria: British Columbia Council for International Cooperation (BCCIC) Report. Russow, J. (1995). Charter of Obligations: interdependence of human rights, peace, and environmental issues.

() THAT in January 1996, I Presented a paper on “The Platform of Action in the Context of Previous International Obligations. Praxis/Nexus Conference, Victoria, B.C.

() THAT in 1996

I WROTE A PIECE ABOUT THE RELEVANCE OF INTERDISCIPLINARY STUDIES RELATED TO MY DISSERTATION

Interdisciplinary applications must occur because problems exist in one field which the theories and methods of other disciplines can address (Raskin et al (1987).

There does not yet appear to be general recognition that the full acceptance of interdisciplinary is dependent upon the acceptance of a principle that will guide alternative modes of thinking, of composing, of expressing, of interacting, and of displaying academic rigour. This acceptance could mean moving beyond the current practice of requiring adherence to traditional preconceived academic models.

Interdisciplinarity could be conceived as accommodating significant connections among disciplines around an entity — all units that you write about: existing things, phenomena, objects, concepts, themes etc. Connections that may arise, out of necessity, from thinking, composing, expressing and interacting within an entity-field— the shifting universe of discourse. Interdisciplinarity encompasses

a different mode of thinking, of composing of expressing, of interacting, as well as of displaying academic rigour.

Although there is a growing acceptance of the importance of . The academic rigour of interdisciplinarity has, however, been generally accepted only when an inter-disciplinarian has a well-grounded background in one discipline and has been able to accommodate interdisciplinarity within preconceived academic models. There still appears to be a well-entrenched belief that going beyond disciplinary boundaries and traditional models with no grounding in one discipline is a non-academic dilettante pursuit devoid of academic rigour. There does not yet appear to be general recognition that there is a form of that is beyond all disciplinary boundaries and traditional models; and that there could be a different concept of academic rigour displayed through the deepening of understanding and knowledge of an interdependence of aspects within an entity field.

Academics often call for the need to integrate disciplines, to grasp the interdependence of aspects, to explore the complexity of a topic and to make connections etc. However, rather than facilitating the expression and communication of the resultant complexity and inter-disciplinarity, academics often discourage and complexity by requiring inter-disciplinarity to adhere to traditional models of thinking, composition, expression, evaluation, and academic rigour.

Composition Theorists also call for the need to discover during the composing process; yet they fail to recognize that the conceptual transformation and meaning development occurring during the composing process could contribute to a state of inexpressible complexity at the required time of submission of a piece.

In my dissertation a theoretical foundation for an alternative principle to guide modes of thinking about composing, expressing and interacting with complexity and inter-disciplinarity is proposed; the principle is developed and the extent of the opportunities offered and needs served require this principle be explored.

The Principle proposed in this dissertation is developed not to replace but rather to displace the traditional models so as to allow for the accommodation of alternative modes of thinking, composing, expressing and interacting.

This dissertation has been as much about researching what constitutes an interdisciplinary dissertation as it has been about the development and exploration of an alternative principle of expression and interaction. For example, it was necessary to determine what would constitute an interdisciplinary candidacy exam, an interdisciplinary review of the literature, interdisciplinary vocabulary, etc.

In order for full acceptance of inter-disciplinarity to occur, there must be a concomitant acceptance of additional or supplemental concepts of thinking: of composing, of expressing, of interacting and of academic rigour.

Proposal: Innovative Teaching Projects

Joan Russow, Sessional Lecturer, Environmental Studies

1230 St. Patrick St.

Victoria, B.C. V8S4Y4

Tel. (604) 598-0071

Instruction for Inter-disciplinarity (Complexity and Uncertainty)¹

In recent years there has been increased interest in the problem of understanding, expressing and communicating complexity and uncertainty. Often inter-disciplinarity has been proposed as a solution to this problem; yet the concept of interdisciplinarity has often been narrowly interpreted as being simply the linking of disciplines.

() THAT in 1996, I drafted and circulated a resolution related to extinguishing logging licenses in catchment areas: extinguishing of the right in the manner of a “profit a prendre” on the grounds of failure of the Government to enforce and failure of forest company to comply with the forest act.

EXHIBIT

Aware of the deep concern expressed through Agenda 21, United Nations Conference on Environment and Development about the impact of “environmentally destructive model of development” on fragile ecosystems containing community watersheds.

Aware also of the need for prevention so as to avoid costly subsequent measures to rehabilitate, treat and develop new water supplies.

" Freshwater is a unitary resource. Long-term development of global freshwater requires holistic management of resources and a recognition of the inter-connectedness of the elements related to freshwater and freshwater quality. There are few regions of the world that are still exempt from the 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 and ill-considered siting of agricultural practices. This gives rise to the leaching of nutrients and pesticides. Aquatic ecosystems are disturbed and living freshwater resources are threatened. ...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... 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. (18.45 fresh water)

Noting with the acknowledgment at UNCED of the degradation of forests due to environmentally harmful mismanagement:

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)

Mindful also of the recommendations from UNCED about strengthening legislative measures to prevent encroachment on existing and potentially usable catchment areas and rehabilitation of catchment areas (18.40 a v, UNCED, 1992); and of the recommendation to rehabilitate important but degraded catchment areas (18.40 a iv, UNCED, 1992); about applying the “polluter pays” principle (18.40 b i, UNCED, 1992);

Mindful of the acknowledgment at UNCED of the 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)

(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)

Realizing the importance of maintaining public control over catchment lands in the Greater Victoria Water district:

Understanding that Fletcher Challenge or the company that has recently taken over its assets, has part of its TFL 46 in the catchment area

Mindful that, for years, Fletcher Challenge has been permitted, through non enforcement of Sections 59,60, and 61 the Forest Act, to cause harm to the natural environment as assessed by the contributing to loss and reduction of biodiversity, the destruction of fish habitat, the degradation of the soil, the causing of erosion and landslides

Noting that, Fletcher Challenge’s right in the manner of “profit a prendre”, is conditional on complying with the Forest Act, and that Fletcher Challenge

has been in violation of several sections of the Forest Act related to the protection of the environment

Concerned that, there is currently a proposal to provide an alternative site for Fletcher Challenge in a comparable area of crown land

BE IT RESOLVED THAT, THE RIGHT IN THE MANNER OF A “PROFIT A PRENDRE” BE EXTINGUISHED IN THE SECTION OF TFL 46 IN THE CATCHMENT AREA, AND THAT NO OTHER AREA OF CROWN LAND BE GIVEN IN EXCHANGE

BE IT FURTHER RESOLVED THAT THE GOVERNMENT OF BRITISH COLUMBIA PROCEED AGAINST FLETCHER CHALLENGE FOR COMPENSATION FOR PAST ENVIRONMENTAL DEGRADATION OF THE CATCHMENT AREA AND THUS FOR REHABILITATION OF THIS AREA

() RESOLUTION RELATED TO EXTINGUISHING LOGGING LICENCES IN CATCHMENT AREA: EXTINGUISHING OF THE RIGHT IN THE MANNER OF A “PROFIT A PRENDRE” ON THE GROUNDS OF FAILURE OF GOVERNMENT TO ENFORCE AND FAILURE OF FOREST COMPANY TO COMPLY WITH THE FOREST ACT

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BE IT FURTHER RESOLVED THAT THE GOVERNMENT OF BRITISH COLUMBIA PROCEED AGAINST FLETCHER CHALLENGE FOR COMPENSATION FOR PAST ENVIRONMENTAL DEGRADATION OF THE CATCHMENT AREA AND THUS FOR REHABILITATION OF THIS AREA

() Jan 13, 1996

Exhibit:

1230 St Patrick St.

Victoria, B.C. V8S4Y4

Tel/FAX (604) 598-0071

() THAT in 1996, I completed an IUCN questionnaire related to the IUCN

Commission on Education and Communication

ATTENTION: Frits Hesselink

Dear Frits, and Wendy

Jan 13, 1996

Since I had to complete my oral exam for my doctorate, I have not had the time to thoroughly examine the draft mandate. I would like, however, to make a few comments, to propose a short presentation for the Commission AGM meeting in Montreal, and to suggest a project.

A. Comments on Draft Mandate

RE SUSTAINABLE DEVELOPMENT

At the 1994 IUCN AGM, the term “sustainable development” (was strongly debated at one of the plenaries. A decision was made to include a statement that referred to “conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable”. The mission statement is more in line with the expression “socially equitable and environmentally sound development”, which was used in the ICPD document.

(2) Purpose

I would suggest “ a framework of socially equitable and environmentally sound development”;

(3). Objectives

(e) to fulfill the role of education and public awareness envisioned in Chapter 36 of Agenda 21

4. Terms of Reference

If possible perhaps you could include “conservation of integrity of significant ecosystems” and “prevention of ecological degradation”.

(i) .. in conservation of ecosystems, prevention of environmental degradation, promotion of (Best Ecologically Sound Techniques - BEST) and socially equitable and environmentally sound development (also inter-transfer of technologies — recognizing important contributions from South)

- (j)... conservation of significant ecosystems and prevention of ecological degradation
- (k) encourage the implementation of international obligations related to the conservation of ecosystems and to the prevention of ecological degradation
- (l) disseminate information about international principles such as the precautionary principle, the anticipatory principle, the reverse onus principle, the polluter pay principle, the assessment of environmental costs principle, the ecosystem integrity principle, etc.

B. Presentation for the commission meeting in Montreal

I completed a 350 page book called the "Charter of Obligations" for the Conference in Beijing. I would be interested in linking the principles in this book with a project for "the Environmental Education of Civil Society" in a short presentation.

C. Suggestion for activity of CEC

1. Undertaking of a project that would be beyond regional divisions. I would like to suggest, possibly the development of a set of guidelines or code for evaluating what constitutes legitimate environmental education. Institutions are being flooded with questionable material in the guise of environmental education. I would be willing to draft a discussion piece and submit it for your approval and then circulate it to the membership of the Commission. We could then endorse this code or guidelines at the meeting in Montreal.

I am looking forward to seeing you both again

All My Best,
Joan

() **THAT in 1996**, January, I applied for a grant from the Boris Laskin foundation

EXHIBIT

BORIS LASKIN APPLICATION FOR FUNDING

1997. DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS FOR HUMAN RIGHTS: STATE COMPLIANCE THROUGH A FRAMEWORK OF PRINCIPLES:

For over 50 years, member states of the United Nations have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants and member states have created expectations through declarations, conference action plans and General Assembly Resolutions. These obligations and expectations have been reflected in international instruments undertaking to guarantee the enshrining of and respect for human rights; to preserve, protect and conserve the environment; to prevent conflict and war; to

achieve social justice and to enable socially equitable and environmentally sound development.

Now that the final conference—the Habitat II Conference) of the series of major United Nations conferences has occurred, it is important to do a synthesis of the major obligations incurred through the Charter of the United Nations, conventions, treaties and covenants; and of the major expectations created through conference agendas and action plans, declarations and General Assembly resolutions. The compiling of this information is proposed in this research project, and will be carried out in a series of phases culminating with a series of books, educational materials, advocacy documents for the 50th anniversary of the Universal Declaration of Human Rights in 1998, and for the culmination of the decade dedicated to international law, in 1999.

At the World Conference on Human Rights the member states of the United Nations expressed their concern about the urgency of the global human rights situation in the following way:

The conference 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)

Yet, although the World Conference on Human Rights recommends that on the 50th Anniversary of the Universal Declaration of Human Rights “special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations system” (Art. 100, Vienna Declaration, World Congress on Human Rights), the member states did not undertake to ratify all international human rights treaties and protocols for the 50th Anniversary.

At the United Nations Conference: the UN Conference on Women: Equality, Development and Peace, members states would only go as far as undertaking to:

Work actively towards ratification or accession to and implement international and regional human rights treaties; (230a)

At the Habitat II Conference, the delegate from Romania strongly advocated that the member states sign and ratify all human rights instruments, as well as enact the necessary legislation to ensure compliance (personal communication, at Habitat II). Yet the member states of the United Nations in Istanbul agreed not to sign and ratify all legally binding international human rights instruments but to “reaffirm [their] our commitment to ensure the full realization of the human rights set out in international instruments... to reaffirm that all human rights-civil cultural, economic, political and social are universal indivisible, interdependent and interrelated. (Art 22).

What is essential for the 50th anniversary of the Universal Declaration is not just “assessing the progress towards ratification”, “working actively towards” or “reaffirming a commitment” but the actual universal ratification is the universal ratification of all international human rights treaties and protocols; along with the undertaking to enact the necessary legislation for the discharging of the obligations under these treaties.

The purpose of this project is two-fold: to carry out interdisciplinary research in Canada which will have an impact internationally, and to extract principles from international documents in order to have an impact on educating for human rights in Canada. The first purpose will involve carrying out the necessary interdisciplinary research to give support to leading international agencies and NGOs to launch an international research campaign of human rights compliance. This campaign of compliance would call upon States to sign what they have not yet signed, to ratify what they have not yet ratified and to enact the necessary legislation to ensure compliance. The second purpose of this research proposal is to expand the knowledge of human rights in Canada by informing students in the school system as well as members of the public about what has been agreed to internationally. This research-based campaign will have two principal objectives:

OBJECTIVES

1. To prepare a synthesis of human rights obligations incurred and expectations created through international instruments; to extract principles from these international instruments, to determine what would constitute adherence to, and fulfillment of, these principles and to prepare a substantial lobby document to support the call for States to sign and ratify all human rights instruments, and for States to enact the necessary legislation to discharge treaty obligations and to ensure compliance for the 50th anniversary of the Universal Declaration of Human Rights. In addition, a future objective will be to extend this campaign to include international agreements in the area of peace and environment, and to call for the institution in 1999—the culmination of the decade devoted to international law, of an international court of compliance where citizens could take evidence of state non-compliance.

2 To extend and further develop principle-based education— a method of teaching human rights issues within a Framework of International Principles, and to conduct workshops across Canada, to initiate and participate in special events related to the 50th Anniversary of the Universal Declaration of Human Rights.

MEANS TO ACHIEVE OBJECTIVES THROUGH THE GRANT PROPOSAL

MEANS TO ACHIEVE OBJECTIVE 1

RESEARCH BACKGROUND

My concern for human rights stems from an early childhood experience 50 years ago in 1946, in New York, when my father was working at the United Nations. At that time many of the United Nations delegates had to be housed in the Lido Beach Hotel on Long Island because the colored and black delegates could not be appropriately accommodated on Long Island. This act of discrimination left a lasting impression on me.

For over twenty years I have been carrying out research on policy documents both internationally and nationally in the areas of human rights, environment and peace. I initiated the Global Compliance Research Project in 1994, and the associated Global Compliance Research Institute. In 1994-95, the Global Compliance Research (GCR) project received a \$50,000 CIDA grant to (a) carry out a content analysis of international agreements, and to prepare a compilation of the research for distribution at the UN Conference on Women: Equality, Development and Peace, and (b) set up an international network of women. At the New York Prep Com for the UN Conference on Women, the GCR Project circulated a 100-page draft version of the “Charter of Obligations” along with a resolution calling for state compliance with obligations and expectations (Global Compliance Resolution). Also, at the Prep Com, the GCR Project had the opportunity of addressing the UN Commission on the Status of Women; on the necessity of linking the Platform of Action with precedents reflecting obligations and expectations, and on the necessity of States’ undertaking to discharge obligations and fulfill expectations at the co-incidence of the UN Conference on Women and the 50th anniversary of the United Nations. The GCR project also addressed the plenary, held in the General Assembly, of the UN Congress on Public International Law.

The GCR Project completed the “Charter of Obligations” which had become a 350-page compilation in English (and a 200-page French version) of 50 years of obligations incurred, and expectations created internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The

Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind states at the UN conference that many of the presumably forward-looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents. The purpose of the Charter was not only to encourage states to move beyond what they had already agreed to but to persuade the non-Governmental Organizations to not ask for less than states were already obliged to do through previously negotiated, signed, or ratified conventions, treaties and covenants, or less than states were expected to do through adopted Conference Agendas and Action plans or through passed General Assembly Resolutions. The GCR project also prepared a set of three 4' x 5' Global Compliance charts with the states of the United Nations across the top and human rights, peace, and environment international instruments down the side. For this chart, information was gathered on which states had not signed, which states had signed but not ratified, and which states had both signed and ratified. This chart was placed in the NGO lounge at the UN Conference on Women, and displayed at numerous conferences and meetings including the March 1996 meeting of the UN Commission on the Status of Women. A copy of the charts is in the Women's Centre library at the United Nations in New York. The GCR project gave a workshop on the project at the NGO Forum, and co-conducted a workshop on "Bringing the Conventions to the Grassroots": The essence of the GCR project has been to call upon states to translate the words of rhetoric into the action of compliance, implementation and enforcement.

In June, 1995, at the "We the Peoples" Conference in San Francisco, the GCR Project initiated a workshop on the Global Compliance resolution, and circulated the Global Compliance Resolution; the Global Compliance resolution was adopted by the plenary and forwarded to the Secretary General of the United Nations, Dr. Boutros Boutros Ghali, who subsequently sent a letter of support for the resolution (See enclosed correspondence). The Global Compliance resolution called upon states to demonstrate the political will on the 50th Anniversary to the United Nations to discharge 50 years of obligations by signing what they have not yet signed, by ratifying what they had not yet ratified, by enacting the necessary legislation to ensure compliance and implementation, and to fulfilling 50 years of expectations by conforming to Conference Action Plans and General Assembly Resolutions. Letters with a Global Compliance Resolution were sent to all the state contacts for the UN 50th Anniversary. The Compliance resolution was also circulated in Beijing, and at the Habitat II Conference, and at other international, national and local meetings, conferences and workshops.

The GCR project also participated at the follow-up meeting of UN Commission on the Status of Women in New York in March 1996. The GCR project proposed, at one of the plenaries that was examining the proposed optional protocol to be linked to the Convention on the Elimination of all Forms of Discrimination against Women, a call for an International Court of Compliance where citizens could take evidence of state non-compliance with all international obligations incurred or expectations created. The GCR Project organized a workshop on the International Court of Compliance at the United Nations, presented the proposal to the NGO in the NGO briefing session, and then circulated a petition to state delegations.

The GCR Project also participated in the Habitat II Conference, and prepared a 150-page book, "A comment on the Habitat II Agenda: Moving Beyond Habitat I to discharging obligations and fulfilling expectations"; this book included the articles of the Habitat II Agenda in sequence, placing each of the bracketed sections of the draft Habitat II Agenda in the context of Habitat I, and in the context of previous obligations and expectations. This document was distributed to state delegations at the Habitat II Conference in Istanbul. At this conference, the GCR Project initiated a Global Compliance Caucus where the Global Compliance resolution and the petition for an International Court of Compliance were reviewed, revised and distributed, chaired the urbanization caucus, and was on the editorial committee for preparing the NGO submission to Committee II. The GCR Project also made several interventions to Committee II on the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) Practices. Another intervention was on the need to substantially reduce the military budget and transfer the funds — thus released, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further human rights and social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

At the end of the of the Beijing and Habitat conferences, the GCR Project had a network of over 100 representatives from over 70 states worldwide. It is undertaking to increase this representation to over 130 states. There is a network of over 20 women in Canada, involving activists, representatives from Universities and research institutions from a wide range of disciplines. The GCR Project is currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II, and adding

additional international obligations and expectations omitted in the previous publication or incurred or created through recent international agreements.

The Global Compliance Research Institute arose from the Global Compliance Research Project; this institute is intended to bring retired academics from a wide range of disciplines, particularly interdisciplinary thinkers, with recent graduate students to work together on various projects related to the interdependence of human rights, environment, and peace issues, and to recommend policy.

OBJECTIVE 1: RESEARCH FOR THE BORIS LASKIN PROJECT

In the proposed research project, I will be examining international documents in more depth, and consulting with members in the GCR with Diane Pask, a professor of Law at the University of Calgary, on what would constitute adherence to project across Canada, in particular these principles, on what is the nature of the systemic constraints that are preventing states from discharging obligations, and from fulfilling expectations. The interaction between principle and cultural relativism will also be examined in depth.

MEANS TO ACHIEVE OBJECTIVE 2

RESEARCH BACKGROUND FOR PROJECT

For years, I have been involved with education and advocacy in the area of human rights: from addressing human rights issues in Franco's Spain, through developing workshops on a multicultural approach to history, through reviewing multicultural educational material; through researching and advocating the need for world history courses to replace Western civilization courses; through speaking at anniversaries of the Universal Declaration of Human Right, through organizing and participating in workshops on racism and on the dissemination of hate literature, through co-founding the Vancouver Island Human Rights Coalition, to preparing the background research material for, and being the litigant in a successful charter challenge of the BC Education Act endorsing bible reading in the school classroom.

In 1985 for a Master's degree in curriculum development in Education, in collaboration with the Vancouver Human Rights Coalition and funded by the Secretary of State, I wrote a book on "A Method of Teaching Human Rights. This method was called issue-principle analysis and synthesis —principle-based education. Principle-based education is a method of examining issues within a framework of internationally agreed-to principles. This approach was also interdisciplinary in that human rights were linked with peace and environment and social justice issues. In 1993, I prepared a complex diagram 4' X 6' on a delineation of what human rights have been guaranteed through international instruments, and what rights still need to be addressed; this diagram was

distributed to the Canadian delegation, and to senior participants in the World Conference on Human Rights (see enclosed correspondence).

OBJECTIVE 2: RESEARCH FOR THE BORIS LASKIN PROJECT

To address the urgency of the global situation, for over 50 years, the United Nations and member states of the United Nations, have incurred obligations through conventions, treaties, and covenants, and have created expectations through declarations, conference action plans, and General Assembly resolutions. This urgency is reflected in the continued degradation of the environment, production of arms and the escalation of conflict and war, 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 Social, Cultural and Economic Rights, 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. This complex of globally adopted principles has become the foundation for a program called “Principle-based” education.

In principle-based education, global /local issues are examined through selecting, examining and exploring issues within a principle-based framework. 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 emphasis in the program 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 these principles and on proposing a range of possible solutions to practical problems emerging from the issues. In the program students will be encouraged to investigate local issues within this framework of principles.

The program will entail the following processes: (1) examining principles enunciated in primary source material (international documents); (2) Examining human rights 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 principles with various disciplines; (9) determining appropriate moments for integrating issues into the curriculum; (10) developing lesson plans and educational materials based on issue-principle analysis; (11) applying knowledge of global and local issues; (12) Determining the linking of issues and principles to

"organizers" within the curriculum such as those in principles of human rights and cultural relativism; (13) encouraging the development of a responsible attitude towards local/ global issues; (14) Fostering working cooperatively and independently within interdisciplinary thought (see Annex 1 for an description of the Components of principle-based educational framework).

DISSEMINATION OF RESULTS OF THE RESEARCH PROJECT:

PURPOSE/OBJECTIVE 1

- Establishment of an extensive data base of research material available through disks
- Publication of a framework of principles to be circulated internationally.
- Presentations at various meeting leading up to the 50th Anniversary of the Universal Declaration of Human Rights across Canada

PURPOSE/OBJECTIVE 2

- Development of draft educational material will be submitted to Ministries of Education across Canada, distributed at workshops across Canada, and then internationally possibly through United Nations agencies (see enclosed correspondence from UNDP)
- A final publication, on principle-based education, incorporating the input from the workshops will be prepared and circulated

FEBRUARY FEBRUARY 1996

() THAT in 1996 I attended, on behalf of professor Rod Dobell, a special meeting over in Vancouver with Jag Maini, the Minister of Forests, Patrick Moore, and others including a forester from New Zealand .

Jag Maini opened the meeting with the following: "It is just like old times when we all met in Rio." I believe I was the only one there that did not meet with him in Rio. [I had been there distributing Peter McCalister's film which demonstrated the devastation of BC forests caused by clear cutting]

When Patrick Moore introduced himself, he inserted in the introduction that he was now "reasonable" another member obviously a colleague of Moore also described himself as a former environmentalist but now he was reasonable. " Being reasonable" was obviously a code word for willingness to compromise. I was tempted to say I am an environmentalist and I am not reasonable about what is happening in the BC forests. I introduced myself, however, as coming from Uvic because I had been asked by Rod Dobell to attend in his place. I raised numerous issues related to the non-compliance with commitments made at Rio, about Canada's ill-conceived proposal at Rio and about the flaws in the forest

principles document and the destruction of BC forests through clear-cutting. I also suggested a possibility of forest protocols linked to the legally binding Conventions on Biological Diversity and the UN Framework Convention on Climate Change

MARCH MARCH

1996

() THAT in 1996 March, before going to the Commission on the Status of Women (CSW) in New York, I spent a few days promoting my son Lorick's tapes [my son Lorick offered to pay my way to New York and I agreed to promote his tape] I first went to the Bitter End Cafe and met with a promoter and told him about owning the Café Hibou in Ottawa where we had promoted, from 1996-1972, many of the same performers as the Bitter End. I left a tape with him. I then went to a café near the Bitter End and persuaded the manager to play Lorick's tape. A guy with long red hair came over to me and said he really liked the tape and ask if he could have one; I was surprised when he said he worked at the World Bank.

Then I went to Sony where there was so much security one would think it was Fort Knox.

Then on to Warner brothers and waited there until someone asked to see xxx who was a promoter. I then went to the desk and asked if I could leave a disc. I asked if I could leave a tape for xxx. I heard from him and he said he liked the tape but no commitment.

() 1996, March, I went to the World Bank Office in New York to find out about the latest World Bank "literature" that I could criticize. While I was examining the material, which was general PR material about the World Bank, I was told that the World Bank was downsizing in New York and I could take whatever publications I wished from their library. I selected about 50 books, and left.

() THAT in 1996 I attended the fortieth session of CSW which was held on MARCH 11 - 22

(I FOLLOW-UP SESSION, TO BEIJING,

At one of the sessions, there was a discussion about an Optional Protocol being linked to the Platform of Action. At this session for which there was a panel of legal experts, I proposed that we lobby for an Optional Protocol linked to all international agreements, and for an International Court of Compliance to which citizens could take evidence of state and corporate non-compliance. This proposal was well received, and I began to circulate a petition for an International Court of Compliance and linked it with the International Decade Devoted to the Furtherance of International Law.

() THAT in 1996 for the CSW 40, I prepared the Covenant of Implementations in the form of a scroll to evaluate one year after Beijing if the governments were beginning to implement their commitments and asked women to evaluate the commitment made to implement what they agreed to implement. I went through the whole document and placed every article that referred to implement into the scroll. I unfurled the scroll in my work shop in New York Article 21. **The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.**

(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Article 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)

Article 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)**

Article 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)

Article 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;

Article 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

Article 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)**

Article 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**

Article 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)**

Article 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)**

Article 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)**

Article 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)**

Article 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)**

Article 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)

Article 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)

Article 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)**

Article 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)**

Article 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

Article 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

Article 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)

Article 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)**

Article 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)**

Article 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)

Article 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)**

Article 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)**

Article 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)**

Article 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)**

Article 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...

Article 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)**

When I returned to Victoria, I circulated the scroll by email.

March 1996

() **THAT** I drafted a Declaration of Implementation based on the Covenant of Implementation—delineation of all the references made to “implement” in the Platform of Action, which I presented in the fall of 1995, and then distributed at the Commission on The Status of Women (CSW) meeting in New York

POST BEIJING DECLARATION OF IMPLEMENTATION MARCH 11 1996

WELCOMING the commitment in the Platform of Action (1995) 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 called 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);

REAFFIRMING that 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), CLARIFYING that the term “other status” is an open term which includes forms of discrimination that are now prevalent such as that on the grounds of “sexual orientation” and “family structure”, and that in the future the term “other status” will include future unanticipated forms of discrimination.

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:

REAFFIRMING that [the provision] [Provide] of access to safe and healthy shelter 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)

REAFFIRMING that 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.**

PROCLAIMING that 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)

REAFFIRMING that 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)

REAFFIRMING that 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)

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

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

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

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

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

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

COMMITTED to the invoking of the precautionary principle, as enunciated in the Biodiversity Convention:

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

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

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

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

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 1996, on the first post-50 anniversary of the United Nations, 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, in 1996, on October 24th on the first post-50th Anniversary of the United Nations move into the next stage of the United Nations: the stage of compliance, implementation and enforcement in which we fulfill the original objectives of the United Nations and establish a civil community of global compliance, equality, peace and justice.

- We will sign what we have not yet signed,
- We will ratify what we have not yet ratify,
- We will enact the necessary legislation to ensure compliance, and

• **We will enforce and monitor the enforcement of our international obligations.**

STATE:
CONTACT PERSON
ADDRESS

Please send to the Secretary General of the United Nations, and a copy to the Global Compliance Project
Contact: Dr. Joan E. Russow
Coordinator, Global Compliance Research Project

EXHIBIT of scroll
DRAWN FROM THE COMMITMENTS to IMPLEMENT MADE FROM THE BEIJING PLATFORM OF ACTION:

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;

Article 21. **The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.**

(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Article 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)

Article 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)**

Article 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)

Article 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;

Article 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**

Article 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)**

Article 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

Article 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, 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)

Article 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 socioeconomic variables;**
(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Article 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)

Article 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)

Article 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)

Article 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)

Article 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)

Article 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)**

Article 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)**

Article 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

Article 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

Article 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)

Article 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)**

Article 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)**

Article 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)

Article 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)

Article 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)

Article 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)

Article 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)

Article 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...

Article 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)**

socially equitable

Several key concepts and principles have emerged from the recent international conferences such as UNCED, ICPD, World Human Right conference, The UN Conference on Women: Equality, Development and peace; concept that will impact on the role of women in socially equitable and environmentally sound development. These concepts and principles What constitutes implementations of these concepts and principles has to become an integral part of an educational program .

praxis Through what has often been described as a linking of theory and practice or principle and action needs to be conveyed .

In this project one of the aspects of the programs to encourage the meaningful and equal access and participation of women in capacity building and development will be a community based educational program. This proposed educational program

will draw upon the need for the respecting of local traditions and practices within the context of equitable and ecological principles.

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;

custom

Article 73. **Discrimination in girls' access to education persists in many areas, owing to customary attitudes**, early marriages and pregnancies, inadequate and gender-biased teaching and educational materials, sexual harassment and lack of adequate and physically and otherwise accessible schooling facilities. Girls undertake heavy domestic work at a very early age. Girls and young women are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and early drop-out from the educational system. This has long-lasting consequences for all aspects of women's lives.

Article 119. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. **Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society.** Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and to enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.

Article 125 (k) 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;

Article 232. By Governments:

(a) Give priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origins, property, birth or other status;

(d) Review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, and revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice;

* Article 180. **(b) Enact and enforce laws and introduce implementing measures,**

including means of redress and access to justice in cases of non-compliance, to prohibit direct and indirect discrimination on grounds of sex, including by reference to marital or family status in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment;

Article 258 (c) Ensure the full compliance with relevant international obligations, including where relevant, the Basel Convention and other conventions relating to the trans-boundary movement of hazardous wastes (which include toxic wastes) and the IAEA Code of Practice relating to the movement of radioactive wastes; enact and enforce regulations for environmentally sound management related to safe storage and movements; consider taking action towards the prohibition of those movements which are unsafe and insecure and ensure the strict

control and management of hazardous wastes and radioactive waste, in accordance with relevant international and regional obligations and eliminate the exportation of such wastes to countries that, individually or through international agreements, prohibit their importation;

ELIMINATE ∞, PROHIBIT*

ARTICLE 2. STATES PARTIES CONDEMN DISCRIMINATION AGAINST WOMEN IN ALL ITS FORMS, AGREE TO PURSUE BY ALL APPROPRIATE MEANS AND WITHOUT DELAY A POLICY OF ELIMINATING DISCRIMINATION AGAINST WOMEN AND, TO THIS END, UNDERTAKE:

(A) 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;

(B) TO ADOPT §APPROPRIATE§ LEGISLATIVE AND OTHER MEASURES, INCLUDING

SANCTIONS WHERE APPROPRIATE, PROHIBITING ALL DISCRIMINATION AGAINST

WOMEN;

Article 61. By multilateral financial and development institutions, including the World Bank, the International Monetary Fund and regional development institutions, and through bilateral development cooperation:

(a) In accordance with the commitments made at the World Summit for Social Development, seek to mobilize new and additional financial resources that are both adequate and predictable and mobilized in a way that maximizes the availability of such resources and uses all available funding sources and mechanisms with a view to contributing towards the goal of poverty eradication and targeting women living in poverty.;

(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;

- 61 (d) Ensure that structural adjustment programmes are designed to minimize their negative effects on vulnerable and disadvantaged groups and communities and to assure their positive effects on such groups and communities by preventing their marginalization in economic and social activities and devising measures to ensure that they gain access to and control over economic resources and economic and social activities; take actions to reduce inequality and economic disparity;
- (e) Review the impact of structural adjustment programmes on social development by means of gender-sensitive social impact assessments and other relevant methods, in order to develop policies to reduce their negative effects and improve their positive impact, ensuring that women do not bear a disproportionate burden of transition costs; complement adjustment lending with enhanced, targeted social development lending

69. By Governments, intergovernmental organizations, academic and research institutions and the private sector:

- (a) Develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economic policy-making, including structural adjustment planning and programmes;

DEBT FORGIVENESS

Article 61 (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, **through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities;**

Principles will be conveyed to the community by drawing upon local analogy and cultural

the challenge with this program will be to essence of the program will be to expand the traditional roles through expanding a range of options without
How we are going to do it

() THAT in 1996 march, Conducted a workshop on the petition calling for “An international Court of Compliance” at the United Nations (Committee room B), New York. 1996

EXHIBIT:

**1996 March 16
PETITION
CALLING FOR
AN INTERNATIONAL COURT OF COMPLIANCE**

RECOGNIZING that for fifty years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED that the Doctrine of Legitimate Expectations whereby if a government holds itself out to do something even if not legal 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 obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

Contact. Dr. Joan E. Russow, Global Compliance Research Project, 1230 St. Patrick St. Victoria, B.C. V8S 4Y4, CANADA. Tel/FAX (604) 598-0071. E-mail. Russow@uvaix.uvic.ca

This petition was presented at a workshop on Friday, March 15, 1996 at the United Nations, New York; introduced to the plenary of the NGO briefing meeting on March 18, 1996, and circulated among state delegates.

() THAT in 1996 with a delegation from the Voice of Women, I met with the disarmament committee, and with UNIFEM.

() THAT in 1996, I went to a Human rights meeting and met with meet with the commissioner on Human Rights

ONLY UNGA RESOLUTIONS GUFFAW

() in 1996 THAT in 1996 during the CSW with the Voice of Women, I went to the Canadian Mission and met with Bob Fowler the Canadian ambassador to the UN

COMMENT I suggested that the military budget should be reduced in line with the 1981 General Assembly Resolution and he demonstrated no respect for the General Assembly {Fowler was the conservative defence minister who was implicated in the Somali inquiry and then awarded with being the ambassador to the UN}

() THAT in 1996, I Presented a paper, on "Principle-based economics at the University of Victoria: moving from vested interest economics". This was a spoof on the hypothetical reformed position of the World Bank

COMMENT

Workshop organized by the Vancouver Island Public Interest Research Group, University of Victoria.

As a lecturer in Environmental Studies, I was invited by Vancouver Island Public Interest Research (VIPIRG) to be on a panel at the University on the future of the Economics Department at the University. My panel was the concluding panel. I was planning on synthesizing the comments that I had heard during the day. However, the representative on the Panel from the Department of Economics, made an opening remark: "Economists are like meteorologists they report and predict but they do not influence", and I decided that I would play on the fact that I had been to the downsizing of the World Bank in New York and do a spoof. I started my presentation with " I have just returned from the downsizing of the World Bank in New York, and the World Bank has decided that they will no longer be like a meteorologist just observing and reporting but that they will actually influence the course of governments, and they have decided to move away from vested interest economics to principle-based economics. I then began to describe a set of international principles that were now to become part of the conditions for lending practices of the World Bank. To give authenticity to my spoof I asked the audience if they knew about the leaked memo by the former President Summers where he stated:" It made good economic sense to transfer the dirty industries to the least developed countries. One of the students paraphrased the memo in even harsher terms than I would have. I concluded my presentation and the first question was " Perhaps the World Bank has changed but what about...?" I realized that perhaps some member of the audience had believed me. I pointed out that I was being facetious. There was certainly one member of the audience who appreciated the Spoof--a representative from Adbusters who asked me if I would be interested in writing a piece for Adbusters, which I did.

What happens at this type of University presentations students leave in the middle of the presentations to attend class. A graduate student in Economics told me that one of her colleagues told her that the World Bank had changed its policy and that it was going to be engaging in conditional funding based on compliance with principles. I began to worry that I had started a rumour that the World Bank had actually changed and that might reduce resistance to its policies; it might delude World Bank opponents into thinking that the Bank Might have changed.

COMMENT ON HABITAT II AGENDA

Based on the version taken off the internet in March 1996

COMMENTS ON BRACKETED SECTIONS AND PROPOSALS FOR REVISIONS OF THE HABITAT II AGENDA

Joan Russow PhD Global Compliance Research Project

LEGEND

Existing text (plain Avant garde, 12 point)

Suggested deletions from existing text (italics)

text that is still bracketed (12 point avant garde outline)

Text that is still bracketed that is proposed for deletion (12 point avant garde outline italics)

proposed text by Global Compliance Project (12 point avant garde bold)

Introduced text as documentation (10 point indented avant garde plain)

Introduced text as documentation with deletions (10 point indented avant garde italics)

proposed text by Global compliance Project in introduced text (10 point avant garde bold)

original text with additions by states and NGOs (10 point courier plain)

proposed changes in original text with additions by states and NGOs (10 point courier bold)

~~Deletions by states (in original text (10 point courier plain strike-out)~~

Proposed deletion by Global Compliance Project (in 10 point courier italics)

NOTE: JARGON [*] AND BUZZ WORD [\$], EUPHEMISMS [£] UNNECESSARY COMPLICATION [%], OR VEILED INTENTION ALERT. IN MANY SECTIONS INCLUDING SOME THAT HAVE ALREADY BEEN NEGOTIATED THE LANGUAGE IN HABITAT II APPEARS TO BE AN UNFORTUNATE JARGONIZATION OF MORE PROFOUND ORDINARY LANGUAGE. OFTEN THE MARGINALIZED MEMBERS OF SOCIETY ARE EXCLUDED FROM GENUINE INVOLVEMENT AND PARTICIPATION INTO THE DECISION MAKING PROCESS THROUGH THE INTRODUCTION OF JARGON ETC. [TO BE ADDED]

PART 1 PREAMBLE

1. We recognize that **years of accrued state obligations to improve the quality of life through recognizing the right to shelter, the right to social security, the right to equality, the right to peace and the right to a safe environment have not yet been discharged. In 1974 through General Assembly resolutions we recognized “united determination to work urgently for the establishment of a new international Economic order based on equity,...interdependence, common interest and cooperation with systems which shall correct inequalities and address existing injustices... and to ensure steadily social development and peace and justice for present and future generations (Preamble, Declaration on the Establishment of an New International Economic Order, 1974).**

DOCUMENTATION OF PRECEDENT

RE: ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER AS ADVOCATED IN HABITAT 1 (REFERENCE TO A 1974 GENERAL ASSEMBLY RESOLUTION IGNORED IN HABITAT II)

To achieve universal progress in the quality of life, a fair and balanced structure of the economic relations between States has to be promoted. It is therefore essential to implement urgently the New International Economic Order based on the Declaration and Programme of Action approved by the General Assembly in its sixth special session, and on the Charter of Economic rights and Duties of States. (II 4, Habitat I)

Human settlements are characterized by significant disparities in living standards and opportunities. Harmonious development of human settlements requires the reduction of disparities between rural and urban areas, between regions and within regions themselves. Governments should adopt policies ;which aim at decreasing the differences between living standards and opportunities in urban and non-urban areas. Such policies at the national level should be supplemented by policies designed to reduce disparities between countries within the framework of the New International Economic Order. (II 14, Habitat II)

We affirm the imperative need **and urgency** to improve the quality of human settlements which profoundly affects the daily lives and well-being of *our* people. There is a sense of great opportunity and hope that a new world can be built in

which economic development, social development and environmental protection as interdependent and mutually reinforcing components of *sustainable development* **socially equitable and environmentally sound development** can be realized through solidarity and cooperation within and between countries, and through effective partnerships at all levels. International cooperation and universal solidarity, guided by the ~~[[purposes and]]~~ principles of the Charter of the United Nations, **and by over 50 years of obligations accruing through Conventions, Treaties, and Covenants; and by over 50 years of expectations arising through Declarations, Conference action plans and General Assembly Resolutions** *In a spirit of partnership*, are crucial in order to improve the quality of life of the peoples of the world. **The constant vigilance by individuals and organizations of civil society is essential and should be facilitated through the undertaking by states to discharge previous obligations and fulfill previous expectations; and through the establishment of an International Court of Compliance where citizen can take evidence of state non-compliance.**

DOCUMENTATION OF PRECEDENT:

RE: PROMOTING NEW INTERNATIONAL ECONOMIC ORDER BASED ON EQUITY

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)

RE: ADVOCATING LOCAL SERVICES AND HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

- (a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;
- (b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups especially children, women

and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice (1 Habitat I)

DOCUMENT OF PRECEDENTS:

RE: UNDERTAKING TO GUARANTEE RIGHTS

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* ensure 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:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of **meaningful** 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;
- (f) 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.
(Elimination of all forms of discrimination, 1965)

ARTICLE 1 bis

Recognizing that it is only through the discharging at the global level of years of state obligations and through fulfilling at the global level of years of expectations that the goals of Habitat can be achieved

ARTICLE 2

The purpose of the second United Nations Conference on Human Settlements (Habitat II) is to address two themes of equal global importance: **the right to Adequate- shelter for all and Sustainable human settlements development. *in an urbanizing world.* The rights of Human beings limited by the carrying capacity of the ecosystem** are at the centre of concerns for **socially equitable and environmentally sound *sustainable* development**, including shelter for all **and socially equitable and environmentally sound *sustainable* settlements**, and they are entitled to a healthy and *productive meaningful* life in harmony with nature. As to the first theme, a large segment of the world's population lacks shelter and sanitation, particularly in developing countries. **Another segment of the world's population in developed countries has been experiencing the problem of urban sprawl, widening gaps between the rich and the poor, excessive environmental destruction as a result of unsustainable models of development.** We recognize that **the right to social security and [the right to adequate housing, as affirmed in the International Covenant of Cultural, Economic and Cultural rights, reaffirmed in the Convention of Elimination of all Form of Discrimination, reaffirmed in Chapter 7 of Agenda 21, and reaffirmed in the International Conference on Population and Development, 1994) which includes]** access to **affordable, accessible, inclusive, free-from illegal forced evictions, security of tenure, and environmentally sound, and safe and healthy shelter and basic services** is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of our urgent actions for the more than one billion people without decent living conditions. **We also recognized that there already exists a state obligation in international law to enshrine and guarantee this right, and that this state obligations has not yet been fully discharged by any of the member states of the United Nations.** Our objective is to achieve adequate shelter for all and especially for the deprived urban and rural poor **and landless poor** through an enabling approach to the development and improvement of shelter that is environmentally sound. **Our objective is also to strive to change peoples' attitudes towards the people in poverty and other marginalized groups, and towards those that are different. People in poverty should never be blamed for their condition, and there should be trust in not fear of those that are different.**

DOCUMENTATION OF PRECEDENTS

RE: RECOGNIZING THE WASTEFUL AND ECOLOGICAL DESTRUCTIVENESS OF URBAN SPRAWL

(a) Expected population growth and migration mean that urban expansion will be the most common and universal development challenge. However, urban expansion can take the form of urban sprawl, and it is then costly, wasteful and ecologically destructive. (Rec B, Habitat I)

(c) it requires special provisions for:

- (i) securing legislation, legal instruments and regulations;
- (iv) active participation of a well-informed public
- (v) protection of ecosystems and critical land
- (ix) Integration and improvement of squatter and marginal settlements. (Habitat I)

RE: PLACING AN OBLIGATION TO PROVIDE ADEQUATE SHELTER AND SERVICES - AS A BASIC HUMAN RIGHT

Adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

RE: 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)

RE: ENSURING CONTINUED PROVISION OF BASIC SERVICES TO PEOPLE IN POVERTY 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)

RE: 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)

As to the second theme, socially **equitable and environmentally sound** development **of healthy, safe and environmentally sound communities-settlements** combines **social equity and environmentally sound development with** environmental protection and full *economic development, social development and environmental protection*, with full respect for all human rights and fundamental freedoms, including the right to development, and offers a means to achieving a world of greater stability and peace, built on ethical *and spiritual* vision. **To achieve this vision states shall undertake to ensure compliance with a body of established international principles by establishing mandatory international normative standards (MINS) related to the ensuring of social justice, the enshrining and guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, and the preventing of conflict and war. MINS shall be used to drive industry to adopt BEST (Best Environmentally Sound Traditions) practices.**

DOCUMENTATION OF PRECEDENTS

RE: EXERCISING EFFECTIVE CONTROL OVER TRANSNATIONAL CORPORATIONS

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I

RE: STATE REQUIREMENT TO ENSURE COMPLIANCE

states to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167 Platform of Action UN Conference on Women: Equality, Development and Peace).

[Democracy, and transparent, representative and accountable governance and administration throughout society *in all sectors of society* are indispensable foundations for the realization of **socially equitable and environmentally sound sustainable** development. However, the lack of **socially equitable and environmentally sound** development and the existence of widespread absolute poverty inhibit the full and effective assurance of the enjoyment of human rights and render fragile democracy and popular participation.]

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOR PARTICIPATION

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be **ensured guaranteed**. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize *productive meaningful* employment. (III 11, Habitat I)

RE: ADVOCATING THE EXPRESSION “SOCIALY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT” TO REPLACE THE EXPRESSION “SUSTAINABLE DEVELOPMENT”

The expression “socially equitable and environmentally sound development” was used in the International Conference on Population and 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)

NOTE: [In the Habitat Agenda the expression “environmentally sound” is used as often as Sustainable Development—a term that reflected neither the real equitable nor environmental component so necessary in development.]

ARTICLE 3

3. Recognizing the global nature of these issues, the international community, in convening Habitat II, has decided that **the collective political will to discharge previous obligations, and to fulfill previous expectations, as well as the undertaking of new commitment is essential for achieving these goals. a concerted global approach could greatly enhance progress toward achieving these goals. As recognized in Agenda 21 (UNCED) [The cross-national and global impacts of unsustainable patterns of production and consumption, particularly in industrialized countries, environmental degradation, demographic changes, widespread and persistent poverty, and social and economic inequality are clearly visible.]. As also confirmed through Environmental Conventions such as the Vienna Convention on Ozone Depletion with the Montreal Protocol, the Convention on Biological Diversity and the Framework Convention on Climate Change, the global community has undertaken to discharge its international obligations related to conserving and protecting the environment through banning ozone depleting substances, through preserving biodiversity, and through reducing and eliminating climate change agents. It is recognized that the discharging of these obligations is essential to the establishment of socially equitable and environmentally sound community development.**

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF UNSUSTAINABLE PATTERN 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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are

most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

**RE: ACKNOWLEDGING THE IMPACT ON AGRICULTURE (PREY TO SPECULATION AND URBAN ENCROACHMENT)
(Sections from Habitat I)**

(a) Agricultural land, particularly on the periphery of urban areas, is an important national resources; without public control land is a prey to speculation and urban encroachment. (Habitat I)

(b) Change in the use of land especially from agricultural to urban, should be subject to public control and regulation. (Habitat I)

(c) Such control may be exercised through

(i) Zoning and land-use planning as a basic instrument of land policy in general and control of land-use changes in particular;

(ii) Direct intervention, e.g. the creation of land reserves and land banks purchasing compensated expropriation and/or pre-exemption, acquisition of development rights, conditioned leasing of public communal land, formation of public and mixed development enterprises; (Habitat I)

(ii) Legal controls, e.g. compulsory registration, changes in administrative boundaries, development building and local permits, assembly and re-plotting;

RESTRUCTURING LAND OWNERSHIP

recommendation D 5

patterns of ownership

(i) Many countries are undergoing a process of profound social transformation; a review and restructuring of the entire system of ownership rights is, in the majority of cases, essential to the accomplishment of new national objectives.

(b) Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.

(c) special attention should be paid to:

(i) Redefinition of legal ownership including the rights of women and disadvantaged groups and usage rights for a variety of purposes;

- (ii) Promoting land reform measures to bring ownership rights into conformity with the present and future needs of society;
- (iii) Clear definition of public objectives and private ownership rights and duties which may vary with time and place;
- (iv) Transitional arrangements to change ownership from traditional and customary patterns to new systems, especially in connection with communal lands, whenever such patterns are no longer appropriate.
- (v) Methods for the separation of land ownership rights from development rights, the latter to be entrusted to a public authority; (Habitat I)

The sooner communities, and local governments, *partnerships among the public, and private and community sectors* join efforts to create comprehensive, bold and innovative **plans strategies** for shelter and human **communities settlements**, the better the prospects will be for the safety, health and well-being of people and the brighter the outlook for solutions to global environment and social problems. **As previously recognized in Habitat I, communities should take more control over the planning and ownership of public lands and that greater benefit should accrue to the public from the sale of land.**

RE: REDISTRIBUTING BENEFITS TO THE PUBLIC

Recommendation D3

Recapturing plus value.

- (a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to the public at large the benefits of the unearned increase in land values. (Habitat I)
- (b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies. (Habitat I)

(c) Specific ways and means include:

(i) levying of appropriate taxes, e.g. capital gains taxes, land taxes and betterment charges, and particularly taxes on unused or under-utilized land; (Habitat I)

(ii) Periodic and frequent assessment of land values in and around cities and determination of the rise in such values relative to the general level of prices; (Habitat I)

(iii) Instituting development charges or permit fees and specifying the time-limit within which construction must start; (Habitat I)

RE: CONSERVING OF ENERGY

ENERGY (NOTE ENERGY CONSERVATION MENTIONED ONLY IN 137 IN HABITAT II THAT IS STILL BEING NEGOTIATED)
Human settlements are consuming more and more energy just when Humanity *mankind* has become aware of the need to cease environmentally degrading and wasteful use of non-renewable energy resources. (Habitat I)

(i) reducing energy consumption by changes in land-use planning, building design, living patterns and appropriate transportation systems including emphasis on mass transportation.

(ii) Identifying and developing new sources of energy and promoting more efficient use of energy resources, for example through innovative approaches in design ... and although financial and other incentives for energy conservation and through disincentives for wasteful consumption (Recommendation C. 5 (Habitat I)

(iv) emphasizing where possible the use of renewable over non-renewable energy sources and the rationalization of technologies which are currently known to be hazardous to the environment. (Habitat I)

(vi) Developing and implementing special small-scale power generating, delivery and use systems more appropriate for water supply, rural electrification, and district heating and cooling, including the utilization of solar and geothermal energy and heat pumps as appropriate. (Habitat I)

ARTICLE 4

4. **Having acknowledged the applicability of previous international instruments to the Habitat II Agenda, having been forced to acknowledge that many previous obligations have not been discharged and expectations have not been fulfilled including those arising from Habitat I, and having considered the experience since the United Nations Conference on Human Settlements (Habitat I), held in Vancouver, Canada, in 1976, Habitat II reaffirms the results from relevant conventions, treaties covenants, declarations, resolutions and conference action plans recent world conferences and has developed them into an agenda for human communities settlements: the Habitat Agenda. Among many of the relevant obligations included in Habitat II are those existing in the following Conventions or Conventions: The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant of Cultural, Economic, Cultural Rights, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, along with all the Conventions and Treaties related to the Environment and Peace, In addition, Habitat II incorporates expectations arising from General Assembly resolutions, Declarations and conference action plans from recent conferences such as Agenda 21 from the United Nations Conference on Environment and Development -- The Earth Summit -- held in Rio de Janeiro in 1992, produced Agenda 21. At this Conference, the international community agreed to a framework for the sustainable development of human communities settlements. and other conference action plans from Each of the other conferences, including the Fourth World Conference on Women (Beijing, 1995); the World Summit for Social Development (Copenhagen, 1995); the International Conference on Population and Development (Cairo, 1994); the Global Conference on the Sustainable Development of Small Island Developing States (Barbados, 1994); and the World Conference on Human Rights (Vienna, 1993), as well as the World Summit on Children (New York, 1990) and the World Conference on Education for All (Jomtien, Thailand, 1989) and Habitat I also address important socially equitable and environmentally sound development social, economic and environmental issues, including components of the sustainable development agenda, for which successful implementation requires action at the local, national and international levels. The Global Strategy for Shelter to the Year 2000, adopted in 1988, which emphasizes the need for improved production and delivery of shelter, revised national housing policies, and an enabling means of ensuring adequate shelter strategy, offers useful guidelines for the realization of adequate shelter for all in the next century.**

ARTICLE 5

During the course of history, urbanization has been associated with economic and social progress, *the promotion of literacy and education, the improvement of the*

general state of health, greater access to social services, and cultural, political and religious participation. Unfortunately urbanization and progress have also been associated with increased violations of human rights, unmitigated environmental degradation, perpetuated unsustainable patterns of economic consumption, widened gaps between the rich and poor (the enfranchised and disenfranchised), increased abuse of the marginalized, and increased incidents of conflict, violence and crime. The growth of cities and towns causes social, economic and environmental changes that go beyond city boundaries, through urban sprawl The growth of cities and towns causes social, economic and environmental changes that go beyond city boundaries, through urban sprawl and industrial conversion of productive land and of areas worthy of preservation.

Cities and towns have been engines of growth **often beyond the carrying capacity of the ecosystem that contains them** and incubators of civilization or **destroyers of culture** and have facilitated or **repressed** the evolution of knowledge, culture and tradition, *as well as of industry and commerce.* Urban **communities settlements**, properly planned *and managed*, **in harmony with rural communities, within the carrying capacity of the ecosystem and within a system of preserved ecosystems could** hold the promise for **socially equitable and environmentally sound** human development and for **the preservation of nature and for** protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Habitat II deals with all settlements - large, medium and small - and reaffirms the need for universal improvements in living and working conditions. **While** decentralized, participatory planning *and management which* are important features of a successful urban future, **the planning should be grounded in fundamental principles related to the enshrining and guaranteeing of human rights, the ensuring of social justice, the preserving, protecting and conserving of the environment, and the promoting of peace. It should be acknowledged that although there has been some increased participation by individuals and groups of civil society in bringing about the necessary global changes for the establishment of socially equitable and environmentally sound development of communities, there is a long way to go to achieve the necessary *Democratization has enhanced such access and meaningful participation and involvement for* **of civil society actors, and for public-private partnerships;****

ARTICLE 6

6. To overcome current problems and to ensure *future progress in the improvement of economic, social and environmental conditions* **socially equitable and environmentally sound** *in* human settlements, we must begin with a recognition of the challenges facing cities and towns. According to current projections, by the turn of the century, more than three billion people - one-half of the world's population - will live and work in urban areas. The most serious problems confronting cities and towns and their inhabitants include **severe**

environmental degradation resulting from either lack of mandatory regulations that drive industry, or from institutional governments/industry collusion that weakens the resolve to establish or enforce regulations; inadequate financial resources to promote socially equitable and environmentally sound development, lack of meaningful employment opportunities in BEST practices, spreading homelessness and expansion of squatter settlements, increased poverty and a widening gap between rich and poor arising from the imposition of over-consumptive models of development and of ill-conceived structural adjustment programs, growing insecurity and rising crime rates caused by the failure to ensure social equity including the positive human rights of the right to social security, health care, shelter, food etc.

DOCUMENTATION OF PRECEDENTS

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities. (Chapt II A. 5 Habitat 1)

RE: PREVENTING WASTE AND MISUSE OF RESOURCES IN WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

RE: REDUCING OF AVAILABLE RESOURCES THROUGH EXCESSIVE MILITARY EXPENDITURES

Excessive military expenditures, including global military expenditures and arms trade or trafficking, and investments for arms production and acquisition have reduced the resources available for social development. As a result of the debt burden and other economic difficulties, many developing countries have undertaken structural adjustment policies. **Moreover, there are structural adjustment**

programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly in the heavily indebted countries, during the last decade. (Art. 15 Platform of Action, UN Conference on Women: Equality, Development and Peace, 1995)

**RE: REASSESSING STRUCTURAL ADJUSTMENT PROGRAMS
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)

RE: ACCOMMODATING THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, mal-conceived structural adjustment programs . In addition displacement occurs through natural or *man-made* anthropogenic** catastrophes, and especially by the act of foreign **and internal** aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

RE: PREVENTING CRIME

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)

inadequate and deteriorating building stock, services and infrastructure, lack of health and educational facilities, improper land use, insecure land tenure, rising traffic congestion, increasing pollution, lack of green spaces, inadequate water supply and sanitation, uncoordinated urban development, and an increasing vulnerability to disaster **including for example the continued production of toxic, hazardous and atomic wastes , the continued reliance on non-renewable sources of energy or on unsafe sources of energy such as that of civil nuclear energy, the continued visits of nuclear powered military vessels in urban ports and of the continued development and testing of nuclear weapons.**

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING PUBLIC CONTROL AND BENEFIT FROM LAND

D. Land (Agenda item 10 (d))

Preamble

Land, because of its unique nature and the crucial role it plays in human elements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole (Habitat I)

2. Instead, the pattern of land use should be determined by the long-term interests of the community, especially since decisions on location of activities and therefore of specific land uses have a long-lasting effect on the pattern and structure of human settlements. Land is also a primary element of the natural and man-made environment and a crucial link in an often delicate balance. Public control of land use is therefore indispensable to its protection as an asset and the achievement of the long-term objectives of human settlement policies and strategies. (Habitat I)

Recommendation D1

Land resource

a Land is one of the most valuable natural resources and it must be used rationally. Public ownership or effective control of land in the public interest is the single most important means of improving the capacity of human settlements to absorb changes and movements in population, modifying their internal structure and achieving a more equitable distribution of the benefits of development whilst assuring that environmental impacts are considered. (Habitat I)

(b) Land is a scarce resource whose management should be subject to public surveillance control in the interest of the nation

(c) This applies in particular to land required for:

(v) The protection and enhancement of the natural environment especially in sensitive areas of special geographic and ecological significance such as coastal regions and other areas subject to the impact of development, recreation and tourism activities. (Habitat I)

(d) Land is a natural resource fundamental to the economic, social and political development of peoples and therefore Governments must maintain full jurisdiction and exercise complete sovereignty over such and exercise complete over such land with a view to freely planning development of human settlements throughout the whole of the natural territory. This resource must not be the subject of restrictions imposed by foreign nations which enjoy the benefits while preventing its rational use. (Habitat I)

All of these have seriously challenged the capacities of governments, particularly those of developing countries, at all levels to realize *economic development, social development and environmental protection, which are interdependent and mutually reinforcing components of **socially equitable and environmentally sound development***, the framework for our efforts to achieve a higher quality of life for all people. Rapid rates of international and internal migration to, as well as population growth in, cities and towns, and unsustainable patterns of production and consumption raise these problems in especially acute forms. In these cities and towns, large sections of the world's urban population live in inadequate conditions and are confronted with serious problems, including environmental problems, that are exacerbated by inadequate planning *and managerial capacities*, and **by unsustainable patterns of production and consumption** lack of investment *and technology* in **BEST (best environmentally sound Traditions) practices (prevention technology that does it right the first time)**; too often **environmentally unsound technologies have been introduced as a result of north/south transfer and then the “coupling” clean-up technologies are introduced. The continued introduction of these ecologically unsound technologies contributes to environmental degradation, undue stress on the disadvantaged, over-dependency on external “solutions” that could be**

equally bad or even worse than the problem they were intended to solve. These ecologically unsound technologies and technological fixes perpetuate a cycle of attempted rectification of error, and contribute to insufficient mobilization of financial resources to ecologically sound technologies and inappropriate allocation of financial resources to ecologically unsound technologies such as non-renewal sources of energy or to the production of substances and activities that cause environmental degradation and are harmful to human health. In the Rio Declaration states were urged to prevent the transfer of substances and activities that could cause environmental degradation or be harmful to human health to other states; this would mean that no state should transfer substances such as toxic, hazardous, or atomic wastes or activities that would produce these wastes to other states.

DOCUMENTATION OF PRECEDENTS RELATED TO TRANSFER OF HARMFUL SUBSTANCES

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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.

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.

as well as by a lack of social and economic opportunities.

In the case of international migration, migrants have **[particular]** needs for housing and basic services, education, **meaningful** employment, and social integration

without a loss of cultural identity, and they are to be given adequate protection and attention within host countries.

DOCUMENTATION OF PRECEDENTS

RE: 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)

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 people in poverty 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)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, place of birth, **nature of residence** or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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).

RE: 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)

RE: 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)

ARTICLE 7

7. In the process of globalization and growing interdependence, rural settlements represent a great challenge and opportunity for renewed **socially equitable and environmentally sound** developmental initiatives at all levels and in all fields. Many rural settlements, however, are facing a lack or an *inadequacy of economic opportunities* **inadequate infrastructure of environmentally sound practices**, especially **meaningful** employment, and of infrastructure and services, particularly those related to water, sanitation, health, education, communication, ecologically-**sound public** transportation and **ecologically safe and sound renewable** energy. Appropriate efforts and **BEST practices technologies** for rural development can

help to reduce, inter alia, imbalances, unsustainable practices, poverty, isolation, environmental pollution and insecure land tenure. Such efforts can contribute to improving the linkage of rural settlements with the mainstream of economic, social and cultural life, to assuring sustainable communities and safe environments, and to reducing pressures on urban growth.

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING RADICAL REVERSAL OF TRANSPORTATION TRENDS (

recommendation C 14 Transportation and communication

(a) Consideration should be given to the radical reversal of current trends, both in terms of facilities for and modes of transport in order to prevent further deterioration of the situation where larger cities are congested with private vehicles which in most countries cater only to a minority while adequate public transport is unavailable to urban and rural residents. (Habitat I)

(b) Policies on transportation and communication should promote desired patterns of development to satisfy the needs of the majority of the population, to assure the distribution of activities to favour mass transportation, and to reduce congestion and pollution by motor vehicles. (Habitat I)

(c) This could be achieved through:

(i) a more deliberate use of land-use planning and policies for the location of traffic generating activities, in order to minimize the need for travel. (Habitat I)

(ii) the active development of a system of public transportation with adequate incentives for its use in preference to individual use of motor vehicles (Habitat I)

(vi) provide for the separation of pedestrian and motor circulation, as well as separate paths for bicycles, and other categories of vehicular traffic; (Habitat I)

(vii) Over the short-term, transportation improvements should be designed to make more efficient use of existing highways and transit systems;

(vii) Innovative transportation systems need to be encouraged for reducing energy consumption and conserving resources and avoiding pollution (Habitat I)

(x) The study of new techniques to avoid the air and environmental pollution caused by the present automobile system. (Habitat I)

RE: RECOGNIZING IMPACT OF INCREASED 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)

RE; DEVELOPING MASS TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 8

8. Cities, towns and rural settlements are linked through the **environment, transportation, energy and through** the movements of goods, , resources and people. Urban-rural linkages have a crucial importance for the sustainability of human settlements. As rural population growth has outpaced the generation of **meaningful** employment and economic opportunities, rural-to-urban migration has steadily increased, particularly in developing countries, which has put enormous pressure on urban infrastructure and services already under serious stress. It is urgent to eradicate rural poverty and to improve the quality of living conditions, as well as to create **meaningful** employment and educational opportunities in rural settlements, regional centres and secondary cities. Full advantage must be taken of the complementary contributions and linkages of rural and urban areas **through socially equitable and environmentally sound development. by balancing their different economic, social and environmental requirements.**

ARTICLE 9

9. More people than ever are living in absolute poverty and without adequate shelter. Inadequate shelter and homelessness are growing plights in many countries **including the most affluent countries of the North**, threatening standards of health, security and even life itself. ~~[[Everyone *should* shall be entitled to an adequate-~~ **high standard of living, including adequate—affordable, accessible, safe and healthy food, clothing and inclusive adequate — affordable, accessible, safe and environmentally sound, with**

tenure security housing, and to the continuous improvement of living conditions.] All the states signatory to the international Covenant of Social Cultural and Economic Rights have “recognize the right of everyone to an adequate standard of living, including food, clothing and housing” (Art. 11.1 International Covenant of Economic, Social and Cultural Rights — ICESCR, 1966). In addition, states have undertaken the international obligation to recognize the “right of everyone to social security (Art. 9), and “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” (Article 12, ICESCR).

DOCUMENTATION OF PRECEDENT

RE: PROVIDING FOR THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, mal-conceived structural adjustment programs . In addition displacement occurs through natural or *man-made* anthropogenic catastrophes, and especially by the act of foreign and internal aggression.** In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

RE: ACKNOWLEDGING ADEQUATE SHELTER AND SERVICES - BASIC HUMAN RIGHT. OBLIGATION ON GOVERNMENTS TO ENSURE ADEQUATE SHELTER

8. adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

RE: PROMOTING OF EQUITABLE DISTRIBUTION OF BENEFITS

(b) Human settlements policies should aim to improve the condition of human settlements particularly by promoting a more equitable

distribution of the benefits of development among regions; and by making such benefits and public services equally accessible to all groups. (Rec. A 4,b Habitat I)

(c) this can be done through:

- (i) the location of public sector investments;
- (ii) the allocation of direct subsidies and priority of investment, to selected disadvantaged regions and groups
- (iii) the use of incentives and disincentives-fiscal, legal and other to favour or discourage selected activities or areas
- (iv) The creation of special employment, training and social services opportunities training and social services opportunities in favour of the most deprived
- (v) the deliberate improvement of conditions in the most disadvantaged settlements, so as to enhance attraction of such areas in relation to others;
- (vi) Measures to improve the quality of life of *vulnerable marginalized* groups which have special needs-such as children, the elderly, the handicapped and the disabled. Such measure include provision of basic social services, adequate shelter and social and physical access to facilities. (Habitat I)

Recommendation C 11

Infrastructure policy

- (a) The unequal distribution of wealth between population groups, within human settlements and between urban and rural settlements is exacerbated by the inequalities in access to goods, services and information.
- (b) Infrastructure policy should be geared to achieve greater equity in the provision of services and utilities, access to places of work and recreational areas as well as to minimize adverse environmental impact.
- (c) this implies
 - (i) Enforcement of minimum and maximum standards of infrastructure for all segments of the population
 - (ii) More efficient use of resources and elimination of excessive consumption through development and implementation of maximum standards, education, conservation and other appropriate measures; (Habitat I)

9 bis. The rapidly increasing number of displaced persons including refugees, other displaced persons in need of international protection and internally displaced

persons, as a result of natural and human-made disasters in many regions of the world, is aggravating the shelter crisis, highlighting the need for a speedy solution to the problem on a durable basis.

9 ter. Acknowledging that often the lack of respect and trust of youth, and the exclusion of youth from the decision making process have contributed to a reciprocal lack of trust on the part of youth, and thus affirming that t *The rights and needs of children and youth and of future generations have to be taken fully into account [recognizing the rights, duties and responsibilities of parents and other persons legally responsible for children, consistent with the Convention on the Rights of the Child].* Special attention needs to be paid to participatory processes dealing with the shaping of cities, towns and neighbourhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment. Special attention must be paid to shelter needs of **vulnerable children from marginalized groups**, such as street children, refugee children and children who are victims of sexual exploitation.

DOCUMENTATION FOR PRECEDENT

RE: 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)

ARTICLE 10

10. *Although All many countries, particularly developing countries, lack the necessary legal, institutional, financial, technological and human resources to respond adequately to rapid urbanization., many local authorities are taking on these challenges with open, accountable and effective leadership and are eager to bring people into the sustainable and the political will to achieve socially equitable and environmentally sound development process.* Enabling structures that facilitate independent initiative and creativity, and that encourage the wide range of **genuine community involvement and participation partnerships,**

including with the **members in private sector enterprises that are advocating strong mandatory regulations to facilitate and drive socially equitable and environmentally sound development**, within and between countries, should be promoted. Furthermore, empowering all people, especially *[(members of)] vulnerable marginalized* and disadvantaged groups and people living in poverty, to participate equally and effectively in all activities related to human settlements is the basis for civic engagement, facilitated by the national authorities. Indeed, the Habitat Agenda provides a framework to enable people to take responsibility for the promotion and creation of **socially equitable and environmentally sound human sustainable human settlements**.

10 bis. [Human settlements problems are of multidimensional nature that has its main roots in poverty and underdevelopment and, in many countries, is aggravated by the scarcity of resources. It is recognized that human settlements are not isolated from the social and economic development of countries and that they cannot be set apart from the need for a favourable international framework for sustained economic growth and sustainable development.]

ARTICLE 11

11. There are critical differences regarding human **communities settlements** in different regions and countries and within countries. These differences, specific situations and varying capacities of each community and country need to be taken into account in the implementation of the Habitat Agenda. **Even though these critical differences exist there are overarching principles that have been agreed to internationally within which to group these differences; these principles are related to the enshrining and the guaranteeing of human rights, the preserving, protecting and conserving of the environment, the ensuring of social justice and the enabling of socially equitable and environmentally sound development.** *[(International, regional, sub-regional and national institutional arrangements, including the enhancement of the Commission on Human Settlements and the United Nations Centre for Human Settlements (Habitat) as the global focal points and allocation of resources, are central to the implementation of the Habitat Agenda.].* **In addition, it is essential that UNCHS recognize that the successful implementation of Habitat II depends on the necessity of examining the interdependence of issues and continually work with agencies involved in Environment, Human Rights, and Peace promotion.**

ARTICLE 12

12. The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles, **previous obligations incurred and expectations created and new commitments undertaken**, a positive vision of **socially equitable and environmentally sound development of sustainable**

human settlements -- where all have adequate shelter, a healthy and safe environment, basic services, and *productive*, **environmentally sound** and freely chosen **meaningful** employment. The Habitat Agenda will guide all efforts to **finally** turn this vision, **which has been articulated through multiple international forums for over 50 years** into reality.

**PART II.
GOALS AND PRINCIPLES, OBLIGATIONS, AND EXPECTATIONS**

ARTICLE 13

13. We, the States participating in the United Nations Conference on Human Settlements (Habitat II) [~~are have undertaken committed to~~ a political, economic, environmental, ethical and spiritual vision of human settlements based on the principles of equality, solidarity, partnership, human dignity, respect and cooperation, through obligations incurred and expectations created in international instruments. ~~We]adopt the We undertake to observe the *goals and principles*, discharge obligations and fulfill expectations inherent in ensuring the right to of adequate shelter for all as agreed in previous international instruments and to socially equitable and environmentally sound human settlements. *sustainable human settlements development in an urbanizing world.* [We believe that the observance of principles, the discharging of obligations and the fulfilling of expectations *attaining these goals will promote ensure* a world more stable and free from injustice and conflict and contribute to just, comprehensive and lasting peace and to global equitable economic and social development and environmental protection.] [Civil, ethnic and religious strife, violation of human rights, nuclear armament, armed conflicts, alien and colonial domination, foreign aggression and occupation, international economic imbalance, coercive economic measures, poverty, organized crime, and terrorism in all its forms are destructive to socially equitable and environmentally sound development *sustainable human settlement development* and should therefore be renounced by all States.] At the national level we will reinforce and attain peace by *promoting ensuring* tolerance, non-violence and respect for diversity, and by settling disputes by peaceful means, by undertaking to reduce the production of arms, moving towards the ultimate elimination of arms production, and to discharge the obligation to eliminate the production and testing of weapons of mass destruction. At the local level, the prevention of crime and the promotion of sustainable communities are essential to the attainment of safe and secure societies. Crime prevention through social justice, equity and equality including the right to social security, the right to shelter and satisfaction of basic needs within a community of trust. *development is essential to crime prevention one crucial key to these goals.* At the international level, we will *promote ensure* international peace and security by undertaking immediately the substantial reduction the global military budget to that of 1981 the year in which there was a general assembly resolution calling for the freezing and reducing of the military budget and make and support all efforts to settle international disputes by peaceful means in accordance with the Charter of the United Nations.] We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and by over 50 years of~~

obligations incurred and expectations undertaken through international instruments and we reaffirm our commitment to ensure the realization of the human rights set out in international instruments [including the right to adequate housing as provided for] in the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural 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 that the right to adequate housing should shall be realized progressively*]. We reaffirm that all human rights - civil, cultural, economic, political and social - are universal, indivisible and interdependent and interrelated. We subscribe to the following principles and goals to guide us in our actions.

ARTICLE 14

14. Equitable human settlements are those in which all people, without discrimination of any kind as to race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or, social origin*, property, *birth, nature of residency* or other status have equal access to safe and **healthy** housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for a *productive meaningful* and freely chosen livelihood; equal access to economic resources[*, including the right to inheritance*],/As agreed in the **Convention on the Elimination of All Forms of Discrimination** 5 d (vi) The right to inherit;

ARTICLE 16

16. [*Sustainable socially equitable and environmentally sound development is essential to human settlements development, while giving full consideration for the needs and necessities of achievement of economic growth in all countries, particularly in developing countries. Special consideration needs to be given to the specific situation of countries with economies in transition.*] Human settlements shall be planned, developed and improved in a manner that takes full account of **sustainable socially equitable and environmentally sound** development principles **observed and expectations created and all its components, as set out** in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development. Sustainable human settlements development ensures **socially equitable and environmentally sound economic development, meaningful** employment opportunities and social **justice progress**, in harmony with the environment. It incorporates, among the principles of the Rio Declaration which are equally important and other outcomes of the United Nations Conference on Environment and Development, that of the precautionary *approach principle*,

pollution prevention, respect for the carrying capacity of ecosystems, and preservation of natural heritage and socially equitable and environmentally sound opportunities for future generations. Production, consumption and transportation should be **developed** *managed* in ways that protect and conserve the stock of resources while drawing upon them. Science and technology have a crucial role in shaping sustainable human settlements and sustaining the ecosystems they depend upon. **As expressed in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Humanity from 1975, there is continued 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”.** Sustainability of human settlements entails their balanced geographical distribution or other appropriate distribution in keeping with national conditions, promotion of **socially equitable and environmentally sound development** *economic and social development*, and human health and education, the **conservation and protection of** *maintenance* of biodiversity *promotion of economic and social development*, human health and education, and cultural diversity, as well as air, water, vegetation and soil qualities at standards sufficient to sustain human life and well-being for all time.

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 6 Habitat I)

Re: Precautionary principle

The expression “the Precautionary Principle” is used throughout the UNCED documents in Agenda 21, Convention on Biological Diversity, The Framework Convention on Climate Change, and the Rio Declaration

RE: ENSURING ENVIRONMENTAL AND CULTURAL PRESERVATION

It is the responsibility of Governments to prepare spatial strategy plans and adopt human settlement policies to guide the socioeconomic development efforts. Such policies must be an essential component of an over-all development strategy, linking and harmonizing them with policies on industrialization, agriculture, social welfare, and environmental and cultural preservation so that each supports the other in a progressive improvement in well-being of all **humanity** *mankind*. (III 2, Habitat I)

RE: PRESERVING OR PROTECTING NATURAL HERITAGE

- 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)
- 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)
- 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)

RE: PROTECTING ENVIRONMENT AS COMMON HERITAGE

11. The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable in the long term. The environment is the common heritage of **humanity** *mankind* and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired ;by a deep respect for the protection of the environmental resources upon which life itself depends. (II, 11 Habitat I)

RE: PROCLAIMING USE OF SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT FOR STRENGTHENING INTERNATIONAL PEACE AND SECURITY

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),

ARTICLE 17

17. The quality of life of the people depends, among other economic, social, environmental and cultural factors, on the physical conditions and spatial characteristics of our villages, towns and cities. City lay-out and aesthetics, land-use patterns, population and building densities, transportation and ease of access for all to basic goods, services and public amenities have crucial bearing on the livability of settlements. This is particularly important to *vulnerable marginalized* and disadvantaged persons, many of whom face barriers in access to shelter and in participating in shaping the future of their settlements. People's needs for community and their aspirations for more livable neighbourhoods and settlements should guide the process of **planning**, and **designing, management and maintenance** of human settlements. Objectives of *this endeavour* include protecting public health, providing for safety and security conditions, education, and social integration, promoting equality, respect for diversity and cultural identities, **increased ing** accessibility for persons with disabilities, and **preserv~~ing~~ation** of natural heritage and cultural heritage—historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care **through**

living within the carrying capacity of the ecosystem. [The preservation of **natural heritage** and historical monuments and buildings, particularly in the case of those declared by UNESCO as part of the **cultural and natural patrimony** of humanity, should be assisted through international cooperation.] **including states undertaking to sign and ratify the convention on the Protection of Cultural and Natural Heritage, and to enact the necessary legislation to ensure that significant cultural and natural heritage are protected and presented for international world heritage designation.**² It is also of crucial importance that spatial diversification and mixed uses of types of housing and services be promoted at the local level in order to meet the diversity of needs and expectations.

DOCUMENTATION OF PRECEDENTS

RE: PRESERVING, PROTECTING AND ENHANCING OF THE ENVIRONMENT

Every State has the right to exercise full and permanent sovereignty over its wealth, natural resources and economic activities, adopting the necessary measures for the planning ... of its resources, providing for the protection, preservation and enhancement of the environment. (II 8 Habitat I)

RE: PRESERVING OF NATURAL HERITAGE

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)

ARTICLE 19

19. All people have basic rights and must also accept their responsibility to respect and protect the rights of others - including **the rights of** future generations - and to contribute actively to the common good. **Socially equitable and environmentally sound Sustainable** human settlements are those that, inter alia, generate a sense of citizenship and identity, cooperation and dialogue for the common good, and a spirit of voluntarism and civic engagement, where all people are encouraged and have equal opportunity **for genuine community involvement and participation including the participation of those who have usually been marginalized from**

the decision making process to participate in decision-making and development. Governments at all appropriate levels, including local authorities, have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and public-private—**individuals and enterprises that engage in BEST (Best environmentally sound Traditions) practices or socially equitable and environmentally sound development— cooperation partnerships**, and helping people to understand and exercise their rights and responsibilities through open and effective participatory processes, universal education and information dissemination.

ARTICLE 20

*20. **Partnerships Cooperation** among countries and among **all individuals and groups in society actors** within countries from public, *private*, voluntary, and community-based organizations, the cooperative sector, non-governmental organizations and individuals are essential to the achievement of **socially equitable and environmentally sound sustainable** human settlements **Genuine community involvement and participation in decision making from the determining of the terms of reference and throughout the process is essential to achieving socially equitable and environmentally sound human settlements. To be inclusive particularly for the benefit of groups that are usually marginalized all decision making processes shall avoid jargon, buzz words, euphemism, unnecessary compilation or veiled intention.** *development and the provision assurance of adequate shelter for all and basic services. Partnerships can integrate and mutually support objectives of broad-based participation through, inter alia, forming alliances, pooling resources, sharing knowledge, contributing skills and capitalizing on comparative advantages of collective actions. The processes can be made more effective by strengthening civil organizations at all levels. Every effort must be made to encourage collaboration and partnership of all sectors of society and among all actors in decision-making processes as appropriate. **

ARTICLE 21

21. Solidarity with those who are less fortunate, disadvantaged and *vulnerable marginalized groups*, including people living in poverty, as well as **commitment to tolerance, non-discrimination and cooperation among all people, families and communities are foundations for social cohesion. Solidarity, cooperation and assistance should be enhanced by the international community as well as by States and all other relevant institutions and bodies actors** to respond to challenges **of socially equitable and environmentally sound development in human settlements development.** The international community and governments

at all appropriate levels are called upon to **discharge obligations and fulfill expectations** through enacting the necessary legislation to **ensure socially equitable and environmentally sound development** *the promote sound and effective policies and instruments, thereby* and through strengthening cooperation among governments and non-governmental organizations, as well **through providing as to mobilize** complementary resources to meet these challenges.

ARTICLE 22

22. [To safeguard the global needs and rights *interest* of present and future generations in human settlements including the right to a safe environment, the right to natural heritage, the right to social security and shelter, and to socially equitable and environmentally sound development including social justice is one of the fundamental goals of the international community. The implementation of the Global Plan of Action will require a willingness to make the necessary attitudinal changes, particularly in relation to respecting and trusting the present generation of youth, and in relation to ensuring the rights of the present generation of youth, of marginalized people in global societies, and the rights of future generations; and a flow of new and additional financial support from different sources including from reducing of the global military budget and from deferred taxes from corporations including transnational corporations and to transfer resources to developing countries in order to cover the incremental costs of the socially equitable and environmentally sound actions they have to undertake to address *deal with human settlements* problems and to accelerate socially equitable and environmentally sound development *sustainable development*.] In additions compensation shall be sought from corporations that have violated human rights, caused environmental degradation, and contributed to conflict and war.

DOCUMENTATION OF PRECEDENT

RE DESIGNATING OF HERITAGE OF OUTSTANDING INTEREST

- 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* **[humanity]** 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)

- 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)

RE: CONSERVING BIODIVERSITY FOR FUTURE GENERATIONS

- 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)
- 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)

**Part III.
OBLIGATIONS DISCHARGED, EXPECTATIONS FULFILLED AND
COMMITMENTS UNDERTAKEN**

[The Global Plan of Action *is* shall be revised to be *drawn up* in full conformity with the purposes and principles of the Charter of the United Nations, and with the over-51 years of obligations incurred in Treaties, Conventions, and Covenants, and of expectations created in Declarations, General Assembly Resolutions and Conference Agendas. *The implementation of the recommendations contained in this plan of action is the sovereign right of each State consistent with national laws and development priorities, as well as with full respect for the various religious, ethical values, cultural backgrounds and philosophical convictions of its people, and in conformity with universally recognized international human rights.*]/4 The implementation of the recommendations in this plan of action should reflect sovereign equality as specified in the original Charter of the United Nations. Sovereign equality does not mean that states have the sovereign right to not comply with obligations or fulfill expectations from previous international instruments.

COMMENT ON OBLIGATIONS AND EXPECTATION

We are mindful *that since* the formation of the United Nations, member states of the United Nations have undertaken in UN system governing bodies obligations reflected in Charters, Treaties, Covenants, Conventions, and have created expectations reflected in Declarations, General Assembly Resolutions, and Conference Agendas, and that if these fifty-one years of obligations had been honored and acted upon, respect for human rights could have been ensured, preservation and protection of the environment could have been preserved, protected and conserved, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled,

Cognizant that only when these obligations are discharged and expectations fulfilled will we have the global community that is socially equitable and environmentally sustainable.

RECOGNIZING that for fifty-one years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby if a government holds itself out to do something even if not legal 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 obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

States undertake to introduce the following resolution in the General Assembly.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

ARTICLE 23

23. [Embracing the foregoing principles of compliance and equality through the discharging of obligations, through the fulfillment of expectations and through the undertaking of commitments we, as participating States in this Conference, *commit ourselves* undertake to implement the Habitat Agenda including through sub-national, national, sub-regional and regional plans of action and other policies and programmes drafted and executed in cooperation with all individuals and members of civil society that embrace the international principles related to enshrining and guaranteeing human rights, to preserving, protecting and preserving the environment, and to ensuring social justice and the prevention of conflict and war **key actors** at all levels and supported by the international community. In implementing these commitments we shall give special attention to the circumstances and needs of people who are homeless, living in poverty, or are in some other way disadvantaged or marginalized *vulnerable*, especially those who are women, children, older people, indigenous people, displaced people or people with disabilities.]/6 In addition, we recognize *taking into account* that there shall be respect for nature beyond human purpose and that human beings are crucial in the promotion of *are at the centre of concerns* for *sustainable* socially equitable and environmentally sound development, including adequate shelter for all and sustainable human settlements development, and they are entitled to a healthy and *productive meaningful* life in harmony with nature.]/5

A. ADEQUATE SHELTER FOR ALL

ARTICLE 24

24. [We reaffirm our *commitment to the progressive realization* obligation to ensure enactment of the right to adequate— affordable, accessible, tenure security, safe, healthy and environmentally sound— housing, as set out in numerous international instruments. In this context, we recognize the fundamental obligation of governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods, and to foster and facilitate genuine involvement and participation in the development of the community.] We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter which is healthy, safe, secure, accessible and affordable and which includes basic services, facilities and amenities and the enjoyment of freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards./7

ARTICLE 25

25 displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

DOCUMENT FOR PRECEDENT

RE: PRESERVING LAND RIGHTS OF INDIGENOUS PEOPLES

i(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved. (recommendation D5 Patterns of ownership Habitat I)

RE: CONDEMNING DISPLACEMENT OF NATIVE POPULATION

(e) In all occupied territories, changes in the demographic composition, or the transfer or uprooting of the native population, and the destruction of existing human settlements in these lands and/or the establishment of new settlements for intruders, is inadmissible. the heritage and national identity must be protected. Any policies that violate these principles must be condemned.

RE: ESTABLISHING SUFFICIENT PROTECTING 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)

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)

RE; 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, 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)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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)

RE: 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**

ARTICLE 25a-g

[(a) Ensuring consistency and coordination of macroeconomic policies and shelter policies, means for action and methods and strategies, in order to support the providing of resources *resource mobilization*, the generating of meaningful employment *generation* and the eradicating of poverty;]

(a bis.) Ensuring that women and men have equal access to resources, including credit opportunities, and the right to inheritance and ownership of land and property;

(b) Ensuring legal security of tenure and equal access to serviced land including through a diverse range of tenure options;

(c) Promoting broad, non-discriminatory access to open, efficient effective and appropriate housing finance mechanisms including credit opportunities for all;

(d) Promoting construction methods, materials and technologies that are affordable, safe, efficient, accessible and emphasize greater use of local materials (**endogenous- as undertaking in Habitat I**) and human resources, encourage and support design efficiency and energy-saving methods, and which are environmentally sound and protective of human health;

(e) Through public, community and through **promoting BEST practices enterprises private sector** initiatives increasing the supply of affordable housing and tenure options, including rental, cooperative and home ownership;

(f) Promoting rehabilitation, upgrading and maintenance of existing housing stock;

(f bis.) Providing basic services, and promoting supply of facilities and amenities;

(f ter.) Recognizing and respecting clear and enforceable rights and obligations of both owners and tenants;

(g) Eradicating discrimination in the access to shelter which is based on race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or, social origin*, property, *birth*, **nature of residency** or other status

ARTICLE 25h

[[h) Promoting shelter and basic services for the homeless, internally displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

[[i) Promoting access to local basic facilities for education and primary and universal health services;]]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: 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)

RE: 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)

RE: AFFIRMING UNIVERSAL ACCESS TO EDUCATION

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. (ICPD)

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 an essential tool for achieving the goals of equality, development, **environmental integrity** and peace (71 Platform of Action).

RE: 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, requires a complete restructuring of the educational system. 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.

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 socioeconomic, political global structure to a new vision of education that is one of tolerance cooperation and intellectual stimulation.

RE: ENSURING UNIVERSAL ACCESS TO HEALTH CARE

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)

ARTICLE 25 j

[(j) Formulating or strengthening of measures to provide (legal) migrants, migrant workers and their families access to adequate housing and social services.]

DOCUMENTATION OF PRECEDENTS

RE: RECOGNIZING THE PRIORITY OF SOCIAL SERVICES

Recommendation C 15
Social services

(b) the provision of health, nutrition, education, security, recreation and other essential services in all parts of the country should be geared to the needs of the community and receive an effective priority in national and development planning and in the allocation of resources

(c) Areas for priority action include the following:
(v0 Priority orientation of the above actions towards the promotion of health and the prevention of malnutrition, communicable diseases and other avoidable health risks and the provision of essential services and spiritual and physical recreational facilities;
(Recommendation C 15, Habitat I)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

[(k) Protecting within the national context, the traditional rights to land and other resources of pastoralists, fishery workers and nomadic and indigenous people and strengthening land management;]

[(l) Avoiding forced illegal evictions, when possible; when unavoidable, to strive for rehabilitation.]

B. SUSTAINABLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND HUMAN SETTLEMENTS

ARTICLE 26

[26. We recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring *the goal of socially equitable and environmentally sound sustainable human settlements in an urbanizing world* by developing economies that will preserve, protect and conserve the environment, and that will make efficient use of limited resources, through BEST practices, within the carrying capacity of ecosystems and by providing all people with equal opportunities for a healthy, safe and *productive meaningful* life in harmony with nature and with natural and cultural heritage and spiritual and cultural values, ensuring social justice *progress*.

DOCUMENTATION OF PRECEDENTS

RE: BEING WITH THE CARRYING CAPACITY OF ECOSYSTEMS

Recommended extensively throughout all literature on Ecology and the Environment. The need for socially equitable and environmentally sound development within the carrying capacity of ecosystems is an essential principle of sustainability.

ARTICLE 27

27. We further *commit ourselves to the objectives of:* recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring the following:

(a) *Promoting ensuring* socially integrated human settlements, combating segregation, discriminatory and other exclusionary policies and practices and recognizing and respecting the rights of all, *especially women and the poor* ; including those who have been discriminated on the basis of gender, sex sexual orientation, marital status, age, disabilities, race, tribe, or culture, colour, ethnicity, national, ethnic or social origin, nationality, place of birth, refugee or immigrant status, aboriginal ancestry, religion or conviction, language, political or other opinion, socioeconomic conditions, nature of residency and other status

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: 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)

RE; 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

ARTICLE 27 b-h

(b) Ensuring the acknowledging and harnessing the potential of the informal sector, *where appropriate*, in providing housing and services for the people in poverty *poor*;

(c) Ensuring *Promoting* changes in production and consumption patterns and settlements structures that will protect **natural environment natural resources - including water, air, bio-diversity, energy and land - providing a healthy living environment for all;**

(d) Ensuring *Promoting spatial development* the development of spatial patterns that reduce transport demand, as well as that create *creating* efficient, effective and environmentally sound publicly owned transportation systems that improve accessibility to work, goods, services and amenities;

(e) Preserving natural ecosystems and protecting agricultural *productive* land in urban and rural areas and protecting fragile ecosystems from the negative impacts of human settlements;

(f) Preserving, protecting and maintaining natural, historic and cultural heritage, including traditional shelter and settlements patterns and *pathways*, as appropriate, as well as landscapes and urban flora and fauna in open and green spaces;

DOCUMENTATION OF PRECEDENTS.

RE: PRESERVATION OF HERITAGE OF OUTSTANDING INTEREST

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)

Noting the recognition of the World Heritage committed meeting in 1993 when the committee recognized the protection of cultural pathways

(g) Ensuring cooperative socially equitable and environmentally sound development and meaningful employment *Enabling competitive and sustainable economic development that will attract investments, generate employment and provide revenues for human settlements development;*

(h) *Alleviating* preventing and eliminating undesired impacts of structural adjustment and economic transition on human settlements by undertaking to develop a socially equitable and environmentally sound alternative with genuine community participation and involvement; and

COMMENT

RE: RE-EXAMINING THE IMPACT OF STRUCTURAL ADJUSTMENT PROGRAMS

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. (Global Compliance Research Project)

DOCUMENTATION OF PRECEDENT

RE: SUPPORTING REVIEW OF STRUCTURAL ADJUSTMENT

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)

RE: CRITICIZING OF STRUCTURAL ADJUSTMENT PROGRAMS

Concerned about the negative impact on the poor, especially women and children, of the International Monetary Fund and World Bank structural adjustment policies (Women's Action Agenda, 1992)

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)

RE: CONTRIBUTING OF STRUCTURAL ADJUSTMENT TO DETERIORATION OF PUBLIC HEALTH SYSTEMS

In many countries, especially in developing countries, in particular the least developed countries, a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatization of health-care systems without appropriate guarantees of universal access

to affordable health care, further reduces 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 their roles within the family and the community, are often not acknowledged; hence they do not receive the

necessary social, psychological and economic support (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

RE: ASSESSING IMPACT OF STRUCTURAL ADJUSTMENT ON WOMEN AND GIRL CHILDREN

22. Macro and micro-economic policies and programmes, including structural adjustment, have not always been designed to take account of

their impact on women and girl children, especially those living in poverty. Poverty has increased in both absolute and relative terms, and

the number of women living in poverty has increased in most regions. There are many urban women living in poverty; however, the plight of women living in rural and remote areas deserves special attention given

the stagnation of development in such areas. In developing countries, even those in which national indicators have shown improvement, the majority of rural women continue to live in conditions of economic underdevelopment and social marginalization (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

RE: PROPOSING DEBT FORGIVENESS

Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, through the immediate

implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief (Habitat II) measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities; (61 c Platform of Action. UN Conference on Women: Equality, Development and Peace)

. ARTICLE 27 J

(i) Preventing and reducing the impact of natural and human-made disasters on human communities *settlements*, by enshrining the notion of healthy community as “healthy, safe and environmentally sound communities,” by eliminating patterns of consumption and development that have increased societal vulnerability to disasters, by promoting and funding BEST practices, and by embracing a culture of safety.

DOCUMENTATION OF PRECEDENTS

RE: PROMOTING A 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)

This principle involves the commitment to act to prevent rather than to [correct]

"to promote a 'culture of safety' in all countries, especially those that are disaster-prone, the following activities should be carried out:
(Agenda 21, 7.60)

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)

RE: PREVENTING DISASTER

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 Traditions** *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).

RE: 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)

RE: 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).

RE: 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)

RE: 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)

**RE: 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 Reduction, 1994).

**RE: 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 Disaster Reduction 1994)

**RE: 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)

**RE; 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)

C. Means of Discharging Obligations and Fulfilling Expectations *Enabling Action*

ARTICLE 28

28. We recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring the *We commit ourselves to the strategy of enabling all key actors, in the public, private and the community sectors, the genuine involvement and participation of individuals and groups of civil society to play an effective role - at national, state/provincial, metropolitan and local levels-in the socially equitable and environmentally sound development of human settlements and shelter development.*

ARTICLE 29

29. We further ensure *commit ourselves to the objectives of:*

(a) *Exercising public authority and The using of public resources with openness transparency and accountability;*

(b) *The Decentralizing within a framework of overarching international principles, authority and resources, as appropriate, as well as functions and responsibilities to the level most effective in addressing needs of people in their settlements;*

(c) *Promoting The establishing of institutional and legal frameworks and capacity-building conducive to civic engagement and to inclusive genuine community involvement and participation in socially equitable and environmentally sound development of settlements broad-based participation in human settlements development;*

(d) *The providing of capacity-building for the socially equitable and environmentally sound development of human settlements management and development;*

(e) *The supporting of institutional and legal enabling frameworks for mobilizing providing financial resources for socially equitable and environmentally sound development of human settlements sustainable shelter and human settlements development;* and

(f) *The promoting equal access to reliable information, utilizing, where appropriate, modern communications technology and networks.]*

[Gender Equality

29 bis.. We recognize that through international agreements we have incurred obligations related to the equality of women from the inception of the United Nations Charter and throughout subsequent human rights documents, and we recognize that further expectations have recently been created in the Platform of Action from the UN Conference on Women: Equality, Development and Peace, we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring *We commit ourselves to the goal of gender equality in human settlements development. We further commit ourselves to the objectives of ensure:*

(a) Integrating gender perspectives in human settlement-related policies, programmes and projects, and the promotion of the full and equal participation of women in human settlement planning and decision-making; and

(b) Developing methodologies for incorporating gender perspectives in shelter planning, development and evaluation, such as the collection, analysis and dissemination of gender-disaggregated data and information, and the development of gender-based indicators.]

D. Financing shelter and human settlements

[30. We commit ourselves to **undertake to strengthening** existing financial mechanisms and, *where appropriate, developing new sources of funding mechanisms* for financing the implementation of the Habitat Agenda, **such as funding from a substantial reduction of the global military budget, from deferred taxes from corporations or transnationals, or from compensation for environmental degradation.**

COMMENT:

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81.

which will mobilize increased sources of finance - public, private, multilateral and bilateral - at international, regional, national and local levels; and will promote the efficient, effective and accountable resource allocation and management.]

[31. We further commit ourselves to the objectives of :

(a) Stimulating national and local economies, through **ensuring socially equitable and environmentally sound development enabling competitive and sustainable economic development, that will attract public and international financial resources and private investments, generate employment and increase revenues, providing a stronger financial base to support shelter and human settlements development;**

(b) Strengthening fiscal and financial management capacity, at all levels, to fully develop the taxation base, pricing mechanisms and other sources of revenue;

(c) Enhancing public revenue through the use, as appropriate, of fiscal instruments which are conducive to environmentally friendly practices, in order to promote direct support for **socially equitable and environmentally sound development sustainable human settlements;**

(d) Strengthening regulatory and legal frameworks such as **MINS 1997 to drive the development, promotion and implementation of BEST (Best Environmentally Sound Traditions) practices to enable markets to work and to facilitate independent initiative and creativity, as well as to encourage a wide range of partnerships to finance shelter and human settlements development;**

(e) Promoting increased equitable access to credit for all;

(g) targeting, where appropriate, subsidies to those who are not served by the market, and promoting appropriate credit mechanisms and other instruments to address their needs.]

E. International cooperation/12

ARTICLE 32

[32. We commit ourselves - in the interests of international peace, security, justice and stability - to **reduce the global military budget by 50 % and to reallocate the financial resources saved from the reduction to economic and social as undertaken through General Assembly Resolutions in 1981. In addition we commit to enhancing international cooperation and partnerships which will assist in the to implement implementation of the national and the global plans of action and the attainment of the goals of the Habitat Agenda, by contributing to and participating in multilateral, regional and bilateral cooperation programmes and institutional arrangements and technical and financial assistance programmes; by the interchange of BEST (Best Environmentally Sound Traditions) practices exchange of appropriate**

technology; by the collection, analysis and dissemination of information about shelter and human settlements, and by international networking.]

ARTICLE 33

[33. We further commit ourselves to the objectives of:

(a) Striving for the fulfillment of the accepted target of 0.7 per cent of gross national product for official development assistance for **socially equitable and environmentally sound development**, as soon as possible, as well as increasing, within it, the share for funding for **socially equitable and environmentally sound development, human settlements and shelter development;**

(b) Using resources and economic instruments in an effective, efficient and equitable manner, at the local, national, regional and international levels; and

(c) Promoting responsive international cooperation between public, *private* **BEST practices enterprises** and non-profit, non-governmental and community organizations.]

F. Assessing the discharging of obligations and the fulfillment of expectations *progress*

ARTICLE 34

[34. We commit ourselves to monitor and evaluate, within our own countries, efforts to implement national plans of action, striving to ensure efficiency and effectiveness in meeting the goals of adequate shelter for all and sustainable human settlements development.] **In addition we also commit to discharge our previous obligations incurred through Conventions, Treaties and Covenants by signing what we have not yet signed, ratifying what we have not yet ratified, enacting legislation to ensure compliance, and establishing an enforcement infrastructure to ensure the discharging of these obligations and the fulfilling of these expectations, and we commit to fulfilling previous expectations created through Declarations, General Assembly Resolutions and Conference action statements. To demonstrate our commitment to over 50 years of obligations and expectations we also commit to the establishment of an International Court of Compliance where citizens can take evidence of state non-compliance with obligations and expectations. For this purpose we pledge to support a General Assembly Resolution in the 51 session of the United Nations to commemorate the culminating of the Decade devoted to the promotion and furtherance of International Law.**

ARTICLE 35

[35. We further commit ourselves to the objective of enhancing the role and strengthening the institutional capacity of UNCHS (Habitat) as an agency of coordination and cooperation assisting the Member States of the United Nations to monitor and evaluate the implementation of the Habitat Agenda, using *shelter and urban indicators and best* **BEST (Best Environmentally Sound Traditions)** practices as a basis for assessing global conditions and trends in shelter and **socially equitable and environmentally sound development human settlements development.**]

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

A. Introduction

ARTICLE 36

36. Twenty years ago in Vancouver, at the First United Nations Conference on Human Settlements (Habitat I), the world community adopted an agenda for human settlements development. Since then, there have been remarkable changes in population and social, political, environmental and economic circumstances **that could have with the needed international and national political will have permitted the fulfillment of the expectations of Habitat I. affect strategic outlook.** These changes have led many Governments to adopt and promote enabling policies to facilitate actions by individuals, families, communities and the private sector to improve human settlements conditions. However, it is estimated that at least 1 billion human beings still lack adequate shelter and are living in unacceptable conditions of poverty, mostly in developing countries.

ARTICLE 37

37. While the rate of population growth is on the decline, during the past twenty years world population has increased from about 4.2 billion to about 5.7 billion, with nearly one third under 15 years of age, and an increasing number of people living in towns, cities, and mega-cities. By the turn of the century, humankind will be crossing a threshold where over 50 per cent of the population live in urban areas. Meeting the needs of the nearly 2 billion more people expected in the coming two decades and managing human settlements towards sustainability will be a daunting task. In developing countries, in particular, rapid urbanization and the growth of towns, cities, and mega-cities, where public and private resources tend to concentrate, represent new challenges and at the same time new opportunities: there is a need to address the root causes of these phenomena, including rural to urban migration.

ARTICLE 38

38. [Globalization of the world economy and deepening interdependence among nations presents challenges and opportunities as well as risks and uncertainties for the future of the world economy. As a result, the level of economic development has increased in some countries, while the situation in a large number of them remains critical and uncertain. At the same time, the gap between developing and developed countries, the poor and rich - countries as well as people - has widened. New communications technology makes information much more widely accessible and accelerates all processes of change. In many societies, new issues of social cohesion and personal security have emerged and the issue of solidarity has become

central. Poverty, unemployment, environmental degradation, social disintegration and the increasing movement of people, as well as intolerance and violence have also emerged as critical factors. We must keep these new conditions in view as we draw up **plans for socially equitable and environmentally sound human settlements strategies** for the first two decades of the twenty-first century.

ARTICLE 39

39. While Habitat II is a Conference of States and there are many things national Governments can do to enable local communities to solve problems, the **people actors** who will determine success or failure in improving the **condition of human settlements condition** are mostly found at the community level *in* with the public, *private the BEST practices enterprises, and the individuals and groups of civil society non-profit sectors*. It is they, local authorities, **in Best practices enterprises and other [stakeholders], individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society** who are on the front line in achieving the goals of Habitat II. **Although the principles and standards arising from obligations and expectations should be established at the international level,** structural causes of the problems have often to be dealt with at the national and sometimes the international level, **progress the discharging of obligations and the fulfillment of expectations** will depend to a large degree on local authorities, **with genuine community involvement and participation civic engagement and the forging of partnerships** at all levels of government with the *private sector the BEST practices enterprises, and the individuals and groups of civil society, such as* the cooperative sector, non-governmental and community-based organizations., *workers and employers and civil society at large.*

ARTICLE 40

40. Habitat II is one in an extraordinary series of World Conferences held under the auspices of the United Nations over the past five years. All addressed important issues of people-centred **sustainable socially equitable and environmentally sound development**. **These Conferences, though significant, should not minimize the extensive obligations previously incurred by states in conventions, treaties and covenants, and the extensive expectations created in Declarations, General Assembly resolutions and other pre-1992 conference action plans.** It is easy with short institutional memory to ignore past obligations and expectations. Habitat II provides a unique opportunity to incorporate significant obligations and expectations from pre-1992 international instruments with post-1992 international instruments including **the four previous conferences in this series.** *including sustained economic growth and equity, for which successful implementation requires action at all levels, particularly at the local level. Strategies on social, economic, environmental, disaster reduction, population, disability and gender issues will have to be*

implemented in urban and rural areas and, in particular, where the problems are acute and generate tension.

ARTICLE 41

41. In Habitat II, Governments at all levels, **the BEST practices enterprises**, and **the individuals and groups of civil society** *the community and the private sector* considered how the achievement of the two principal goals of "Adequate shelter for all" and "socially equitable and environmentally sound *Sustainable* human settlements *development in an urbanizing world*" can be furthered at the local level through an enabling process in which individuals, families and their communities play a central role **through genuine community involvement and participation**. **The implementation of the Habitat Global Plan of Action requires the genuine involvement and participation of governments at all levels, the BEST practices enterprises, and the individuals and groups of civil society** *This is what is special about the Habitat II Global Plan of Action and its strategies for implementation. Implementation of these measures will need to be adapted to the specific situation of each country and community.*

ARTICLE 42

42. *The strategy of* **The implementation of** the Global Plan of Action is **dependent** *based on enabling* **cement the involvement and participation of citizens in a process that is honest, genuine and open transparency and participation**. *Under this strategy,* **government** efforts are based on establishing legislative, institutional and financial frameworks that will enable **the BEST practices enterprises**, and **the individuals and groups of civil society** to fully contribute **to socially equitable and environmentally sound development** *[sustainable development, including sustained growth]* and enable all women and men to work with each other and in their communities with Governments at all levels, **to establish terms of reference**, determine collectively their future, decide on priorities for action, identify and allocate resources fairly and *build partnerships* **work cooperatively** to achieve common goals. **This cooperative process will set up** the conditions for women and men to exercise their individual rights and responsibilities equally and to engage their abilities effectively in activities that will improve and sustain their living environments (b);

Enablement creates:

(a) A situation in which the full potential and resources of all actors in the shelter production and improvement process are mobilized;

Article 42 (c)

42 (c) The conditions for organizations and institutions to interact and network, **building fostering and ensuring genuine community involvement and**

participation *partnerships* for socially equitable and environmentally sound development [*sustained economic growth and sustainable development*];

...

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

B. Adequate shelter for all/14

ARTICLE 44

44. [Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All nations without exception have *some form of an obligation to provide for in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects.*]

[The provision of adequate housing for everyone requires action not only by governments, but by **all society working cooperatively sectors of society**, including the **BEST practices enterprises**, and **the individuals and groups of civil society private sector, non-governmental organizations**, local authorities, as well as by international organizations (community)] *Within the overall context of an enabling approach, Governments* should take appropriate action [in order to promote, protect and, ensure *the progressive realization of the enactment of the right to adequate housing.*] These include, but are not limited to **ensuring the following**:

1. *Providing Adequate* legal protection from, and effective remedies against discrimination of any kind in housing as to *race, colour, sex, language, religion, political or other opinion, national or social origin, [[property, birth or other status];* race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin**, **nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or, social origin*, property, *birth*, **nature of residency** or other status
2. *Providing* Legal security of tenure and equal access to land among all, including women and those living in poverty, as well as effective protection [from illegal forced evictions]/15;
3. *Adopting* Policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means, by inter alia:
 - a) Expanding the supply of affordable housing through *appropriate* regulatory measures, **including rent control** and market incentives;

- b) Increasing affordability through provision of subsidies and rental and other forms of housing assistance to people living in poverty;
- c) Supporting community-based, cooperative and non-profit rental and owner occupied housing programmes;
- d) Promoting supporting services to homeless and other *vulnerable marginalized* groups;
- e) *Mobilizing Providing* innovative [~~domestic~~] financial and other resources - public and private - for housing and community development;
- f) Creating and promoting market based incentives to encourage the private sector to meet the need for affordable rental and owner occupied housing;
- g) Promoting **socially equitable and environmentally sound** *sustainable spatial* development patterns and **environmentally sound** transportation systems that improve accessibility to goods, services amenities and work.

4. Effective monitoring and evaluation of housing conditions including the extent of homelessness and inadequate housing and, in consultation with the affected population, to formulate and adopt appropriate housing policies and implement effective *strategies* means and plans to address these problems.

ARTICLE 47

47. International and national cooperation at all levels will be both necessary and beneficial in promoting adequate shelter for all. This is especially needed in areas that are affected by war or by natural, industrial or technological disasters, and in situations in which reconstruction and rehabilitation needs surpass national resources.

ARTICLE 48

48 ter. [To ensure the continuing *progress* discharging of obligations and the fulfilling of expectations in the enactment of the right to *toward realizing* an adequate standard of living for all, national and local governments , *as appropriate*, should adopt:

(a) Provisions to ensure:

(i) freedom from discrimination based on race, ethnicity, gender, family composition, and disability status in housing and credit markets, and specifically, recognition that the right to an adequate standard

of living pertains to every person, including those in female-headed households; and

(ii) legal security of tenure and equal access to land among all, including women and people living in poverty;

(b) Policies aimed at making housing habitable, affordable, and accessible, including:

(i) creation of *market-based* incentives to encourage the **BEST practices enterprises** to meet the need for affordable rental housing and home ownership;

48 (ii) promoting spatial development patterns and **safe and environmentally sound public transportation systems** that improve accessibility to goods, services and amenities;

NOTE WORDING ALREADY AGREED TO IN ARTICLE 44 G

DOCUMENTATION OF PRECEDENTS

RE: PREVENTING 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)

RE: PROVIDING SAFE AND *LESS POLLUTING* BEST PRACTICES — BEST ECOLOGICALLY SOUND TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 48 (iii—viii)

(iii) *mobilizing* providing innovative sources of domestic finance - public and private - for housing and community development;

(iv) expanding the supply of affordable housing through appropriate regulatory and market incentives;

(v) promoting socially equitable and environmentally sound development through working cooperatively with genuine community involvement and participation *sustainable economic development through community partnerships*;

(vi) increasing affordability through provision of rental assistance to people living in poverty, and through establishing, and extending rent controls;

(vii) supporting community-based programmes that provide shelter and supportive services to the homeless;

48 (viii) **Preserving, protecting and maintaining historical and cultural and Natural heritage, and urging non-party states to sign and ratify the Convention on the Protection of Cultural and Natural Heritage]**

DOCUMENTATION OF PRECEDENT.

RE: PROTECTING HERITAGE OF OUTSTANDING INTEREST

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* **[humanity]** 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)

ARTICLE 51 (b-h)

51 (b) **[Take full account of the need for Ensure socially equitable and environmentally sound *sustained economic growth, of sustainable development principles and of the basic needs for human development and health*];/17**

(c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

(d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of **governments and individuals and groups of civil society**. *the private and public sectors.*

52 (g) Encourage the development of environmentally sound and affordable construction methods, and production and distribution of building materials, including strengthening the local building materials industry, based as far as possible on locally available resources;

(h) Promote, *where appropriate*, the use of labour-intensive construction and maintenance **BEST practices technologies** that generate **meaningful** employment in the construction sector for the underemployed labour force found in most large cities, at the same time promoting the development of skills in the construction sector.

ARTICLE 53

53. In many countries, *markets serve as the primary housing delivery mechanism*, and hence their effectiveness and efficiency are important to the goal of **sustainable socially equitable and environmentally sound** development. It is the responsibility of Governments to create an enabling framework for a well-functioning housing market. The housing sector should be viewed as an integrating market in which trends in one segment affect performance in other segments. Government interventions are required to address the needs of disadvantaged and **vulnerable marginalized** groups, who are insufficiently served by markets.

ARTICLE 55 (d)

55 D ~~[(d) Apply transparent, comprehensive, easily accessible and progressive taxation and incentive mechanisms to stimulate efficient, environmentally sound and equitable use of land, and exploit the full potential of land-based and other forms of regulations and taxation in mobilizing financial resources for service provision by local authorities;]~~

ARTICLE 57 (c)

57 ~~[(c) Encourage the multiplicity and diversity of intervention of all [stakeholders,] individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process~~

~~*men and women alike, acting within the market system;]*~~ (d) Develop a legal framework of land use aimed at balancing the need for construction with the protection of the environment, minimizing risk and diversifying uses;

ARTICLE 58

58. To eradicate legal and social barriers to the ~~equal and equitable~~ access to land, especially the access of women, people with disabilities and other *vulnerable marginalized* groups, Governments, at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector, and community-based organizations should:

ARTICLE 58a

(a) Address the cultural, ethnic, religious, social and disability-based causes that result in the creation of barriers that lead to segregation and exclusion, including by encouraging **principle-based education founded upon international principles related to promoting and fully enshrining and guaranteeing respect for human rights; to preserving, conserving and protecting the environment; to creating a global structure that respects the rule of law, to achieving a state of peace through prevention and peaceful resolution of conflicts; justice and security, and to participating in socially equitable and environmentally sound development. and training for peaceful conflict resolution;**

ARTICLE 59 e

59 (e) *Capitalize on Draw upon* the potential contribution of key ~~stakeholders~~ in the private formal and informal sectors, and support the engagement of non-governmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution; **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process**

ARTICLE 63

63. To facilitate **equitable** access to housing for those not served by existing finance mechanisms, Governments *should review and rationalize, where appropriate, systems of subsidies by policies that will ensure their viability, [equity] and transparency, thus allowing that* many people without access to credit and land to enter the market.

(e) Ensuring access to basic infrastructure and services

ARTICLE 65

65. To safeguard the health, safety, welfare and improved living environment of all people and to provide adequate and affordable basic infrastructure and services, Governments at the appropriate levels, including local authorities, should promote:

(a) The supply of and access to adequate quantities of safe drinking water;

[(b) Adequate sanitation and [technically] [environmentally sound] waste systems management, based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

ARTICLE 66

66. To ensure the [equitable] provision of basic infrastructure and service delivery systems, Governments at the appropriate levels, including local authorities, should:

(a) Work with all *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision related to** *in* providing serviced land and *in* to allocating adequate space for basic services, as well as for recreational and open space in the development of new schemes and the upgrading of existing ones;

(g) Promote dialogue among all *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision** to help provide basic services and infrastructure.

ARTICLE 69

69. To respond effectively to the requirements for **healthy and environmentally safe and sound** *appropriate* planning, design, construction, maintenance, and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should:

(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, **and as agreed in the “Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;**

DOCUMENTATION OF PRECEDENT

RE: 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)

RE: SUPPORTING ENDOGENOUS TECHNOLOGY

Governments and the international community should facilitate the transfer of relevant technology and experience and should encourage and assist the creation of endogenous technology better suited to the sociocultural characteristics and patterns of population by means of bilateral or multilateral agreements having regard to the sovereignty and interest of the participating States. The knowledge and experience accumulated on the subject of human settlements should be available to all countries. Research and academic institutions should contribute more fully to this effort by giving greater attention to human settlements problems. (III 18 Habitat 1)

Recommendation C4

Designs and technologies for shelter infrastructure and services

C. the solutions arising from such choices should therefor be:

- (iii) based on the best possible use of available local materials and local resources within a process of constructive rationalization allowing for the effective use of locally existing know-how and unskilled labour in countries with abundant **human power** manpower, thereby generating employment and income.
- (iv) Conceived to utilize traditional techniques suitable adapted to new materials
- (v) emerging from original indigenous research
- (vi) Planned so as to take full account of their environmental impact

(Habitat I)

ARTICLE 70

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *stakeholders, individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision*] should:

- (a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

(b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.** and establish a public mechanism to enforce them;

(c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the **inter-transfer of BEST (Best Ecologically Sound Traditions) practices technology recognizing that in many cases traditional practices could be the most ecologically sound.**

(d) With *adequate* attention to safety needs, **and BEST (Best Environmentally Sound Traditions) Practices**, reformulate and adopt building standards and by-laws, **and to ensure compliance to safety and Best practices, where appropriate**, to promote and permit the use of low-cost **endogenous** building materials in housing schemes, as well as by using such materials in public construction works;

(e) Where appropriate, promote partnerships with the private sector and non-governmental organizations to create mechanisms for the commercial production and distribution of basic building materials for self-help construction programmes;

(f) Evaluate on a regular basis *the progress the discharging of obligations and the fulfilling of expectations made in the pursuit of the above pertinent to the above* objectives.

ARTICLE 71a

71 *[(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]*

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to move through “the transition from the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition establish a time-table for the phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, hydro-power and biomass,... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, (Section 9. Subsection 9 g Agenda 21, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by ;minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and

measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)

(vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

ARTICLE 72

72. *Vulnerability is the inability to compete on an equal basis for resources and opportunities. Vulnerability Marginalization* is often caused by *the marginalization in and exclusion from the socioeconomic mainstream and decision-making processes*. If *vulnerability marginalization* is to be **eliminated reduced**, there is a need to *improve and ensure the discharging of obligations* to recognize the right of *access by members of vulnerable marginalized groups to healthy, safe and environmentally sound shelter, to social security, the right to be free from hunger, the right to be free from hunger as undertaken by states parties to the International Covenant of Social, Cultural and Economic Rights 1966. This would include access to finance, infrastructure, basic social services, safety nets and a genuine community involvement and participation in decision-making processes from the determining of the terms of reference and throughout the process.* [. [Depending on local conditions in the housing sector and the availability of legal protections *ensuring guaranteeing equal access to resources and opportunities, vulnerable marginalized individuals come from disadvantaged groups, such as people living in poverty, homeless persons, older persons, women, youth, children (particularly street children), persons with disabilities, [documented] migrants, internally displaced persons, people affected by natural and technological disasters and environmental degradation, minorities and indigenous peoples.*] With regard to shelter, members of *vulnerable marginalized groups* are especially at risk when they may have no security of tenure or where they lack basic services or face disproportionate environmental and health impacts, or because they may be excluded, either inadvertently or deliberately, from the housing market and services.

DOCUMENTATION OF PRECEDENT

RE: INCLUDING MIGRANTS IN LIST OF DISADVANTAGED GROUPS

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)

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)

72 ter. ~~[Inadequate shelter or lack of shelter contributes to a loss of dignity and health in the lives of refugees.]~~ There is a need to strengthen the support for the international protection of and assistance to refugees, especially refugee women and refugee children who are particularly vulnerable. Actions

RE: 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).

RE: 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).

ARTICLE 73

73. To remove barriers and eradicate discrimination in the provision of

shelter, Governments at the appropriate levels, including local authorities, *should shall*:

(c) *Work with the private sector* **Ensure that** cooperatives and local communities and other *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision work to raise the awareness of the need to** eliminate prejudice and discrimination in housing transactions and provision of services;

ARTICLE 74

74. To provide for the shelter needs of *vulnerable marginalized* groups, Governments at appropriate levels, including local authorities, in cooperation with all *[stakeholders]*, **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision as appropriate, should shall**:

(a) *Provide, where appropriate, targeted and transparent* **Ensure that** subsidies, social services and various types of safety nets **are provided** to the most *vulnerable marginalized* groups;

(b) Work with **the BEST practices enterprises**, and **the individuals and groups of civil society** *the private and non-profit sectors and including* community-based organizations *and other actors* to provide adequate shelter for members of *vulnerable marginalized* groups, making special efforts to remove all physical constraints to the independent living of persons with disabilities and of older persons;

(c) Strive to provide special living facilities and shelter solutions for members of *vulnerable marginalized* groups, as appropriate, such as shelters for women subjected to violence or shared living arrangements for persons with mental or physical disabilities;

(d) Provide an environment that enables *vulnerable marginalized* groups to participate in the social, economic and political life of their community and country.

ARTICLE 75

75. To reduce **marginalization of individuals and groups vulnerability**, Governments at appropriate levels, including local authorities, should:

(a) Work with non-governmental organizations and community-based organizations to assist members of *vulnerable marginalized* groups to obtain secure tenure;

(b) Composite [Enact and enforce laws to protect people from illegal evictions]; and **to retain, and if not in place, to institute rent-control systems.**

(b) [Protect by law all people from illegal evictions, including dismantling of rent-control systems, and, where evictions are unavoidable, ensure that they are strictly according to the law];

(b ter.)

(c) Promote and support self-help housing programmes and initiatives;

(d) *Promote, where appropriate, Ensure* compliance with and enforcement of all health and environmental laws, *especially* in low-income areas with *vulnerable marginalized* groups

DOCUMENTATION OF PRECEDENT

RE: ENSURING CORPORATE COMPLIANCE WITH THE LAW;

“all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.” (UN Conference on Women: Equality, Development and Peace. Section 167).

(d bis.) Facilitate actions aimed at, inter alia, ensuring legal security of tenure, capacity-building, and improving access to credit, which, apart from subsidies and other financial instruments, can provide safety nets that reduce *vulnerability marginalization*;

(e) Pursue policies that will provide information to and consultation with *vulnerable marginalized* groups;

(f) Facilitate the availability of legal information and assistance to *vulnerable marginalized* groups;

(g) Promote the use of tools for disaster prevention, mitigation, and preparedness in order to reduce the vulnerability of populations to natural, man-made and technological disasters. -----

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

C. Sustainable human settlements development in an urbanizing world
Article 76—

ARTICLE 76

76. [Rapid urbanization, the concentration of urban population in large cities, the sprawl of cities into wider geographical areas and the rapid growth of mega-cities are among the most significant transformations of human settlements.] By the year 2000 more than half of the world's population will live in urban areas and approximately 40 per cent of them will be children. Urban areas will strongly influence the world of the twenty-first century, and urban and rural populations will be increasingly interdependent for their economic [,environmental] and social well-being. Among the economic and social factors influencing this process are population growth and voluntary and involuntary migration, real and perceived **meaningful** employment opportunities, cultural expectations, changing consumption and production patterns and serious imbalances and disparities among regions.

ARTICLE 77

77. [77 ter. Given the magnitude of the challenges that human settlements pose, society must value and take advantage of the wisdom, knowledge and skills of every person. **To draw upon the wisdom, knowledge and skills of citizens is the basis for genuine community involvement and participation. Individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision should be involved in the decision making process. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the implementation and evaluation of the process.**

Urban settlements *hold a held the* promise for human development and protection of the world's natural resources through their **potential** ability to support large numbers of people while limiting their impact on the natural environment. Yet, *many* cities are witnessing harmful patterns of growth, of production and consumption, of land use and of mobility, as well as degradation of their physical structure. Such problems are often synonymous with soil, air and water pollution, waste of resources and destruction of natural resources. Some human settlements are also subject to limited water supply, sanitation, drainage, and to dependency upon toxic and non-renewable energy fuel sources and irreversible loss of bio-diversity. Many of these trends are aggravated or accelerated by high population growth and the magnitude of rural-to-urban migration. **[As recognized in Agenda**

21 UNCED Demographic factors, combined with poverty and lack of access to resources *[[in some areas]]* and excessive consumption and wasteful production patterns in others/unsustainable patterns of production and consumption, particularly in industrialized countries, cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit *sustainable socially equitable and environmentally sound development.*] Therefore, a largely urbanized world implies that *sustainable socially equitable and environmentally sound* development will depend very largely on the capacity of urban and metropolitan areas to manage production and consumption patterns, and the transport and waste disposal systems needed to preserve the environment.

ARTICLE 78

78. *In the process of urbanization, Policies and programmes for socially equitable and environmentally sound sustainable development* of human settlements in both rural and urban areas require strong sub-national governmental institutions working in partnership with all *[[stakeholders]]. individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process.* Such institutions are still weak in many countries, and their effectiveness is threatened by increasing problems of political regionalism and ethnic strife. All of these concerns and demands require a regional and cross-sectoral approach to human settlements planning which places emphasis on rural/urban linkages and treats villages and cities as two ends of a human settlements continuum in a common ecosystem.

ARTICLE 79

79. Increasingly, cities have a network of linkages that extends far beyond their boundaries. *[[Sustainable Socially equitable and environmentally sound urban development should consider the carrying capacity of the entire ecosystem supporting such development, including the prevention and mitigation of adverse environmental impacts occurring outside urban areas]].* The unsafe disposal of waste leads to the degradation of the natural environment: aquifers, coastal zones, ocean resources, wetlands, natural habitats, forests and other fragile ecosystems are affected, as are the homelands of the indigenous people. *[[Trade in hazardous, toxic and atomic waste and substances shall should not be carried out . In accordance with relevant international agreements by parties to those agreements]].* Rapid urbanization in coastal areas is causing the rapid deterioration of coastal and marine ecosystems.

RE: DEFINING OF BIODIVERSITY AND ECOSYSTEM

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)

“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)

RE: REDUCING 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)

RE: RECOGNIZING 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)

RE: 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)

Social impact assessment takes into account affordability, accessibility, access to work, transport and services, environmental, health and security considerations. (CP)

ARTICLE 80

80. The diversity of types of human settlements is a key component to creating just and sustainable societies. The living and working conditions in all human settlements, including regional urban centres, rural service centres, rural hamlets, rural communities, market towns and villages, must be improved, with particular emphasis on shelter, social and physical infrastructure, and services. The maintenance and development of rural settlements require sustainable agriculture and **ecologically sound forest practices forestry activities** and improved agricultural **BEST practices technologies**, economic diversification and expanded **meaningful** employment opportunities created by encouraging appropriate and environmentally **sound sustainable** investment in industry and related economic production and service activities.

ARTICLE 81

81. International cooperation, including city-to-city cooperation, is both necessary and mutually beneficial in promoting **socially equitable and environmentally sound sustainable** human settlements *development*. Depending on the context and needs of the cities, towns and villages within each country and region, special attention should be paid to the most critical issues, such as changing production and consumption patterns; **as requiring the phasing out of non-renewable or unsafe sources of energy, and** the conserving of energy and the promoting of efficiency; **as ensuring socially equitable and environmentally sound resource and land use sustainable resource and land-use management**; Other critical issues are **the eradicating of poverty eradication**; **the stabilizing of population with necessary reproductive choice and social programs, the providing of universal health care**; **the ensuring of a safe ,environmentally sound water supply, sanitation and waste as resource system management**; **the preventing of disaster prevention, mitigation, preparedness and management**; **the preserving and protecting of cultural, natural and historical heritage**; **the preserving, protecting and conserving of the environmental protection**; **the driving of industry to embrace BEST practices**; **the establishing** of infrastructure; and basic services, such as health and education facilities and services. Habitat II provides an opportunity **to explore the interdependence of these issues within a framework of obligations incurred and expectations created, and** to focus on the effect that current patterns of human settlement development will have on our ability **to discharge the obligations incurred through Conventions, Treaties and Covenants, and to fulfill the expectations created through Declarations, General Assembly Resolutions and Conference Action Statements. achieve the objectives established at recent United Nations conferences.** Close attention to trends in urban development is essential to the viability of **socially equitable and environmentally sound sustainable** human settlements development in rural and urban areas alike.

ARTICLE 82

[[82 Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other *vulnerable marginalized* and disadvantaged groups from gaining access to suitable land, the location of which does not pose economic, environmental or health risks to the residents because of such reasons as proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment, **especially within the carrying capacity of the ecosystem** and the overall system of settlements is one of the basic tasks to be undertaken in achieving a **socially equitable and environmentally sound sustainable** urbanized world. The *tools means to for achieving* a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, **and revitalization and management**. National, sub-national and local policies and problems need to be integrated. [The precautionary principle/*approach* and the use of environmental and social impact assessment are essential].

bis. Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from harmful effects of human settlements. Special attention should be paid to **ensuring that trade in hazardous, including atomic, and toxic wastes and substances should not be carried out, and to guiding potentially hazardous activities away from the fragile areas. Oceans and the atmosphere should be protected from land-based sources of pollution, where appropriate.]** Through mandatory international normative standards (INS, 1997), states shall invoke and ensure compliance with the precautionary principle. States shall ensure, as agreed in the Platform of Action, UN Conference on Women, that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167).

DOCUMENT OF PRECEDENTS

RE: PROVIDING ACCESS TO WATER

In the less developed countries, nearly two thirds of the population do not have reasonable access to safe and ample water supply, and even a greater proportion lack the means for hygienic waste disposal

(b) Safe water supply and hygienic waste disposal should receive priority with a view to achieving measurable qualitative and quantitative targets serving all the population by a certain date; targets should be established by all nations and should be considered ;by the forthcoming united nations conference on water.

(c) in most countries urgent action is necessary to

(i) adopt programmes with realistic standards for quality and quantity to provide water for urban and rural areas by 1990, if possible.

(ii) adopt and accelerate programmes for the sanitary disposal of excreta and waste water in urban and rural areas;

(v) reduce inequalities in service and access to water as well as over-consumption and waste of water supply;

RE: INVOKING THE PRECAUTIONARY PRINCIPLE

The precautionary principle has been enunciated in international documents since at least the 1972 United Nations Conference on Humans and the Environment (Stockholm Convention), where it appeared in a rudimentary form; it was then reinforced in the 1982 UN Resolution 37/7, the World Charter of Nature, and then re-enunciated throughout the UNCED documents.

The precautionary principle has been enunciated ” as follows:

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

(version of precautionary principle in BC Working Group on Developing Criteria for Standards, 1994)

The precautionary principle shall be applied to all potentially harmful emissions, contaminants, agents of pollutants, or re concentrated substances—created through imbalance in biogeochemical cycles. States shall ensure that in all their activities and in the activities of corporations including transnational corporations there is adherence to the anticipatory principle. In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international

agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). In the international documents different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

DOCUMENTATION OF PRECEDENTS

RE: ENSURING DOUBT-DRIVEN ACTION

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 not proceed (World Charter of Nature)

RE: ENSURING PREVENTIVE MEASURES

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)

RE: ENSURING CRADLE-TO-GRAVE

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)

RE: ENSURING THE MONITORING FROM CRADLE TO GRAVE

Governments, in collaboration with industry and appropriate international organizations, should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (20.20 e Hazardous wastes)

RE: ENSURING 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)

RE: ENSURING 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)

RE: ENSURING 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)

RE; REVISITING 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)

RE; INVOKING 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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1994)

The anticipatory principle shall be followed as a pro-active measure to ensure that substances and processes which are harmful to the environment or to human health are prevented from entering the environment. One aspect of the anticipatory principle is to determine in advance before extracting resources whether the extraction causes environmental harm or is culturally inappropriate to indigenous peoples whose territory is beyond the treaty frontier.

ARTICLE 83

83 Many cities are using peripheral land for urban-related purposes in a wasteful manner while existing serviced land and infrastructure may not be adequately developed and used. To avoid unbalanced, unhealthy and unsustainable growth of human settlements, it is necessary to promote land-use patterns that minimize transport demands, save energy and protect open and green spaces. Appropriate urban density and mixed land-use guidelines

are of prime importance for urban development. National, sub-national and local policies and development plans must be carefully re-examined to ensure optimal land use and geographically better balanced economic development, including the protection of indispensable agricultural land; land that sustains biodiversity, water quality and groundwater recharge; fragile areas, including coastal areas; and other sensitive areas in need of protection. Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic development. Vegetation creates natural habitats and permits a better absorption of rainwater by natural means, which implies savings in water management. Green areas and vegetation also play an important part in reducing air pollution and in creating more suitable climatic conditions, thereby improving the living environment in cities. Healthy and environmentally sound agricultural activities and the provision of common land should be integrated into the planning of urban and peri-urban areas.

ARTICLE 84e

84 (e) **Encourage Ensure genuine community involvement and participation among the public, private and voluntary sectors and other *[[stakeholders of individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]* in the caring for and the using *managing* land resources for socially equitable and environmentally sound *sustainable* urban development; Urban and rural communities will not be environmentally sound until states shall undertake to ensure the phasing out of hazardous, toxic and nuclear activities, and actively promote and funding Best Environmentally Sound Technology (BEST).**

[(e bis.) Promote urban planning, housing and industrial siting initiatives that ban and thus prevent *discourage* the siting of hazardous, toxic or nuclear industrial facilities in residential areas;] in any sensitive ecosystem, or eventually in any location. No toxic, hazardous or atomic wastes shall be produced after 1997. States shall immediately reduce and eventually eliminate the production of toxic, hazardous and atomic wastes, and states shall promote and fund active conversion to BEST (Best Environmentally Sound Traditions) practices.

[(e ter.) Seek to prevent or *minimize* pollution and exposure to pollution from industrial facilities, while also promoting urban planning, housing and industrial siting initiatives that ban *discourage* the *disproportionate* siting of polluting industrial facilities, and in particular the disproportionate siting of industrial facilities in areas inhabited by people living in poverty or members of other *vulnerable* marginalized and disadvantaged groups;]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: [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)

ARTICLE 84f & i

84 f*(f) Develop and support the implementation of improved land-**care and use management** practices that deal comprehensively with competing urban land requirements for housing, industry, commerce, infrastructure, transport, green spaces and forested areas, taking into account the need of spaces for everyday activities such as playgrounds, **wilderness, forests**, parks, sports and recreation areas and areas suitable for gardening and urban agriculture;

(i) Institutionalize a participatory approach to **socially equitable and environmentally sound sustainable** human settlements through the development and support of **means and methods strategies and mechanisms** that encourage open and inclusive dialogue among all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, with special attention to the needs and priorities of women, minorities, children, youth, people with disabilities, older persons and persons living in poverty and exclusion;

ARTICLE 85

85. To develop and support improved and integrated land- **care and use management**, Governments at the appropriate levels, including local authorities, *should shall*:

(a) Develop integrated land information and mapping systems;

[[b) *Consider, as appropriate, Establishing local structures, such as commissions and tribunals for the enforcement of **land management socially equitable and environmentally sound** laws and regulations in order to make enforcement and appeals more **equitable, efficient and effective;***]

[[c) Develop the land market through the establishment of an effective and environmentally sound legal framework in order to mobilize/which encompasses lands with diverse tenure systems];

(d) Develop, with the participation of all *[[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]]*, comprehensive and environmentally sound land-care/use *strategies* at the local level.

ARTICLE 86

86. Promoting equitable, socially viable, **environmentally sound** and stable human settlements is inextricably linked to reducing and eradicating poverty. We share the concerns of the First United Nations Decade for the Eradication of Poverty which also acknowledges *[[the increasing feminization of poverty]*. Poverty has various manifestations, which include homelessness and inadequate housing. The eradication of poverty requires, inter alia, sound macroeconomic policies **linked to BEST practices** aimed at creating **meaningful** employment opportunities, equal and universal access to economic opportunities, (and special efforts to facilitate such access for the disadvantaged); education and training that will promote sustainable livelihoods through freely chosen *productive meaningful* employment and work, and basic social services, including health facilities. *However, Although* there are no universal solutions which can be applied, **there are principles reflected in obligations incurred and expectations created through international instruments that can provide a framework for assisting in the achieving of the vision of Habitat II.** People living in poverty must be empowered through freely chosen participation in all aspects of political, economic and social life. Other *key elements of actions to reduce poverty a poverty reduction strategy* include *policies geared to ensuring**[[reducing inequalities, increasing opportunities, providing access to resources and [meaningful employment] income;*]] providing social protection for those who cannot support themselves; recognizing the special needs and skills of women; developing human resources; improving and making more accessible infrastructure, including communication facilities; and *[[taking comprehensive national responsibility for meeting]]* the basic needs of all.

ARTICLE 87

87. To promote **and provide** [equitable] *the provision of services* in human settlements,
Governments at the appropriate level, including local authorities, **shall should**:

[(a) Formulate and implement integrated settlement development policies which ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; **meaningful** employment and livelihood; primary **and universal** health-care, including reproductive and sexual health care and services; safe drinking water and sanitation; adequate— **affordable, accessible, healthy and safe, environmentally sound** shelter with tenure- security; and access to open and green spaces; giving special priority to the needs and rights of women and children who often bear the greatest burden of poverty;] **As already committed to in the UNCED documents and in the Platform of Action UN Conference on Women: Equality, Development and Peace.**

DOCUMENTATION ON PRECEDENTS

RE: ENSURING FOOD SELF SUFFICIENCY

"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 UNCED)

RE: PROVIDING FOOD SECURITY

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)

RE: 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)

RE: PROMOTING HEALTH CARE

Governments should establish measures that will directly or indirectly set up an effective primary health care and maternal health care system accessible to all " (3.7.e Combating Poverty)

the provision of a safe water supply and sanitation and the promotion of a safe food supply and proper nutrition. Particular attention should 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...education and appropriate services regarding responsible planning of family size... values... (6.3. Protecting and promoting health UNCED)

RE: PROVIDING ACCESS TO HEALTHY SHELTER

Access to safe and healthy shelter is essential to a person's physical, psychological, social and economic well-being and should 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, UNCED)

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. (3.7.o Combating Poverty, UNCED)

" provide the poor with access to fresh water and sanitation (3.7. p Combating Poverty, UNCED)

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

RE: IMPROVING HEALTH AND ENVIRONMENT

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, UNCED)

RE: SATISFYING BASIC HUMAN NEEDS OF DRINKING WATER

freshwater resources are an essential component of the earth's hydrosphere and an indispensable part of all terrestrial ecosystems. (18.7 Fresh water, UNCED)

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. (18.8. Fresh water, 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. (18.58 Freshwater UNCED)

"Water is a finite resource, essential for the sustenance of life on earth (18.2 Freshwater UNCED)

"water is needed in all aspects of life (18.6 fresh water UNCED)

ARTICLE 87 b

(b) Where appropriate, re-direct public resources to enable community-based *management provision* of services and infrastructure and promote the participation of *the private sector, local business entrepreneurs that engage in service industries and BEST practices*, local residents, including people living in poverty, women, people with disabilities, indigenous people and members of disadvantaged groups, in the identification of public service needs, spatial planning and the design, provision and maintenance of urban infrastructure and open and green spaces.

ARTICLE 88

88. To promote social integration, Governments at the appropriate level, including local authorities, recognizing the importance of volunteer contributions and in close cooperation with non-governmental organizations, community-based organizations, the cooperative sector and public and private foundations, **shall should:**

(a) Prohibit ~~[[all]]~~ discriminatory, exclusionary practices related to shelter, employment and access to social and cultural facilities;

(b) Offer opportunities and physical spaces to encourage positive interaction among culturally diverse groups;

(c) Involve marginalized and /or disadvantaged groups and individuals in the planning, decision-making, monitoring and assessment related to human settlements development;

~~[[d)] Encourage, in cooperation with relevant *[stakeholder individuals and organizations of civil society with a wide range of experience and expertise,],* the development of school curricula geared to conscious understanding and cooperation among diverse cultural groups, through the promotion of principle-based education—education based on the~~

fundamental principles underlying International documents related to enshrining and guaranteeing respect for human rights, to preserving, protecting and conserving the environment, to enabling social justice, to achieving a state of peace; justice and security, and to participating in socially equitable and environmentally sound development.]

ARTICLE 90

General

90. In order to promote the genuine involvement and participation of women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision making process.

gender-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, in collaboration with women's groups and other [stakeholders [90 bis. [In order to develop the full potential of the youth and prepare them to take a responsible role in the development of human settlements, Governments at the appropriate levels, including local authorities and in partnership with private sector, non-governmental youth organizations and other non-governmental organizations as well as community-based organizations, should:

[90 ter. In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should:

(a) Adopt, *where appropriate*, by-laws, standards and norms and develop planning guidelines that take into consideration the needs and situations of and in consultation with **women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision making process, and ensure their genuine involvement and participation from the determination of the terms of reference and throughout the planning of human settlements, development of human settlements and decision making processes about human settlements.**

[(a) Integrate youth concerns into all relevant national, sub-national and local policies, strategies, programmes and projects;

[(a bis.) Enable youth by supporting and valuing their ability to play an active and creative role in building sustainable communities;

(b) Promote representative structures, *while ensuring full and equal participation women's [and equal opportunities for]* and equal access to **all levels of education and training of for women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized in or from the educational system.**

Data Generation

[(c) Generate and disseminate disaggregated data, while ensuring that such statistics are collected, compiled, analyzed and presented by age, sex and work status; set up monitoring mechanisms in government structures and integrate the results into mainstream policies for sustainable human settlements developments;

Equal access

(d) Eliminate legal and customary barriers, where they exist, to women's equal access to and control of land and finance

[e) Ensure equal access to housing, land and public services in the urban and rural areas in line with the International Convention on the Elimination of All Forms of Discrimination against Women.]

[f) Develop policy and guidelines and provide services that would enable persons with disabilities to be housed in community-based settings;

[g) Promote equal access to all levels of education and skills development for persons with disabilities;

[(h) Provide equal access to basic education, while paying special attention to people living in poverty and to youth living in rural areas, and addressing constraints created by distance, lack of educational facilities and social or economic barriers;

(i) Promote equal access to all levels of education for girls, **youth, young with young** and women;

Equal opportunity

(j.) Foster economic policies that have a positive impact on the **meaningful** employment and income of women workers in both the formal and informal sectors and adopt specific measures to address women's unemployment, in particular their long-term unemployment;

[k) Develop and implement programmes that enable people with disabilities to have an equal opportunity to realize an income sufficient to attain an adequate standard of living;

(l) Promote representative structures, ensuring full and equal opportunities for participation of persons with disabilities;

[m) Take special action to reduce the drop-out rate at all levels of education through increased relevance and quality education, and to facilitate the access of school leavers to sustainable livelihood and meaningful employment;

Genuine involvement and participation in decision-making

(n) Develop policy guidelines and programmes that encourage and actively pursue the involvement of women's groups in all aspects of community development related to environmental infrastructure and the provision of basic urban services and encourage women's own cooperatives, as well as their membership in other cooperatives;

(o) Recognize that women, as primary family caregivers, spend a greater proportion of time in the home and community [and therefore, as experts in their own home and community, should participate fully and equally in all aspects of community development, especially environmental infrastructure and basic services];

[p) Consider in the planning process that persons with disabilities are often involved in the informal sector and use their homes for business or market activities.]

[q) Recognize that people with disabilities are experts in their own housing and community requirements and should be decision-makers, designers and implementers of them;

Enhance awareness of issues

[(r) Enhance community awareness of issues facing homeless and refugee women, especially those issues related to physical and sexual abuse, and design appropriate community responses;]

[(s) Enhance community awareness of health care issues facing persons with disabilities, such as physical and sexual abuse and substance abuse, and design appropriate community responses;

Establish programmes

(t) Establish programmes that address the ~~severe/absolute~~ poverty found among rural women, focusing on their need for adequate shelter and **meaningful** employment;

Encourage awareness-raising

~~[(u) Encourage awareness-raising campaigns and other actions developed and implemented by youth that are aimed at promoting the appreciation by the youth of historical, natural and cultural heritage and at increasing their consciousness of the environmental values and environmental implications of their consumption and behavioral choices, especially those related to sustainable human settlements development.]~~

ARTICLE 91

91. To prevent and reduce violence and crime, especially at the local levels, Governments, **working cooperatively in partnership with all** ~~stakeholders~~ **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who have been excluded through fear and mistrust**], should:

(a) Design, create and maintain livable human settlements that encourage the use of public spaces as centres of community life so that they do not become places for criminal activity;

~~[(a bis.) **Guarantee Ensure** basic education to all;] [(a ter.) Assist crime prevention through social development by finding ways to help communities deal with underlying factors that undermine community safety and result in crime, including by addressing poverty and inequality as the two basic components of the social development approach;]~~

(b) Encourage youth and children, in particular street children, to become ~~stakeholders~~ **i] involved** in **determining** their own future and their community's future through education, recreation, and job training and counseling that can attract *private sector investment support from individuals and organizations of civil society support from non-profit organizations*; **Children and youth shall be respected and trusted.**

(b bis.) Enhance women's safety in communities through the promotion of a gender perspective in crime prevention policies and programmes by increasing in those responsible for implementing these policies the knowledge and understanding of the causes, consequences and mechanisms of violence against women;

(c) Establish programmes designed to improve the skills of local leadership in group facilitation, conflict resolution and intervention;

(d) As appropriate, promote personal security and reduce fear by improving police services, making them more accountable to the communities they serve, and by encouraging and facilitating, whenever appropriate, the formation of lawful community-based crime prevention measures and systems;

(e) Provide accessible, affordable, impartial, prompt and humane local systems of justice by, inter alia, facilitating and strengthening, where appropriate, existing traditional institutions and procedures for the resolution of disputes and conflicts;

(e bis.) Encourage the establishment of programmes and projects based upon voluntary participation, especially of children, youth and older persons, to prevent violence, including violence in the home, and crime;

(e ter.) The concerted and urgent action to dismantle international and national sex trafficking networks.

ARTICLE 93

93. [**Socially equitable and environmentally sound** *Sustainable* human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and decrease disparities in their quality of life. People are entitled to a healthy and *productive meaningful* life in harmony with nature; furthermore, improved health can also contribute more to economic and social development.]

ARTICLE 94

The health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Children's well-being is a particularly reliable indicator for healthy urban environments. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is, therefore, essential to take a holistic approach to health, whereby both prevention and care are placed within the context of the environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and capacities. [Education for all is a fundamental requirement for enabling women and men, young and old, to gain from improved practices and make use of and demand appropriate infrastructure and health and environmental services.]

ARTICLE 95

* [95. Many pollution-related risks to health are particularly high in urban areas, as well as in low-income areas, because of higher concentrations of pollutants from, inter alia, industry, traffic, fumes from cooking and heating devices, overcrowding and inadequate solid and liquid waste management. Environmental risks in the home and the work place may have a disproportionate impact on women's health because of women's different susceptibility to the toxic effects of various chemicals and given the nature of tasks that women frequently undertake. Environmental risks in the home may also have a disproportionate impact on children, and on future generations.]

(a) 95 bis. Many environmental contaminants, such as radioactive materials and persistent organic pollutants, work their way into the food chain and eventually into human beings, thus compromising the health of present and future generations.

DOCUMENTATION OF PRECEDENT

RE: ENSURING THE PRESERVATION OF SPECIES AND ECOSYSTEMS FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

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)

RE: NOT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO MEET THEIR OWN NEEDS

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)

(b) [95 ter. Unsustainable and wasteful production and consumption patterns [particularly in industrialized countries] also lead to increasing problems in waste management. It is essential to intensify efforts aimed at minimizing the production and discharge of waste, and at recycling and reuse as much as

possible, and disposing of the remainder in an environmentally sound manner. This will require changes in attitudes and consumption patterns, as well as in the design of buildings and neighbourhoods as well as innovative, efficient and sustainable modalities for waste management.]

(c) [95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

ARTICLE 96

96. To improve the health and well-being of all people throughout their life span, particularly the people living in poverty, Governments at the appropriate levels, including local authorities, *and in partnership with the genuine involvement and participation of other [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, shall *should*:

(a) Develop and implement national, sub-national and local health plans or strategies and strengthen environmental health services to prevent, mitigate and respond to diseases and ill health from poor conditions in living and working environments and the conditions of people living in poverty;

(b) Adopt measures to prevent and control air, water and soil pollution and to reduce noise levels, *where appropriate*, and develop, and develop and ensure access to appropriate preventive and curative health care systems in order to tackle related health problems; Ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low income, indigenous women and women belonging to minorities;

(c) Improve shelter conditions so as to mitigate health and safety risks, particularly risks to women, older persons, children and people with disabilities, which are associated with activities in the home;

(d) Build capacity at all levels for effective environmental health management, **develop** and implement programmes to ensure availability of access to a full range of affordable, **universal** [good quality/basic] health care services for women [throughout their life span, including reproductive health care]; **establish** *Develop* criteria for maximum permitted safe noise exposure levels and promote noise assessment control as part of environmental health programmes;

(e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene;

[(e bis.) Promote, where appropriate, planning and good design in human settlements, both in new developments and in upgrading and rehabilitation, while emphasizing aesthetic qualities as well as environmentally safe and sound *and sustainable* technical and functional qualities, enriching and enlightening the overall quality of life of the people;]

(f) Establish processes to increase the exchange of information **about BEST practices**, experience and technical assistance among national, sub-national and local governments, [(including among governments at the same level)] and *across sectors* for environmental health improvements;

[(f bis.) Ensure that due priority is given and adequate resources made available, at the national, regional and international levels, to combat the threat to individuals and public health posed by the rapid spread of HIV/AIDS globally and by the re-emergence of major diseases, such as tuberculosis, malaria, onchocerciasis (river blindness) and diarrhoea diseases, in particular, cholera;]

(g) Promote safe and healthy work place conditions for men and women.

ARTICLE 97

97 . To improve environmental conditions and reduce industrial and domestic waste and other forms of health risks in human settlements, Governments at the appropriate levels and in partnership with all [*stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.*] shall *should*:

(a) Develop and implement national and local [*sustainable socially equitable and environmentally sound development plans and*] policies and specific cross-sectoral programmes addressing all relevant chapters of Agenda 21.,

and in particular to ensure the fulfillment of expectations that arose from Agenda 21 These should be action-oriented and have clear targets and schedules;

(b) Develop laws and policies that specify appropriate ambient environmental quality levels and set targets for environmental improvements and identify instruments for their achievement appropriate to national and sub-national priorities and conditions;

(c) Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels;

[(d) Set high mandatory international normative environmental standards and technical regulations so as to drive and facilitate the selection and development of BEST (Best Ecologically Sound Traditions) practices appropriate technologies and their appropriate use;]

[(d bis.) Identify and address, as appropriate, the disproportionately high and adverse effects of policies and programmes on the human health or the environment of the people in poverty poor, minorities and other vulnerable marginalized populations;]

(
(d) Develop criteria and methodologies for the assessment of environmental impacts and resource requirements at the local level throughout the life cycle of products and processes;

(e) Provide incentives and disincentives to promote the use of clean production and energy- and water-saving processes and technologies **such as BEST practices that, among other things, can increase economic opportunities in the area of environmental technology, environmental clean-up and Environmentally sound friendly activities and products and can improve the attractiveness and competitiveness of human settlements for economic investments of other BEST practices;**

(f) Provide guidelines and training for the application of procedures for the assessment of environmental health impacts;

[(g) Undertake strategic environmental impact assessments of for development projects that may significantly have significant adverse environmental effects or that may affect the quality of the environment;]

(h) Support mechanisms **for working cooperatively with consultations and partnerships among [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly**

those marginalized members of society who may be adversely affected by any decision. 7] to prepare and implement local environmental plans and local Agenda 21's and specific *cross-sectoral integration of environmental health programmes*;

(i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed **for socially equitable and environmentally sound sustainable human settlements development**;

(j) In cooperation with the international community, promote the protection of the living environment and strive to restore contaminated land, air and water to levels acceptable for **socially equitable and environmentally sound sustainable human settlements**.

DOCUMENTATION OF PRECEDENT

RE: 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)

ARTICLE 98

98 [(a) Promote the conservation and *sustainable socially equitable and environmentally sound use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity*; the protection of biodiversity should be included within local **socially equitable and environmentally sound sustainable development planning activities**;

(aa) Incorporate the following principles *and strategies* in developing this integrated approach: the precautionary principle, the ecosystem *approach primacy principle*, pollution prevention principle, staying-within-the-carrying-capacity principle, and **avoidance of ecological footprint principle**;

(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and

conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

DOCUMENTATION OF PRECEDENTS

RE: CONSERVING BIODIVERSITY

To conserve and sustainably use biological diversity for the benefit of present and future generations, (preamble, Convention of Biological Diversity, UNCED, 1992)

RE: PREVENTING LONG TERM DECLINE OF BIODIVERSITY

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)

[(b) Protect existing forests, ensure environmentally sound forestry practices in areas designated for forestry, resources and promote afforestation around and within human settlements in order to fulfill basic needs relating to energy, construction, recreation and food security;

ARTICLE 98 e

98 (e) Ensure adequate the opportunity for genuine community involvement and participation *public participation* by all [*stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision,] at all levels of environmental decision-making, including in determining the “terms of reference” and throughout the decision making process]

DOCUMENTATION OF PRECEDENTS

RE: ENSURING GENUINE PUBLIC PARTICIPATION E.(AGENDA ITEM 10 E)

Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize *productive meaningful* employment. (III 11, Habitat I)

RE: MOBILIZING PARTICIPATION IN DECISION-MAKING

Participation is an integral part of the political processes of decision-making; in a field as complex as human settlements, it is also a necessity because the task is too great for Governments to accomplish without mobilizing the interest of inhabitants, using their ingenuity and skills and harnessing otherwise untapped resources. (III 17, Habitat I)

RE: ENSURING THE BENEFICIARY IS A PARTICIPANT IN COLLECTIVE DECISIONS

Public participation is the dynamic incorporation of the people in the economic, social and political life of a country which would ensure that the beneficiary is an effective participant in collective decisions with regard to the common good. (III 28, Habitat I)

RE: PROVIDING DIRECT INVOLVEMENT IN DECISIONS

A co-operative effort of the people and their Governments is a prerequisite for effective action on human settlements. The magnitude and intractability of the problems are too great for Governments to act alone. Citizen participation should be an integral part of the decision-making processes on the full range of human settlement issues. Citizens must be provided opportunities for direct involvement in the decisions that profoundly affect their lives. Such participation can heighten citizen awareness of the complexity and inter-relatedness of the problems and the urgent need for concerted action. Involvement of citizens can also be an important means of making creative use of their ingenuity and skills, thus making effective use of often untapped resources. (III 39, Habitat I)

RE: INVOLVING RESIDENTS IN THE MAKING OF DECISIONS

Participation can be conceived, from the top downwards, as the involvement of the higher echelons of government in the decision-making of smaller groups; laterally, as the co-operation between parallel or competing sectoral interests; or, from the base upwards, as the direct involvement of residents in the making of decisions and implementation of programmes which concern them. The first two forms of participation are the basis of strategies, planning procedures, implementation of programmes and, in general, management of human settlements; the last, under the label of popular participation, is becoming an indispensable element of a truly democratic process. (III 40, Habitat I)

RE: PROVIDING OPPORTUNITIES FOR EARLY AND CONTINUING INVOLVEMENT IN THE SELECTION OF ALTERNATIVES

Citizen participation, by definition, cannot be achieved by fiat. But it can be facilitated by removal of political and institutional obstacles and by providing information in clear and meaningful terms. It can also be stimulated by providing opportunities for early and continuing involvement in the selection of alternatives. The inaccessibility of information and the absence of appropriate mechanisms for the expression of alternative views are often major stumbling blocks for effective involvement of citizens in shaping their future.

95 Public participation implies not only efforts to convey information but also a very important effort of education and formation to allow both specialist and public participation to play a determining role in evaluating the economic, technical and administrative consequences of the measures under consideration (III 73 Habitat I)

ARTICLE 98 ter

[98 ter. Water resources in communities management in human settlements presents an outstanding challenge of sustainable *socially equitable and environmentally sound* development. It combines the challenge of securing for serves all the basic human need of a reliable supply of safe drinking water and *meeting the competing the needs of businesses that engage in socially equitable and environmentally sound development and Best practices with local materials. Industry and Agriculture, which are* is crucial to *socially equitable and environmentally sound economic* development and food security and food self-sufficiency, without compromising the ability of future generations to meet their water needs. *Meeting this challenge requires an integrated approach to water resources management that takes cognizance of the links between water, sanitation and health, between the economy and the environment, between cities and their hinterland, and harmonizes land-use planning and housing policies with water sector policies and ensures a comprehensive and coherent approach to setting and enforcing realistic standards. A strong political commitment, cooperation across disciplines and sectors, and an active partnership of all [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] will be essential to integrated water resources management. To this end, Governments, at the appropriate levels, and in partnership with other [stakeholder community-minded citizens and groups with a wide range of experience and expertise” including some members of the community that will be socially and environmentally disadvantaged by the decisions], should:*

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOOD SECURITY AND FOOD SELF SUFFICIENCY

"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)

RE: 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)

RE: 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)

ARTICLE 99

[99. In a globalizing economy, the increasing occurrence of the transferring of substances or activities that cause environmental degradation or that are harmful to human health to other states (in violation of principle 14 of the Rio Declaration) and the increasing occurrence of trans-boundary pollution and the transfer across national borders and regions of technologies hazardous — including toxic and nuclear technologies — to the environment represent a serious threat to the environmental conditions of human settlements and the health of their inhabitants. Governments should therefore cooperate to develop further bilateral and multilateral legal mechanisms to implement Principle 13 of the Rio Declaration regarding "liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction." In this context, States should be guided by Principle 16 of the Rio Declaration which encourages the approach that the polluter should in principle bear the cost of pollution. The international community, international organizations and Governments should also seek appropriate preventive measures in cases of clear risk of major environmental accidents with trans-boundary effects.] in addition citizens can legitimately expect that states will comply with Principle 14 of the Rio Declaration which calls for the prevention of the transfer of substances and activities that are harmful to human health or to the environment to other states, and to principle 15 which calls for the

invoking of the precautionary principle which states that 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.

DOCUMENTATION OF PRECEDENT

RE: PROMOTING NEW AND RENEWABLE ENERGY

The basic and ultimate objective of this programme area is to reduce adverse effects on the atmosphere from the energy sector by promoting policies or programmes, as appropriate, to increase the contribution of environmentally safe and sound and cost effective energy systems, particularly new and renewable ones, through less polluting and more efficient energy production, transmission, distribution and use. This objective should reflect the need for equity, adequate energy supplies and increasing energy consumption in developing countries; and the need to take into consideration the situations of countries that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which countries have serious difficulties in switching to alternatives, and of countries highly vulnerable to adverse effects of climate change. (9:11 Atmosphere, UNCED)

RE: RESPECTING THE ATMOSPHERE THROUGH ENERGY ALTERNATIVES

Energy is essential to economic and social development and improved quality of life. Much of the world's energy, however, is currently produced and consumed in ways that could not be sustained if technology were to remain constant and if overall quantities were to increase substantially. The need to control atmospheric emissions of greenhouse and other gases and substances will increasingly need to be based on efficiency in energy production, transmission, distribution and consumption, and on growing reliance on environmentally sound energy systems, particularly new and renewable sources of energy./1/ All energy sources will need to be used in ways that respect the atmosphere, human health, and the environment as a whole (9.9. Atmosphere, UNCED).

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, services, *industrial BEST practices production*, and household and office

activities. Current dependence on fossil-fuel-based energy sources in most urban centres leads to climate change, air pollution, and consequential environmental and human health problems, and *[may]* represent a serious threat to **socially equitable and environmentally sound development. sustainable development.** Sustainable energy production and use *can be enhanced by encouraging* shall be undertaken through energy conservation, energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness, and through the phasing out of the use of non-renewable or unsafe sources of energy. The socially equitable and environmentally sound development of Human settlements and energy policies should be actively coordinated. Regulations driving the phasing out of non-renewable and unsafe sources of energy will be essential to foster the promotion and development of BEST practices in the area of renewable environmentally sound alternative energy sources.

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: DEVELOPING SAFE, MORE EFFICIENT AND LESS POLLUTING TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

(c) Promote **energy conservation and** energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling systems that make use of waste heat recovery, and co-generation of heating and electricity **providing co-generation is not used to justify the continued use of non-renewable or unsafe energy.** ;

(d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-

energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

(f) Introduce or amend user charges and/or other measures to promote the efficient use of household energy;

(g) Stimulate, through fiscal incentives or other measures, and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

(h) *Support programmes for* **Undertake** the **prevention**, reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

(i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption, **and to prepare the public for the required changes needed for the phasing out of non-renewable unsafe sources of energy;**

(j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings, **by requiring the phasing out of non-renewable unsafe sources of energy;**

(k) Encourage the **cautious** use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction **providing that this “environment industry” is not used to justify the continued production of toxic, hazardous, or atomic wastes, or to discourage the needed change to the production of safe renewable resources from production;**

(l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

ARTICLE 101 b

101 (b) Introduce energy-pricing policies and use regulatory measures to drive the phasing out of non-renewable unsafe energy and to promote use of renewable and safe sources of energy, and the conservation of energy; and to improve efficiency of energy use in human settlements, while ensuring that people living in poverty and their families are not disadvantaged;

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING ALTERNATIVE ENVIRONMENTALLY SAFE AND SOUND TECHNOLOGIES

"To develop and apply pollution control and measurement technologies for stationary and mobile sources of air pollution and to develop alternative environmentally [safe and] sound technologies; (see trans-boundary) (9.24 a Atmosphere)

RE: PROMOTING ALTERNATIVE ENERGY

Promote pilot plans and projects consisting of electrical, mechanical and thermal power (gasifiers, biomass, solar driers, wind-pumps and combustion systems) that are appropriate and likely to be adequately maintained. (14.95 a. Agriculture)

ARTICLE 104 f

104 (f) **Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion,** promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and **actively fund and promote** other alternative forms of energy;

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating **meaningful** employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities worldwide. If other factors, such as population growth of and migration to cities, are addressed effectively through, inter alia, **requiring cities not to exceed the carrying capacity of the ecosystem that sustains them**, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through **the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments industry, together with trade and services, will** provides the main impetus to this

process. **by driving businesses to engage in socially equitable and environmentally sound practices.**

ARTICLE 110

110. Cities have traditionally served as economic centres and have become the primary providers of services. As engines of economic growth and development they function within a network of supporting economic activities located in their surrounding peri-urban and rural areas. For this reason, specific actions also need to be taken to develop and maintain efficient and affordable transport, information and communications systems and linkages with other urban centres and with rural areas and to seek reasonably balanced patterns of development, both geographically and economically. Rapid changes in production technologies and in trade and consumption patterns will lead to changes in urban spatial structures that, notwithstanding their nature, need to be addressed.

ARTICLE 111

111. Economic development and the provision of services can be enhanced through improved human settlements activities such as urban revitalization, construction, upgrading and maintenance of infrastructural facilities, and building and civil works. These activities are also important growth factors in the generation of employment, income and efficiency in other sectors of the economy. In turn, in combination with appropriate environmental protection policies, they result in the sustainable improvement of the living conditions of city residents as well as of the efficiency and productivity of countries.

Actions

ARTICLE 112

112. To establish an effective financial base for **socially equitable and environmentally sound** urban development **within the carrying capacity of the ecosystem**, Governments at the appropriate levels, including local authorities, in cooperation with trade unions, consumer organizations, **BEST practices enterprises business**, trade, and the financial sector, including *the* cooperatively organized **enterprises business sector** and non-governmental organizations, as appropriate, should:

(a) Formulate and implement financial policies which stimulate a broad range of urban **meaningful** employment opportunities;

(b) Encourage the formation of new public-private sector partnerships for institutions that are privately owned and managed but public in their function and purpose, and promote transparency and accountability of their operation.

ARTICLE 113

113. To provide opportunities for *productive meaningful* employment **and investment in BEST practices** *private investment*, Governments at the appropriate levels, including local authorities, in consultation with workers' and employers' organizations, chambers of commerce, industry, trade, consumer organizations, professional associations, and the financial sector, including the cooperative sector, and in the context of comprehensive urban planning, should:

(a) Implement **socially equitable and environmentally sound** *sustainable* urban development policies that take account of and respond effectively to the needs of locally owned enterprises **which engage in BEST practices**, and are not detrimental to the natural and human environment;

(b) Facilitate access to all levels of education and training;

(c) Promote an adequate supply and the environmentally sound allocation of sufficiently serviced land for the needs *of the business community, with due regard to the needs* of the small and medium sized-enterprises **which engage in BEST—Best Environmentally Sound Technology—practices**;

(d) Offer opportunities for urban economic activities by facilitating, **through regulatory schemes**, the access of new and emerging **socially equitable and environmentally sound** businesses, and small and medium-sized enterprises, including the informal sector, to credit and finance, and by streamlining legal and administrative procedures;

(e) Facilitate, where appropriate, the opportunity for urban horticulture; and encourage citizens **to convert lawns and other ecologically unsound use of land to indigenous plant reserves or into food producing areas; local markets and distribution of food to those in need.**

(f) Assist informal-sector enterprises to **embrace BEST practices** *become more productive and through the establishment of MINS 1997 they will have the opportunity of being* progressively integrated into the formal economy, **or of eventually replacing the “formal economy” that has been based on non-renewable use of energy, and on environmentally unsound technology**;

(g) Consider designating select areas for redevelopment within urban centres by providing packages of fiscal and financial incentives along with appropriate regulatory arrangements and the development of partnerships.

ARTICLE 114

114. To improve opportunities, **through regulatory schemes**, for the **small BEST practices enterprises** *businesses* and the micro-enterprise and cooperative sectors, Governments at the appropriate levels, including local authorities, in

consultation with non-governmental organizations, community-based organizations, financial and vocational training institutions, should, as appropriate:

(a) **Discourage and phase-out activities that contribute to environmental degradation, to the violation of human rights, to the proliferation of arms or to the production of toxic, hazardous or atomic wastes, and facilitate the extension to the informal sector the protection of human rights in the field of labour and promote respect for the relevant International Labour Organization conventions, including those on the prohibition of forced and child labour, the freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination;**

(b) Promote and strengthen, as appropriate, programmes which integrate credit, finance, vocational training and technological transfer programmes of **BEST practices** in support of small and micro-enterprises and enterprises in the cooperative sector, particularly those developed and utilized by women, **providing that the technology transfer does not undermine endogenous practices;**

(c) Encourage fair treatment of the informal sector, promote the use of environmentally sound practices, and encourage links between financial institutions and non-governmental organizations that support the informal sector where it exists, and encourage financial institutions to **use Mandatory International Normative standards (MINS) to be the basis for conditional funding and to drive industry to BEST practices;**

(d) Integrate, where appropriate, the needs of the growing informal sector within planning, **and design and management systems**, including by promoting its **genuine involvement and participation** in the planning and decision-making process, and by strengthening its linkages with the formal economy;

(e) Promote training for small and micro-enterprises and enterprises in the cooperative sector, and support them in their efforts to improve their products, services, technology and distribution networks, and to identify new market opportunities.

ARTICLE 115

115. To strengthen urban economies *so they may be competitive in a globalizing economy*, Governments at the appropriate levels, including local authorities, in consultation with all *[[stakeholder individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]]*, should, inter alia:

(a) Improve education and enhance job training **in meaningful employment** in order to improve the quality of the local work-force;

(b) Support the re-structuring of local **enterprises industries**, where appropriate, and develop urban infrastructure and services, promote a reliable, efficient and environmentally sound supply of energy and enhance telecommunication networks;

(c) Review and revise, as appropriate, the regulatory framework in order **to drive BEST practices** and to attract private investment;

(d) Prevent crime **not through increasing incarceration but through the strengthening of social programs** and enhance public safety in order to make urban areas more attractive for economic, social and cultural activities;

(e) Encourage sound financial **and BEST** practices at all levels of Government;

(f) Promote legislative action that may be necessary to implement the above.

ARTICLE 116

116. To *alleviate prevent* the adverse impacts of measures for structural and economic transition, Governments at the appropriate levels, including, where appropriate, local authorities, **shall should**:

(a) Promote an integrated approach by promoting socially equitable and environmentally sound *addressing the social, economic and environmental consequences of reforms on the needs human settlements development needs*; **ensuring that genuine community involvement and participation shall be involved in determining the needs of the community in particular those of the people in poverty and marginalized groups.**

(b) Promote the *integrated functioning of inclusive housing markets* so as to avoid segregation of the social housing sector;

(c) Implement appropriate basic social programmes and adequate resource allocation, in particular those measures affecting people living in poverty, people with disabilities, other *vulnerable marginalized* segments of society, micro-enterprises and other **socially equitable and environmentally sound small enterprises businesses**;

(d) **Provide for genuine community involvement and participation in finding alternatives to the current ill-conceived structural adjustment**

programmes *Review the impact of structural adjustment on social development by paying particular attention to gender-sensitive assessments;*

(e) *Design policies to promote* **Ensure** a more equitable and enhanced access to income and resources;

(f) Support, as appropriate, public and private enterprises in their efforts to adapt to the changing requirements of **BEST practices and of cooperative decision making processes which reflect genuine community involvement and participation** *technological and human resources development.*

9. Balanced development of settlements in rural regions

ARTICLE 117

117. Urban and rural areas are interdependent economically, socially and environmentally. At the turn of the century, a substantial proportion of the world's population will continue to live in rural settlements, particularly in developing countries. In order to achieve a *more* **socially equitable and environmentally sound sustainable** future for the earth, these rural settlements need to be valued and supported. **Although in many cases**, insufficient infrastructure and services, lack of environmentally sound technology, and pollution resulting from the adverse impacts of unsustainable industrialization and urbanization contribute significantly to the degradation of the rural environment, in other cases it is the environmentally sound endogenous practices with local materials that offer the solution to the means of living within the carrying capacity of the ecosystem. Additionally, the lack of **appreciation of** employment opportunities in rural areas increases rural-to-urban migration **often to less meaningful employment** and results in a loss of human capacity in rural communities. Policies and programmes for the *sustainable* **socially equitable and environmentally sound** development of rural areas that integrate rural regions into the national economy require strong local and national institutions for the planning *and management* of human settlements that place an emphasis on rural-urban linkages, **that appreciates the innovative and environmentally sound traditional practices of the rural areas**, and that treat villages and cities as two ends of a human settlements continuum.

ARTICLE 118

118. Rural populations, including indigenous people, play an important role in **demonstrating to urban populations practices of living within the carrying capacity of the ecosystem, in providing evidence of BEST practices**, in ensuring food security and in sustaining the social and ecological balance over large tracts of land in many nations and thus contribute significantly to the task of protecting biodiversity and fragile ecosystems and to the sustainable use of biological resources.

Actions

ARTICLE 119

119. To promote *sustainable, socially equitable and environmentally sound* development of rural settlements and to reduce rural-to-urban migration, governments at the appropriate levels, including local authorities, **shall should:**

- (a) Promote the active **genuine involvement and** participation of all *[[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly, those marginalized members of society who may be adversely affected by any decisions]]*, including those in isolated and remote communities, in ensuring the integrated consideration of the environmental, social and economic objectives of rural development efforts;
- (b) Take appropriate measures to improve living and working conditions in regional urban centres, small towns and rural service centres;
- (c) Foster a sustainable and diversified agricultural system in order to have vibrant rural communities;
- (d) *Provide infrastructure, services and incentives for investment in rural areas;*
- (e) Promote education and training in rural areas to facilitate **meaningful** employment and the use of BEST (**Best Environmentally Sound Traditions**) *practices appropriate technology.*

ARTICLE 120

120. To promote **BEST (Best Environmentally Sound Traditions) practices** *the utilization of new and improved endogenous technologies* and appropriate traditional practices in rural settlements development, Governments at the appropriate levels, including local authorities, in cooperation with the private sector, should:

- (a) Improve access to information on agricultural production, marketing and pricing in rural and remote areas by using, inter alia, advanced and accessible communication technologies;
- (b) In cooperation with farmers' organizations, women's groups and other *[[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized*

members of society who may be adversely affected by any decision.]], promote research and the dissemination of research findings in traditional, new and improved technologies for, inter alia, agriculture, aquaculture, forestry and agroforestry.

ARTICLE 121

121. In establishing policies **for socially equitable and environmentally sound development sustainable regional development and management**, governments at the appropriate levels, including local authorities, should:

(a) Promote education and training programmes and establish procedures for the full participation of rural and indigenous people in the setting of priorities for balanced and ecologically viable regional development;

(b) Make full use of geographic information systems and environmental assessment methods for the preparation of environmentally sound regional development policies;

(c) Implement regional and rural development plans and programmes based on needs and economic viability, **[consistent with the goal of socially equitable and environmentally sound sustainable development]**;

(d) Establish an efficient and *transparent open* system for the allocation of resources to rural areas based on people's needs, **[consistent with the goal of sustainable socially equitable and environmentally sound development]**.

DOCUMENTATION OF PRECEDENTS

(From Russow, J. (1995) Charter of Obligations,

RE: PROMOTION OF TRADITIONAL METHODS OF AGRICULTURE

the promotion of ...systems such as traditional methods of agriculture, agroforestry, forestry, range and wildlife *care management*, which use, maintain or increase biodiversity (15.5 d Biodiversity, Agenda 21 UNCED 1992)

RE: UNDERTAKING PROJECTS WITH EMPHASIS ON TRADITIONAL ENVIRONMENT 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)

RE: COLLECTING AND RECORDING INFORMATION ON INDIGENOUS CONSERVATION

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)

RE: FOSTERING TRADITIONAL METHODS AND KNOWLEDGE

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)

RE: PROMOTING COLLABORATIVE RESEARCH WITH INDIGENOUS PEOPLE

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 (**s**) 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)

RE: ACKNOWLEDGING BENEFICIAL TRADITIONAL HEALTH CARE

Acknowledge and encourage beneficial traditional health care, especially that practised by indigenous women, with a view to preserving and incorporating the value of traditional health care in the provision of health services, and support research directed to achieve this aim (Art.111 Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

ARTICLE 122

122. To strengthen [*sustainable* **socially equitable and environmentally sound development and**] **meaningful** employment opportunities in impoverished rural areas, Governments at the appropriate levels, including local authorities, should:

(a) Stimulate rural development by enhancing **meaningful** employment opportunities, providing educational and health facilities and services, improving housing, strengthening technical infrastructure for **BEST (Best Environmentally Sound Traditions) practices**, and encouraging rural enterprises and sustainable agriculture;

(b) Establish priorities for regional infrastructure investments based on *opportunities for economic return*, social equity and environmental quality and on the promoting **BEST (Best Environmentally Sound Traditions) practices** ;

(c) Encourage the private sector to develop and strengthen contract-based wholesale markets and marketing intermediaries for rural products so as to improve and/or establish a cash-flow and futures contract economy in rural areas;

(d) Promote equitable and efficient access to markets as well as, where appropriate, pricing and payment systems for rural products, especially of food items consumed in urban areas, **providing that rural areas will not be used for exploitative cash crops for foreign states as has often been done as a result of forced adherence to structural adjustment programmes;**

(d bis.) Promote products from rural areas in urban markets and rural service centers by improving the access to market information and distribution centres and networks;

(e) Reduce significantly or eliminate environmentally harmful **technologies**, subsidies and other programmes, such as those which stimulate the excessive use of pesticides and chemical fertilizers, and price control or subsidy systems that perpetuate unsustainable practices and production systems in rural and agricultural economies.

ARTICLE 123

123. An integrated approach is required to promote balanced and mutually supportive urban-rural development. To achieve this objective, governments at the appropriate levels, including local authorities, with the support of the relevant international and regional institutions, should:

(a) Provide an appropriate legal, fiscal and organizational framework that is suitable to strengthen the networks of small- and medium-sized settlements in rural areas;

(a bis.) Facilitate the development of efficient communication and distribution infrastructure for the exchange of information, labour, goods, services and capital between urban and rural areas;

(b) Promote broad cooperation among local communities to find integrated solutions for land-use, transport and environmental problems in an urban-rural context;

(c) *Pursue -Ensure genuine community involvement and participation participatory approach to balanced and mutually supportive urban-rural development, based on a continuous dialogue among the* **[[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]]** involved in urban-rural development.

10. Disaster prevention, mitigation, preparedness and post-disaster rehabilitation capabilities

ARTICLE 124

124. The impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, **such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes;** such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, **and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports.** Armed conflicts also have consequences that affect human settlements and the country as a whole and call for specific rehabilitation and reconstruction processes that may necessitate international involvement, at the request of the Government of the concerned country. The impact of such disasters and emergencies is especially severe in countries where prevention, preparedness, mitigation and response capacities are ineffective in dealing with such situations.

ARTICLE 125

125. **The most efficient and effective disaster response is to ensure first and foremost through a concerted effort that prevention of potential known adverse consequences (preventable disasters) will occur. In cases where there is no possibility to prevent the potential disaster,** The most efficient and effective disaster preparedness systems and capabilities for post-disaster response are usually provided volunteer contributions and local authority actions at the neighbourhood level. These can operate independently and irrespective of reduced, damaged or destroyed infrastructure or capacity elsewhere. Specific

actions are also required at the appropriate levels of Government, including local authorities, **in cooperation and partnership with the private sector** and in close coordination with all community groups, to put into place disaster preparedness and response capacities that are coordinated in their planning but flexible in their implementation. The reduction of vulnerability **in the area of anthropogenic disasters**, as well as the capacity to respond to disasters is directly related **to the degree of willingness on the part of government to drive industry through regulations to ban and prevent potentially disastrous technologies; and on the part of financial institutions to refuse to fund disaster-possible technologies** and to some extent the degree of decentralized access to information, communication, and decision-making and the control of resources. National and international cooperation networks can facilitate rapid access to specialist expertise, which can help to build capacities for disaster **prevention and reduction** and, to provide early warning of impending disasters and to mitigate their effects. Women and children are the most affected in situations of disaster, and their needs should be considered in all stages of disaster **prevention and in restoration after disasters management**. Women's active involvement in disaster **prevention and in restoration after disasters planning and management** should be encouraged.

Actions:

ARTICLE 126

126. In improving natural and human-made disaster prevention, preparedness, mitigation and response, Governments at the appropriate levels, including local authorities, and in close consultation and cooperation with such entities as insurance companies, non-governmental organizations, community-based organizations, organized communities, the academic, health and scientific communities, **shall should**:

(a) **Legislate regulations that would ban and prevent technologies that could lead to disasters, and develop**, adopt and enforce appropriate norms and by-laws for land-use, building and planning standards, that are based on professionally established **assessments** of hazard and of vulnerability **assessments**;

(a bis.) **Ensure that serious public concern about an activity or technology that could lead to preventable disaster be taken into consideration and the activity or technology shall be prevented or banned, and ensure that the participation in preparing and planning for non-preventable disaster planning and management of all [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society such as:]** including women, children, the elderly, and people with disabilities, in recognition of their particular vulnerability to human-made and natural disasters;

(b) **Ensure regulations that will prevent preventable anthropogenic disasters and encourage continued *mobilization of* domestic and international resources for disaster reduction activities for non-preventable disasters;**

(c) Promote and disseminate information on disaster-resistant construction methods and technologies for buildings and public works in general;

(d) Devise programmes to facilitate, where possible, voluntary relocation and access by all people to less disaster-prone areas;

(e) Develop training programmes on disaster-resistant construction methods for designers, contractors and builders. Some programmes should be directed particularly to small enterprises, which build the great majority of housing and other small buildings in the developing countries;

(f) Take measures to upgrade, where necessary, the resistance of important infrastructure, lifelines and critical facilities, in particular where damage can cause secondary disasters and/or constrain emergency relief operations.

[[126 bis.] Given that since the development of nuclear technology the most significant preventable anthropogenic disaster has been the preventing of nuclear-related disasters, and given that the outcome of nuclear disasters, including from nuclear arms and nuclear civil reactors, has had irreversible consequences that cannot be considered to have been remediated other than by forced reallocation ; and continues to have unexpected consequences; the global community, if it is to embark upon the prevention of preventable disaster, shall prevent the continued production of nuclear arms, the mining of uranium for the producing of nuclear arms, the testing of nuclear arms, the circulating and harbouring of nuclear-armed or nuclear-powered military vessels, and the using of civil nuclear reactors. It should be noted that at the 1972 UN Conference on Human Environment (UNCHE) held in Stockholm the states globally adopted the commitment in Article 26 to “eliminate the production of weapons of mass destruction” and twenty years later a Nobel Laureate Declaration called for the phasing out of civil nuclear reactors. As a consequence of the development and testing of nuclear weapons, disasters with irreversible environmental consequences have occurred and communities have been displaced, there has to be an acknowledgment that there is no acceptable remediation to these nuclear disasters. The least that can be done for those who have been affected by nuclear disasters is to ensure there is a need for the safe resettlement of displaced populations especially those from *for* small island developing States and coastal regions. There also has to be an acknowledgment that there is no real restoration of sites that have been exposed to radiation from

nuclear disasters, otherwise the perpetuation of the belief in the possibility of restoration could justify the continued nuclear associated technologies. and the restoration of economic activity to the affected areas, especially for small island developing States and coastal regions. Noting the special responsibility towards those people of the former United Nations Trust Territories who have been adversely affected as a result of the nuclear-weapons tests conducted during the period of the Trusteeship, all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants, should consider giving appropriate assistance as may be required for remedial purposes in areas affected by radioactive contamination from nuclear weapons programmes.]

ARTICLE 127

(a) Pursue the objectives of prevention of major technological accidents and the limitation of their consequences, inter alia, through land use policies, **through the banning of technologies and preventing activities that could lead to disasters**, and promotion of safe technology **promotion of BEST (Best Environmentally Sound Traditions) practices**. Prevention of disaster requires the establishment of **Mandatory, International Normative Standards (MINS)** that will drive industry to engage in **BEST practices**. Voluntary standards, such as ISO 14,000 environmental management standards which evaluate nothing more than the corporations' compliance with self-selected environmental policy, without reference to external normative standards of performance, will be less affective than **MINS** for promoting **BEST practices** and thus for preventing anthropogenic disasters. In the interim, during the phase-out period, the potential environmental and social costs shall no longer be externalized from the operation of the industry/military activities.

(b) **Ensure that dangerous activities are phased out and replaced by safe and environmentally sound practices, and in the interim, take the necessary measures in order to control the siting of new developments surrounding dangerous industrial activities that may be liable to increase the risk of the effects of a major accident by appropriate consultation procedures to facilitate the implementation of the policy established under sub-paragraph (a) above;**

(c) Introduce a clear definition of roles and responsibilities and of communication channels among the various key functions of disaster preparedness and prevention including assessment, monitoring, prediction, prevention, relief, resettlement, and emergency response;

(d) Promote and encourage broad-based participation in disaster **prevention and** preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards

(e) **Strengthen, and/or develop global, regional and local resolve and political will to prevent preventable disasters by ensuring the phasing out of technologies that could lead to disasters, and to provide early-warning systems to alert populations in case of a major non-preventable occurrences technological accident, and impending disasters.**

ARTICLE 128

128. In preparing for and implementing post-disaster relief, rehabilitation, reconstruction and resettlement, Governments at the appropriate levels, including local authorities, in partnership with all *[stakeholder individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society]*, shall *should*:

(a) Establish or strengthen disaster preparedness and response systems, **in the case of non-preventable disasters**, that clearly define roles and responsibilities of, and communication channels between, the various functions and actors in disaster preparedness, and in post-event disaster management, including emergency management, relief and rehabilitation;

(b) Devise exercises to test emergency response and relief plans and promote research on the technical, social and economic aspects of post-disaster reconstruction and adopt effective strategies and guidelines for post-disaster reconstruction;

(c) Establish reliable communications, and response and decision-making capabilities, including at the national, local and community levels;

(d) Establish contingency plans, *management and* assistance systems and arrangements for rehabilitation, reconstruction and resettlement;

(e) Strengthen scientific and engineering capacities for damage assessment and monitoring and for special rehabilitation and reconstruction techniques;

(g) Identify and support approaches to cope with the urgent shelter requirements of returnees and internally displaced persons;

(h) Identify approaches to minimize interruption to attendance in schools;

(i) Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict;

(j) Ensure that the particular needs of women, children, persons with disabilities and *vulnerable* **marginalized** groups are considered in all communications, rescue, relocation, rehabilitation, and reconstruction;

(k) Promote a cultural dimension in post-disaster rehabilitation processes.] -

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

D. Capacity-building and institutional development

1. Introduction

ARTICLE 129 j

(j) Reinforce measures to eradicate corruption **and institutional collusion between corporations including transnationals and state governments** and ensure greater **openness** *transparency*, efficiency and **genuine** community **involvement and participation in the preservation of the environment and in the use** *management* of local resources, **within the framework of Mandatory International Normative Standards (MINS);**

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation, particularly to share good **BEST (Best Environmentally Sound Traditions) practices** and innovative approaches to **socially equitable and environmentally sound** *sustainable* human settlements *management*;

(l) Develop, in cooperation with UNCHS (Habitat), associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise, **especially BEST practices.**

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the enshrining and guaranteeing of human rights, the preserving, and protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations/networks

131. To ensure effective decentralization and strengthening of local authorities and their associations/networks **within a framework of international principles based on the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war,** Governments at all appropriate levels, including local authorities, **shall should:**

(a) Adopt and adapt, *as appropriate*, policies and legal frameworks from other Member States that are effectively implementing decentralization **while adhering to international principles, and contribute innovative local practices to other states that could benefit from this insight;**

(b) Review and revise, as appropriate, legislation **to ensure compliance with international obligations**, increase local autonomy **participation** in decision-making, implementation, and resource mobilization and use, especially with respect to human **rights, allocation of funding for socially equitable and environmentally sound development** *technical and financial resources and local enterprise development*, within the overall framework of **international**, national, and local principles, obligations and undertakings *social, economic and environmental strategy* **and encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities** *city neighbourhood or dwellings*;

(c) Seek **additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support** local authorities reviewing revenue generating mechanisms;

(d) Facilitate the inter-transfer of **BEST (Best Environmentally Sound Traditions) Practices** *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with **businesses that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict.**, *inter alia*, through technical twinning and **inter-transfer** *exchange* of experience programmes, **recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world;**

(e) Enhance the performance of local authorities **by requiring BEST practices**, and by undertaking comparative analysis of, and disseminating of innovative **BEST** practices in, the delivery, operation and maintenance of public goods and services, **and in fostering and developing** *and in exploiting the fiscal other* potential of their cities;

(f) *Help institutionalize* **Ensure and implement** broad-based participation in decision-making and management processes at the local level **with genuine community involvement and participation in determining the terms of reference and in having input throughout the process;**

(g) **Ensure and** strengthen the capacity of local authorities **to seek, respect and rely on genuine community involvement and participation** *engage the local private and* community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local **socially equitable and environmentally sound development economic development**;

(h) Promote **genuine community involvement and participation in a** policy dialogue ~~between~~ **among** all levels of Government, **within a framework of governance principles, the private and community sectors** to improve planning and coordination **in implementing socially equitable and environmentally sound development**;

(i) Collect, analyze and disseminate, through **public channels**, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; **and facilitate the opportunity for citizens to present evidence of non-compliance with obligations through national and international mechanisms**

(j) Reinforce measures to increase the participation of **indigenous peoples, migrant workers, women, children and youth and other disenfranchised groups**. Eradicate corruption and ensure greater transparency **through efficient genuine community involvement and participation** in the **socially equitable and environmentally sound development** of local resources;

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation **within a framework of international principles** particularly to share good **BEST** practices and innovative approaches to **socially equitable and environmentally sound development sustainable human settlements management**; and

(l) Develop, in cooperation with UNCHS (Habitat), **and other UN agencies**, associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise. from diverse cultures, ethnic and historical backgrounds.

3. Participation, civic engagement and Government responsibility

ARTICLE 132

132. **Socially equitable and environmentally sound development Sustainable human settlements development** requires the active engagement **of individuals and organizations** of civil society —**those members of society that advocate the enshrining and guaranteeing of the respect for human rights, the**

preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and the enabling of socially equitable and environmentally sound development. *organizations, as well as the broad-based participation of all people.* It equally requires responsive, transparent and accountable governmental structures at all levels. Civic engagement and responsible government both necessitate the strengthening of **genuine community involvement and participation** *participatory mechanisms*, including access to justice and community-based action planning, which will ensure that all voices are heard, including particularly women, youth, children and elderly and all other vulnerable marginalized groups (UNICEF) in identifying problems and priorities, setting goals, exercising legal rights, determining service standards, mobilizing resources and implementing policies, programmes and projects.

ARTICLE 133

133. To encourage and support civic engagement and the fulfillment of government **obligations, expectations, duties, commitments, undertakings and** responsibilities, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based **genuine involvement and participation of all citizens people** in decision-making, **including in the determining of the terms of reference and in having input throughout the decision making process, implementation** and monitoring of human settlements *strategies*, policies and programmes, **and in presenting evidence through legal channels of non-compliance with obligations and expectations**; these institutional and legal frameworks would be specifically aimed at; *inter alia*:

- (a) **Ensuring protecting** the basic human right to hold and express opinions and to disseminate ideas and information;
- (b) Permitting, and facilitating the formation of independent non-governmental community local, national and international organizations **representing a civil society which advocates the enshrining and guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and thus the enabling of socially equitable and environmentally sound development.**
- (c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

(d) **undertaking education and training programs that promote the ensuring of social justice, the preservation, conservation and protection of the environment, the enshrining and guaranteeing respect for human rights, and the elimination of conflict and war, and that are based on significant principles drawn from United Nations conventions, treaties, covenants, declarations, conference action plans and General Assembly Resolutions.**

DOCUMENTATION OF PRECEDENT;

RE: PROVIDING SOCIAL SERVICES IN HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

- (a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;
- (b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups especially children, women and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice (1 Habitat I)

(e) establishing regular **opportunities for genuine community involvement and participation** *and broad-based consultative mechanisms as individuals and organizations of civil society for involving civil society—both women and men* in the decision-making process, including in the determination of terms of reference and in having input throughout the process for all major policies, plans and programmes that will affect their lives (*e bis.*); in addition, removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;

(f) establishing agenda-setting **for genuine community involvement and participation** *participatory mechanisms enabling citizens individuals, to ensure that communities and individuals and organizations of civil society organizations* to play a pro-active, constructive and substantive role in identifying and formulating new policies, plans and projects, **and in determining the terms of reference and in having input throughout the policy formation and the plans and projects development;**

(g) fostering an understanding of contractual relationships **between NGOs and businesses that observe the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and the preventing of conflict and war, and the ensuring of socially equitable and environmentally sound development and BEST practices, and non-governmental organizations (NGOs) sectors to acquire the skills for participating in and developing projects that will benefit all people negotiating effective partnerships for project implementation, development and management that will maximize benefits to all people;**

(h) promoting equality, **social justice**, and *equity fairness*, *incorporate by incorporating* gender and age considerations and ~~involve~~ **involving marginalized** and low-income groups **including people with disabilities, migrant workers, indigenous peoples** through institutional measures to ensure their interests are represented in policy and decision-making processes, and through such techniques as advocacy training and seminars including ~~the development of those that develop~~ *mediating and consensus-building skills* ~~to~~ **and** facilitate effective networking and alliance formation;

ARTICLE 133 e

(i) **Ensuring Improving** access to judicial and administrative channels for affected **persons and (UNICEF) disadvantaged and marginalized** groups to challenge, or seek redress **from decisions that deny social justice, that destroy the environment, that violate human rights, that are destructive to human health and well-being, or that contribute to war and conflict from socially and environmentally harmful decisions and actions;** including legal mechanisms to ensure that **all (UNICEF) State bodies both national and local (UNICEF)** remain legally accountable for their actions, in accordance with their social *and* environmental and **human rights** obligations as defined in both national legislation and **in international conventions, treaties, covenants, declarations, conference action plans and general assembly resolutions. Affected individuals shall, after exhausting all domestic remedies, have access to an International Court of Compliance to bring evidence of state non-compliance. Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;**

(i) bis **Ensuring** access, when all domestic channels have been exhausted, or when there is no legitimate domestic remedies in place, to an International Court of Compliance where affected persons and groups can seek redress for decisions that deny social justice, that destroy the environment, that violate human rights or that contribute to war and conflict. Broadening the procedural right of individuals and civil society to take legal actions on behalf of affected communities or groups which do not have the resources or skills to take such action themselves, and promoting the

representation of inter-generational interests, including children and future generations in decision-making processes.

(j) Facilitating access to legal services by people living in poverty (Canada) low-income and marginalized groups through provision of facilities such as legal aid and free legal advice centres. In addition access to reliable scientific and medical expertise without undue financial burden to the applicant should be provided.

(k) Strengthening **the capacity of international United Nations bodies to establish mandatory international normative standards-and-regulations (MINS) based on fundamental principles enshrined in international customary law; and providing opportunities for local authorities and individuals and groups of civil society organizations to review social, economic and environmental policies affecting their communities and to set local priorities and contribute to the setting of local standards, based on the mandatory international normative standards, for services in such areas basic education, public safety drug-abuse awareness and environmental management: environmental protection and pollution prevention, social justice and basic needs and rights —right to housing, food, safe drinking water, social security, education and universal health care and safety as basic education, child care(EU), public enshrine the right to primary health care—free emergency health care including treatment completion and foster best practices for health promotion and disease prevention recognizing the value of traditional and natural remedies and to universal health care, water for domestic, agricultural and industrial use, public infrastructure,(FAO) public safety, drug- abuse awareness and environmental protection and pollution prevention management;** (133)

ARTICLE 134

134. *Human settlements managers need to draw on the skills and resources of a diversity of people and institutions at many levels coupled with genuine community involvement and participation are essential for socially equitable and environmentally sound development of human settlements.* Scarcity of suitably qualified personnel *and* weakness of institutional systems *and* technical capacity, **as well as unwillingness to draw upon the individuals and groups from civil society that are experienced and aware of the physical and social service community facilities, that are active in the preservation, conservation and protection of the environment and that are advocates of social justice and human rights** are among the main obstacles to the improvement of human settlements in many countries. **In addition, the use of BEST (Best Environmentally Sound Traditions) practices based on principles of socially equitable and environmentally sound development in *new skills, know-how and technology in all aspects of developing community based planning of***

human settlements planning and management will be necessary. In countries where change is rapid there is a need for governments and the international community to ensure the effective development and transfer of leadership skills, *management* expertise and experience **in guaranteeing the respect for human rights, in preserving, conserving and protecting the environment, in promoting peace and social justice, and in advocating BEST practices, know-how and technology.**

Actions

ARTICLE 135

135. To improve **the planning and development of socially equitable and environmentally sound** human settlements *management*, governments at all appropriate levels, including local authorities and their associations, **shall should:**

(a) Support training programmes for administrators and civic officials at all levels, as appropriate, **and enhance leadership qualities of individuals and organizations of civil society and promote the inclusion of women and young people, and marginalized members of society in staff structures and decision-making;**

(b) Establish *private-public, community, urban-rural sector, BEST practices enterprises business* and economic forums to facilitate the transfer of expertise *management know-how* and experience;

(c) Develop and implement and comprehensive training, education **in socially equitable and environmentally sound and human resources** development policies and programmes involving a wide range of **individuals and groups of civil society including the participation of academics**, local authority associations, *academic, research, training and educational institutions* and the **BEST practices enterprises private sector** focusing on:

(i) The **furthering of genuine community involvement and participation** *development of a multi-sectoral approach* to human settlements development, **which includes the participation of women, migrant workers, minority groups, indigenous peoples and other usually marginalized individuals and groups;**

(ii) The **cooperative decision making process** where there is a **continual drawing upon the experience and expertise of members of the community** *The training of trainers to develop a core capacity for institution-strengthening and capacity-building;* **including women, youth, elderly and members of disadvantaged or marginalized groups.**

(iii) The development of local capacity to define needs and undertake or commission applied research, particularly in social and environmental impact assessments, local **socially equitable and environmentally sound development growth and creation of meaningful employment job creation**, and to *incorporate* apply the findings from the research *in management systems* in socially equitable environmentally sound human settlements;

(d) Develop information systems for the exchange, transfer and sharing of experience, expertise, know-how and **BEST practices in socially equitable environmentally sound human settlements technology in human settlements management**

(e) *Encourage, as appropriate, the involvement of private-sector entities in improving public-sector management and administration and the formation of entities that are public in their function, private in their management and publicly-privately funded; and*

(e) develop information systems for **networking and accessing resources in a timely manner, and for** the exchange, transfer and sharing of experience, expertise, know-how and **BEST practices technology related to** *in human settlements management*;

(f) **help develop principle-based decision making processes to enable mediation programmes in conflict resolution between competing agents in the access to, distribution and use of resources and spaces in settlements.**

4. Metropolitan planning

ARTICLE 136

136. Although **there are the managers of human settlements face** many common challenges **in urban and rural human settlements**, *those responsible for the management and development of metropolitan areas and mega-cities face unique problems caused by the size and complexity of their tasks and responsibilities. Among the characteristics of metropolitan areas that require special skills to handle are* their ethnically **religiously** and culturally diverse populations; their large concentrations of urban poverty **within economically deprived zones (NGO Composite)**; their extensive infrastructure...networks and transportation and communications systems; their role in national, regional and international production and consumption cycles, economic development, trade and finance; and their potential for severe environmental degradation. Large metropolitan areas and mega-cities also represent the largest potential risks of human, material and production-capacity loss in case of natural and human-made disasters and **the greatest negative impacts of the global economy and of structural**

adjustment programmes on local economies. In some countries, the lack of a metropolitan-wide authority creates difficulty in urban management.

Actions

ARTICLE 137

137. To address the special needs of metropolitan areas, Governments at all the appropriate levels, including local authorities, **shall should:**

- (a) **Ensure and promote metropolitan-wide planning in socially equitable and environmentally sound development and management strategies; which include individuals and organizations of civil society with those members of society that are using marginalized in the planning process.**
- (b) Monitor and analyze the effectiveness and efficiency of metropolitan structures and administrative systems, and incorporate the results into public policies for dealing with macroeconomic, social and environmental issues;
- (c) Create a legislative framework and adopt organizational structures that ensure coordinated and efficient delivery of services *delivery*, **provision** of resource *mobilization* and *sustainable* **socially equitable and environmentally sound** development throughout metropolitan areas;
- (d) Strengthen the capacity and mandates of metropolitan authorities to deal effectively with issues of regional and national importance, such as the **use of land, energy and water resources management, the preservation, protection and conservation of the environment management, and** the access to adequate social infrastructures, transportation and communications, trade and finance, and social integration;
- (e) Develop, **a coalition of individuals and groups of civil society with varying areas of experience and expertise to collaborate with a** professional staff trained in the technical aspects of planning and development of primary infrastructure and emergency prevention and planning;
- (f) Facilitate and promote policy dialogue and the exchange of experience, expertise, know-how and **BEST practices technology among** metropolitan authorities **with individuals and groups of civil society including women and numerous marginalized groups** in such areas as transportation and communications, waste **prevention, reduction, resource-reversion waste, and mitigation, management,** energy conservation, social welfare and environmental **preservation, protection and conservation management.**

5. Domestic financial resources and economic instruments

ARTICLE 139

139. Financing the future of urban development and sustaining the economic viability of cities represents a particular challenge which will require innovative systems of finance at national and local levels. Effective **cooperation partnerships** between the public and **BEST practices enterprises** are needed which combine local taxes on production and consumption with fiscal incentives for investment by *industry, commerce, trade and the private service sector*. **BEST practices enterprises with local materials and that provide socially equitable and environmentally sound meaningful employment** New forms of municipal finance are needed to meet the future needs of urban economic development and the costs of supporting infrastructure and services. **In addition funding shall be sought from the reduction of the military budget and from requiring the payment of deferred taxes from industry. It is thus necessary to reduce military expenditures and production in order to finance programs for habitat (NGO Composite).**

BACKGROUND

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs In 1994 States, in adopting the statement from the International Conference on Population and Development, concurred that the attainment of “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.(Article 1.19) In 1995, Similarly, states in adopting the statement from the Social Development Summit endorsed the calling for “the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action States have made a commitment to maintain “ peace and

security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict” (Art. 14) and to reduce “...military expenditures “ (Art. 15)., states have also made a commitment to the “prevention and resolution of conflicts”(art 15) and to “increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes (145a)

In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). Yet, through sympathetic administrations states have for years failed to ensure corporate compliance with national laws, codes and regulations, and international agreements. States have continued to provide subsidies and tax deferrals to corporations, a large proportion of whom have engaged in socially inequitable and environmentally unsound development.

Actions

ARTICLE 140

140. To strengthen the national and local economic and financial base with a view to addressing the needs of **socially equitable and environmentally sound sustainable** human settlements *development*, Governments at all appropriate levels, including local authorities, **shall should**:

(a) Strengthen, as appropriate, the capacity of local authorities to attract **BEST practices** investments;

(b) Adopt macroeconomic policies and frameworks which encourage increased domestic savings and facilitate their use in housing, basic infrastructure and **other socially equitable and environmentally sound settlements** development;

(c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment fees **levies** to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments **which are conditional on mandatory international normative standards (MINS) including the penalizing penalize of environmental damage arising from both**

production and consumption of environmentally unsound activities (NGO Composite);

(d) Enhance national and local tax collection capabilities and expenditure control **to reduce cost attainment ? and increase tax effort for revenue maximization** (NGO Composite)

(e) *Strive for full cost recovery of urban services through user charges, while at the same time* Addressing the needs of the **people living in poverty poor, inter alia**, through pricing policies and, where appropriate, by *transparent* subsidies;

(f) Support local efforts to encourage voluntary private and community sector partnerships and participation in building, operating and maintaining basic infrastructure and services **which employ gender and marginalized group sensitive policies, and address the needs of marginalized groups and empower women with financial resources for home acquisition** (NGO Composite);

(g) *Rationalize and* Facilitate local authorities' access to national, regional and international capital markets and specialized lending institutions, including, *inter alia*, instituting municipal credit rating and credit systems, **which ensure that women and members of marginalized groups have genuine involvement and participation are integral in program in the development of socially equitable and environmentally sound human settlements** bearing in mind the borrower's capacity to repay the debt;

(h) Facilitate the role of local authorities in **working cooperatively forming partnerships with the private**, community and cooperative sectors and institutions for local development by **BEST practices enterprises development**;

(i) Institutionalize budget mechanisms, where appropriate, and accounting to enable local authorities to engage in medium- and long-term investment programmes;

(j) Establish *transparent* open systems and procedures to ensure financial accountability;

(k) Institutionalize, where appropriate, *transparent, open*, inter-governmental transfer **methods mechanisms** that are timely, predictable and performance- and need-based; and

(l) Attract **BEST practices enterprises private and community** investment to urban development.

(m) use a reduction of national military budgets to fund local programmes for human settlement as agreed through General Assembly Resolutions.

6. Information and communications

ARTICLE 141

141. Recent developments in information technology, in conjunction with the liberalization of trade and the free flow of capital on a global scale, **are bringing will bring** about radical changes in the roles and functions of cities, and their decision-making and resource allocation processes. Those Governments that make the necessary investments in information technology and infrastructure and enable and empower their citizens to make effective use of such technology can expect to foster tremendous **additional** productivity gains in industry, trade and commerce. **However in many countries these productivity gains have benefited only a fortunate few, while contributing to increasing income inequality and unemployment. Furthermore, these technologies are only available to those who can afford them and place the substantial majority of people who do not have access at an increasing disadvantage in a competitive global economy. In addition, there has been an unprecedented dependency on computer technology as the panacea for organizing infrastructures, and as noted recently the global conversion to accommodate the date transfer into the year 2000 will cost the global community at least \$400 billion US It is recognized that this improved information technology should be appropriately and optimally has the potential to be** utilized to preserve and share **cultural and** moral values and enhance and improve education, training **development of meaningful employment programmes for women and marginalized groups, has the potential to contribute to** public awareness of the social, economic and environmental issues affecting the quality of life, and **has the potential to** facilitate access by all *key actors and* communities to the exchange of habitat practices, including those which uphold the rights of children, women **disabled, frail elderly, displaced,** and other *vulnerable marginalized groups to genuine community involvement and participation in developing socially equitable and environmentally sound human settlements. context of growing urbanization.*

Actions

ARTICLE 142

142. To improve the capacity to **use exploit** these innovations **to enhance the public good**, governments **at all appropriate levels including** and local authorities **shall should:**

(a) **Develop, upgrade, and maintain** information infrastructure and technology **with a healthy skepticism about the role of this technology** and encourage their use by all levels of Government, public institutions and *civil society organizations* **individuals and groups of civil society; caution should be exercised in becoming too dependent on this technology.**

(b) **develop and implement a training program for women, men of all ages and for members of marginalized groups** in the use, **ways and means** of information technology; (Composite NGO)

(c) Develop methods of sharing experiences through electronic means, such as the Internet, networks and libraries of local initiatives and the dissemination of **information on BEST (Best Environmentally Sound Technique)** practices;

(d) **Implement programs that** encourage participation of children, youth, **women, the elderly, people in poverty, and other members of marginalized groups** in the use of public libraries and communication networks (NGO Composite);

(e) Facilitate the learning process through the dissemination of both successful and unsuccessful experiences in human settlements taken from governments, public **institutions, BEST practices enterprises, corporations, including transnationals, private and community organizations sectors;**

(f) **Establish Encourage** policies that make information technology and services available and more accessible to the general public; and

(g) Ensure *Guarantee* the free flow of, and access to, information in all areas of public policy, decision-making, resource allocation, **and social developments which impact women, children and marginalized groups (NGO Composite).**

(h) **Assure market competition and broad public access in the provision of information technology and media services by strictly limiting concentrations of private ownership and control; and by maintaining public information technology and media facilities for those who otherwise lack access (NGO Composite).**

(i) **implement policy measures to assure that the benefits of productivity gains are broadly shared and contribute to livelihood creation rather to increased unemployment.**

142 bis. That dissemination of experiences that contribute to facilitate the access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human settlements development. National governments, in partnership with social actors, should:

(a) Promote the selection of urban management practices which stand out by their positive impact in improving habitat, by their use of participatory modes of organization and operation, by their sustainable and lasting character, and by their tendency to become universal;

(b) Set up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field;

(c) Promote dissemination of the selected practices locally, nationally, regionally and internationally, in an integrated manner.

Part IV.
**GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF
 IMPLEMENTATION**
E. International cooperation and coordination (143 -157 IN BRACKETS)

1. Introduction

ARTICLE 143

[143. The goals of ensuring adequate shelter for all and making human settlements and communities **environmentally sound, productive, healthy, safe, more equitable and sustainable** contribute to achieving world peace, development, stability and justice. International cooperation takes on added significance and importance in the light of recent trends in the globalization and the interdependence of the world economy. There is an urgent need to redefine and resuscitate the existing processes and structure of cooperation and to evolve new and innovative forms of cooperation with a view to enabling humankind to face the challenges posed by the development of rural and urban areas. **There is urgency to redefine development and move towards a new “international economic order” based on socially equitable and environmentally sound development. This new order may require the political will to reduce the global military budget by 50% (from the current 800 billion to 400 billion which it was in 1981 when there was a UN General Assembly resolution to freeze and reduce the military budget) at with the undertaking to transfer the peace dividend to socially equitable and environmentally sound development. The states of the world must firmly adhere to the principle endorsed in the United Nations Conference on Human Environment where states agreed to eliminate weapons of mass destruction, which by definition would include nuclear weapons as well and chemical and biological. Additionally, the global community must undertake to condemn the continued mining of uranium for weapons production, the use of civil nuclear reactors whose waste is a scourge for future generations and the use of plutonium from former nuclear weapons sites as a fuel for nuclear reactors. Thus** there is a need for the political will of all States as well as specific action by the international community to establish and inspire new forms of cooperation, partnership, coordination and investment (including the local private sector), in order to contribute effectively to the provision and improvement of shelter conditions in human settlements (especially in developing countries), taking into account the diversity of the needs of human settlements among countries.

144. **Although** the formulation and implementation of strategies for human settlements development are the responsibility of each country at the national and local levels and should take into account the economic, social and environmental diversity of conditions in each country; **fundamental principles derived from the obligations incurred in the United Nations Conventions, Treaties, Covenants**

and from the expectations created in the United Nations Declarations Conference; action plans and General Assembly Resolutions shall establish the basis for socially equitable and environmentally sound development.

The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires the establishment of mandatory international normative standards-and-technical regulations (MINS) that will drive the corporations, including transnationals, and funding agencies such as the development banks to ensure socially equitable and environmentally sound development. Currently the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry will there be the needed shift towards a real cooperation based on the highest tenable principles.** This shift from aid to trade clearly points to the need for **global mandatory regulations and standards to drive corporations including transnationals *private sector* to participate in socially equitable and environmentally sound development; *participation in the shaping of international cooperation.*** The international community, (including multilateral financial institutions) **has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical -regulations (MINS) based on principles established over the past 50 years in international instruments. In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, States undertook to ensure that all corporations (including transnational corporations), comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions; including those related to the environment, and other relevant laws”. In addition, the lending institutions shall not support the “clean-up environment industries” which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for BEST environmentally sound technology that *environment to ensure that additional resources to reinforce national efforts to foster an enabling environment to* and achieve the objectives of adequate shelter**

for all and the **socially equitable and environmentally sound sustainable development** of human settlements.

ARTICLE 144 bis

144 bis. [International cooperation assumes added significance and importance in the wake of recent trends in the globalization of the world economy on the one hand and the continued deterioration of the plight of developing countries on the other hand. The problems resulting from poverty, urbanization, lack of adequate shelter including social housing, rapid population growth, rural-urban migration, economic stagnation and social instability are especially acute.]

ARTICLE 145

145. [In recent years disparities in economic growth, environmental degradation, and labour-market asymmetries have increased international migration, and have impacted on spatial distribution of cities' population entailing the imbalances of human resources among countries of origin and countries of destination.] Innovative approaches and frameworks for international cooperation in human settlements development and management must be sought and developed to include the active participation of all levels of government, the **segment of private sector which is driven by high global mandatory regulations and standards** and cooperative sectors, non-governmental organizations and community-based organizations; in decision-making, policy formulation and resource allocation, implementation and evaluation. These approaches and frameworks should also include new and improved forms of cooperation and coordination between and among multilateral financial institutions, international organizations and various organs and bodies of the United Nations system, including south-south, north-south and south-north exchanges of best practices, the continuous development of policy, **and planning and management** tools and instruments such as the application of shelter and urban indicators, human resources development and institutional capacity-building. **In this new global partnership at all levels decisions will be guided by principles reflected in International instruments endorsed by the states within the global system.**

ARTICLE 145 bis

145 bis. These innovative approaches should also include new forms of cooperation and partnerships between multilateral and bilateral assistance agencies on the one side, and **individuals and groups of civil society and local authorities**, on the other, based on the **adherence to principles related to the enshrining and guaranteeing of the respect for human rights, the preservation, protection and conservation 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,**

Principles of local implementation of mandatory standards and regulations should guide "decentralized cooperation". This implies recognition of the capacity of local authorities to develop international relations and cooperation, with the existing legal frameworks of each country, their right to devote their own resources for that purpose and to be associated in the process of defining international human settlements policies. Governments, as well as bilateral and multilateral aid-agencies, should commit themselves to encourage decentralized cooperation between local authorities as well as the strengthening of networks of associations of local authorities.

EVIDENCE OF PRECEDENT

RE: REDUCING OF DISPARITIES

4. It is of paramount importance that national and international efforts give priority to improving the rural habitat. In this context, efforts should be made towards the reduction of disparities between rural and urban areas, as needed between regions and within urban areas themselves, for a harmonious development of human settlements. (III 4 Habitat I)

2. Enabling international context

ARTICLE 146

146. *The process of Urbanization has resulted from a development model that has been based primarily on economic progress. Socially equitable and environmentally sound human settlements will result from a cooperative and collective undertaking to ensure social justice; to enshrine and guarantee the respect for human rights, to preserve, conserve and protect the environment and to prevent of conflict and war; is linked to economic development, social development and environmental protection. The promoting of BEST (Best Environmentally Sound Traditions) practices, the preserving and protecting of the environment, the ensuring of social justice are interdependent and mutually reinforcing components of sustainable socially equitable and environmentally sound development. The provision of adequate shelter for all and sustainable socially equitable and environmentally sound human settlements development are increasingly influenced by the global economy. In this context, it is imperative to enable requires all countries, especially developing countries, to improve living and working conditions in human settlements to draw upon endogenous BEST practices with international funding to assist in developing traditional practices. The international funding should be provided to stimulate BEST practices. This calls for an enabling international environment and integrated approaches at national and international levels which take account of the efforts of countries to implement*

*programmes of economic reform or economic transition. Furthermore, **BEST practices** technological developments are leading to major changes in the structure of **meaningful** employment. *[It should be recognized that in social and economic terms the housing sector is a productive sector and should be treated on an equal basis with other productive sectors. Achievement of the goal of sustainable human settlements development at the global level would depend on fair and durable solutions of, inter alia, the issues of finance, debt, trade and transfer of technology.]**

ARTICLE 147

147. The international community should support governments in their efforts **to promote socially equitable and environmentally sound** *to cope with the impact of these changes on human settlements within a framework of **cooperation and collectiveness** enabling strategies.* The international community *should shall* promote:

(a) *The establishment of **Openness, equity, cooperativeness and mutually benefit open, equitable, cooperative and mutually beneficial international economic environment;***

(b) *The co-ordination of macroeconomic policies at all levels to achieve an international financial system that is conducive to stable and **sustained economic growth** and **socially equitable and environmentally sound** development;*

(c) *An international financial system that is more conducive to stable and **socially equitable and environmentally sound sustainable** human settlement **development** through, inter alia, a higher degree of stability in international financial markets, a reduction of the risk of financial crisis, and lower real interest rates;*

(d) *An environment in all countries, [including developing economies, economies in transition and developed economies,] that attracts foreign and domestic direct investment and encourages savings;*

(e) **BEST (Best Environmentally Sound Traditions) practices** *development, productive investment and expanded access to open and dynamic markets in the context of an open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international trading system, [and to technologies for all people, especially those living in poverty and the disadvantaged and marginalized, as well as for the least developed countries];*

(f) Capacity building through **BEST practices** in developing countries in all regions, particularly African countries and the least developed countries: and in countries with economies in transition;

(g) The strengthening and improvement of *technical and* financial assistance to developing countries in all regions to promote *sustainable socially equitable and environmentally sound* development and overcome hindrances to their full and effective **genuine involvement and** participation in the world economy.

ARTICLE 148

148. With specific reference to *sustainable socially equitable and environmentally sound* human settlements *development* and the provision of shelter, the international community **shall should**:

(a) Ensure that the benefits of **the global economy economic growth** improve people's quality of life in all nations, regardless of where people live;

(b) *Mobilize Provide* national and international financial resources for shelter provision and **socially equitable and environmentally sound sustainable** human settlements *development*;

(c) Facilitate increased access by all levels of government, by **BEST practices enterprises, and by individuals and groups of civil society including those usually marginalized by society and the private sector in developing countries and countries with economies in transition** to international financial resources to enable them to attract investment in shelter and infrastructure for *sustainable socially equitable and environmentally sound* human settlements *development*;

(d) In a manner consistent with national legislation, seek to increase the ability of local authorities, non-governmental organizations and **BEST practices enterprises the private sector** to link *directly with global capital markets, in accordance with prudential safeguards in those markets*, to finance their shelter and infrastructure programmes *and to establish international and local mechanisms and instruments to facilitate risk sharing and credit enhancement for investing agencies - local, regional and national*;

(e) Promote strategies to ensure substantial, well-directed *public and private* investments in **BEST practices** in shelter, infrastructure and health, education and other basic services, including through the provision of *appropriate technical and* financial assistance;

[(f) Encourage international cooperation, in order to address the negative impact of international migration through *technical* assistance, **BEST practices** *management know-how*, exchange of information as well as by ensuring equitable wages and working conditions for both migrant and native workers.]

[(g) Continue to provide support to refugees in order to meet their needs, and to assist in assuring them a just, durable solution in accordance with relevant United Nations resolutions and international law, noting that sustainable human settlements can only be established for them on their land of origin.]

3. Financial resources and economic instruments

ARTICLE 149

149. The **need and the** demand for shelter *and infrastructural services in human settlements* is continuously increasing. *Communities and countries, especially developing countries, have difficulties in mobilizing adequate financial resources to meet rapidly rising costs of shelter, services, and physical infrastructure.* [New and additional financial resources, from various sources, are necessary to achieve the goals of adequate shelter for all and **socially equitable and environmentally sound sustainable** human settlements *development* in an urbanizing world. The existing resources available to developing countries - public, private, multilateral and bilateral - need to be enhanced through appropriate and flexible mechanisms and economic instruments to support sustainable human settlements development.]

ARTICLE 150

150. Implementation of the Habitat Agenda, particularly in developing countries of all regions, especially those in Africa and the least developed countries, will need additional financial resources *to be mobilized* at national and international levels and more effective development cooperation and assistance. This will require, inter alia:

ARTICLE 150 (a—z)

General

[150. (a) Translating the commitments of Habitat II into financial implications for the provision of adequate shelter and **socially equitable and environmentally sound** human settlements *development* in developing countries in all regions, particularly those in Africa and the least developed countries;

(b) Promoting assistance for shelter and human settlement activities in favour of *vulnerable marginalized* groups, such as refugees and internally displaced persons, documented migrants and the homeless through specific targeted grants and other assistance programmes;

15 The highest priority should be placed on the rehabilitation of expelled and homeless people who have been displaced by natural or man-made catastrophes, and especially by the act of foreign aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

Official financial resources

(c) Raising the priority of adequate shelter for all and **socially equitable and environmentally sound *sustainable*** human settlements *development* among multilateral and bilateral donors *and mobilizing their support* for national, sub-regional and regional plans of action of developing countries, especially for interested beneficiary countries;

(d) Striving to fulfil the 0.7 percent of GDP target and the 0.15 percent of GNP target for assistance to the least developed countries as soon as possible, and to increase, where appropriate, the share of funding for **socially equitable and environmentally sound *sustainable*** human development programmes;

(e) Achieving the agreed targets of 0.7 percent of GNP for overall official development assistance (ODA), and 0.15 percent of GNP for assistance to the least developed countries, as soon as possible, and no later than the year 2000, and increasing the share of funding for adequate shelter and **socially equitable and environmentally sound** development programmes in human settlement, commensurate with the scope and scale of activities required to achieve the objectives and goals of the Habitat Agenda;

(f) Replacing *Striving to ensure that* structural adjustment programmes with programmes that would respond to the needs of those who have been indebted as a result of over-consumptive models of development inconsistent with **socially equitable and environmentally sound** development. *sustainable human settlements development*;

(g) Inviting the international financial institutions to examine innovative approaches with **genuine community involvement and participation** to assisting low-income countries with a high proportion of multilateral debt, with a view to alleviating their debt burden;

Partnerships Cooperative participation

(h) Encouraging multilateral development institutions and donors to support nations in their effort to pursue enabling strategies through which national and local governments, communities and **BEST practices enterprises** *the private and cooperatives sectors can form can work collectively and cooperatively together* *partnerships to participating in providing shelter and sustainable socially equitable and environmentally sound human settlements activities;*

(i) Inviting multilateral and bilateral donors to support countries, particularly developing countries, in their efforts to pursue enabling strategies through which governments, local authorities, communities, and the private and cooperative sectors can form partnerships to participate in the provision of adequate shelter, including social housing and sustainable human settlements development activities;

(j) Exploring ways and means to strengthen support and expand south-south cooperation based on the concept of triangular cooperation, partnership between developing and developed countries, as well as enhanced cooperation among developing countries;

(k) Consolidating solidarity of the international community and its organizations to provide adequate shelter for all and sustainable human settlements development for people living under foreign occupation;

Improving the effectiveness of financial resources

(l) Striving to enhance the effectiveness of existing ODA and other external financial flows through improving coordination between **policies and among of** donors and **mandatory international normative standards derived from obligations, and expectations from international United Nations instruments and agreements** *operational activities, and through better coherence between those flows and internal sustainable human settlements strategies;* those practices related to socially equitable and environmentally sound development.

(m) Supporting programmes that increase the effectiveness and **openness** *transparent utilization of public and private resources, reduce*

wasteful and untargetted expenditure and increase access to housing and services for people living in poverty;

(n) Recognizing the negative effect of excessive military expenditures, trade in arms, especially of those arms that are particularly injurious or have indiscriminate effects such as land mines whose use should be banned, and excessive investment for arms production and acquisition. The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget (UN General Assembly 36/81). Also, in 1981 the UN General Assembly undertook to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81).

DOCUMENTATION OF PRECEDENT:

RE; PREVENTING WASTE AND MISUSE OF RESOURCES FOR WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

(o) Giving preference, wherever possible, to the *use utilization* of competent national experts or, where necessary, of competent experts from within the sub-region or region or from other developing countries, in projects and programmes design, preparation and implementation, and to the building of local expertise where it does not exist; **and at all times there shall be genuine community involvement and participation;**

(p) Maximizing projects and programmes efficiency by keeping overhead costs to a minimum;

(q) Integrating practical measures for **preventing and reducing** disaster-vulnerability in development programmes and projects, in particular construction of buildings and communication systems, financed by the international community, and ensuring that such measures become an integral part of feasibility studies and project identification;

Private Non-exploiting enterprises financial resources

(r) Developing economic policies to promote *and mobilize* domestic savings and attract external resources for **socially equitable and environmentally sound *productive* investments within a context of BEST practices driven by MINS 1997**, and seeking innovative sources of funding, both public and non-exploiting enterprises *private*, for adequate shelter and **socially equitable and environmentally sound *sustainable* human settlements development programmes, while ensuring their effective utilization;**

(s) Strengthening financial *and technical* assistance for **BEST practices and community-based development and self-help programs**, and strengthen cooperation among governments at all levels, community organizations, cooperatives, formal and informal banking institutions, *private BEST practices* enterprises and international institutions, with the aim of *mobilizing* providing local savings, promoting the creation of local financial networks, and increasing the availability of credit and market information to low-income individuals, people in poverty, women, and *vulnerable* marginalized and disadvantaged groups for shelter and **socially equitable and environmentally sound human settlements development;**

(t) Facilitating access to global finances for governments and local authorities which are initiating or are involved in **working cooperatively with BEST practices enterprises, and with individuals and groups of civil society including individuals and groups that are usually marginalized from the decision making process and *public-private partnership* programmes;**

(u) Establishing and supporting linkages of informal credit mechanisms to the global pool of resources and increasing access by a majority of the population to housing finance through participatory processes involving communities, non-governmental organizations, credit unions, global financial institutions and other relevant actors;

Existing economic instruments

(v) Attracting international flows of public finances for **providing shelter *provision* and socially equitable and environmentally sound human settlements development** through appropriate economic instruments;

(w) *Considering means to facilitate foreign private sector investment in sustainable human settlements projects, particularly in the areas of infrastructure and transportation, for example by way of BOT schemes;*

(x) Assisting countries, particularly developing countries, in implementing effective and equitable pricing mechanisms for adequate shelter and **socially equitable and environmentally sound settlements** human settlements, infrastructure and services to induce greater flows of *private*, domestic and global funds, while ensuring *openness transparent* and *targeted* subsidies for people living in poverty;

(y) Examining appropriate debt-equity swapping measures in favour of shelter and infrastructure development in human settlements;

Innovative economic instruments

(z) Developing innovative sources of funding, *both public and private*, for **socially equitable and environmentally sound human settlements development**, and creating a *supportive environment support for the mobilization of resources by individuals and groups of civil society*, including beneficiary and individual voluntary contributions;

Special financing needs/issues

(aa) Providing assistance for shelter and **socially equitable and environmentally sound** human settlement *development activities in favour of* for people living in poverty, particularly women, and **vulnerable marginalized** groups, such as refugees, internally displaced persons, people with disabilities, street children, migrants and the homeless through specific targeted grants;

(bb) Promoting assistance for shelter and human settlement activities in favour of **vulnerable marginalized** groups, such as refugees and internally displaced persons, documented migrants and the homeless through specific targeted grants and other assistance programmes;

(cc) Recognizing the need for shelter and **socially equitable and environmentally sound** human settlements *development* in order to address the special conditions of some countries experiencing natural and human-made disasters and the urgent need to reconstruct their economies and **communities human settlements**;

(dd) Implementing the commitments of the international community to the special needs and vulnerabilities of human settlements in the small island developing States, in particular by providing effective means, including adequate, predictable, new and additional resources for **programmes for socially equitable and environmentally sound human settlements programmes**, in accordance with the Declaration of Barbados

and on the basis of relevant provisions of the Programme of Action for the Sustainable Development of Small Island Developing States;

(ee) Providing international support and assistance to the land-locked developing countries and their neighbour transit [?] developing countries in their efforts to implement the outcome of Habitat II, taking into account the challenges and problems characteristic to those countries;

(ff) Agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of ODA and 20 per cent of the national budget, respectively, to basic social programmes;

(gg) Providing soft loans and grants to enable all nations to specifically address the needs of *vulnerable marginalized groups*.]

4. Technology Transfer and Information Exchange

ARTICLE 151

151. [The use and transfer of environmentally sound *technologies practices* which have a profound impact on consumption and production patterns is one of the prerequisites for **socially equitable and environmentally sound sustainable human settlements development**. Advanced **BEST (Best Environmentally Sound Traditions) practices and appropriate technologies** and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of **meaningful** employment. International agencies, including UNCHS (Habitat), have an essential role in disseminating and facilitating access to information on **BEST practices available technologies** and options for their transfer. It is understood that the transfer of *technology BEST practices* includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits; **particularly those benefits that shall accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology**].

ARTICLE 152

152. The international community, in promoting and facilitating the transfer of technology and expertise in support of the implementation of national plans of action, should:

(a) Establish and reinforce, as appropriate, global networks among all [stakeholders] individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society to facilitate information exchange on environmentally sound technologies particularly those related to shelter and human settlements;

(b) Ensure that the process of technology transfer is fair and avoids dumping of environmentally unsound technologies on the recipients, and also avoids the replacing of significant **endogenous BEST practices; in addition, the promotion of clean-up technology which has been used to justify the continuation of the production of hazardous, toxic or atomic wastes undermines the development of BEST practices, and should be discouraged so that the emphasis will be on prevention practice—doing it right the first time.**

(c) [Facilitate] [Develop and intensify] technical cooperation with and among all regions including south - south cooperation in order to exchange experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements;

(c bis.) Ensure use of appropriate technology and production of local building materials;

(d) Place special emphasis on the funding, and promotion and dissemination of applied research and innovation in all areas which could contribute to enhancing the capabilities of developing countries particularly those in Africa and least developed countries, to provide shelter, urban services, infrastructure and amenities to their communities;

(d bis.) Support the development of international, sub-regional and regional networks of research, production, dissemination and commercialization institutions for locally produced building materials;

(e) [Enhance the identification and dissemination of new and promising technologies related to human settlements which generate **meaningful** employment and lower cost of infrastructure, make basic services more affordable, and minimize detrimental environmental impacts, and identify specific roles for existing United Nations organizations, [especially UNCHS (Habitat)] which would promote these goals].

5. Technical Cooperation

ARTICLE 153

153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. UNCHS (Habitat) should [play central role] and act as catalyst in mobilizing technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

ARTICLE 154

154. More specifically, the international community should:

(a) Establish, [within existing resources] cost-effective global human settlement information networks in the form of permanent and "electronic conferences" which will contain updated information and the Global Plan of Action, best practices, as well as *progress* **Obligations discharged/Expectations fulfilled** reports on the implementation of national plans of action;

(b) Through global human settlements information networks, assist Governments at all levels, all major groups of actors and international development agencies, in assessing information and policies, strategies, programmes and projects on sustainable human settlements development and shelter provision;

(c) [Under the leadership of the Commission on Human Settlements, and supported by the United Nations regional economic commissions and UNCHS (Habitat), develop awareness-building and information activities to ensure that human settlements development issues in general and concerted policy and programme responses to urbanization in particular, are brought into the mainstream of the development objectives of the international community and national Governments];

(d) Develop and strengthen, with a view to supporting and facilitating national and local efforts in human settlements management, capacity-building programmes and promote exchange of experiences and policy responses to urbanization and integration of regional development within the framework of national development strategies;

(e) Through the secretariat of the United Nations Commission on Human Settlements, UNCHS (Habitat), supported by information gathered by United Nations regional economic commissions, develop capacity building strategies in order to enhance the capabilities of national and local authorities to identify and analyze critical human settlements issues; to formulate and effectively implement policies and programmes which respond to them; and to efficiently manage the process of settlements development at the local levels;

(e *bis.*) Through appropriate institutions, continue to promote capacity-building in developing countries with effective utilization of national experts;

(f) Continue to support technical cooperation programmes aimed at mitigating the effects of natural and human-made disasters, as well as reconstruction activities in affected countries;

(g) Enable UNCHS (Habitat), [within existing resources], to provide technical, legal and institutional assistance to Governments at all appropriate levels upon request, in particular, in closer cooperation with UNDP's capacity building efforts.

ARTICLE 155

6. *Institutional cooperation*

155. The task of pursuing the goals of adequate shelter for all and sustainable human settlements development, in the face of increasing global economic interaction, necessitates international cooperation of public and private institutions operating in the areas of human settlement development, whereby resources, information and capacities are pooled for a more effective response to human settlements problems.

ARTICLE 156

156. [The Habitat Agenda adds new elements to the agenda for national actions and international cooperation, reaffirming, building on the **obligations incurred in Conventions, Treaties and Covenants, and on expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, as well as on the results of the recent major United Nations conferences. Governments confirm the need for a coordinated follow-up of the major world conferences, including Habitat II. The very nature of urban challenges requires an integrated approach to *sustainable socially equitable and environmentally sound* development and thus increased cooperation and coherence. Existing intergovernmental bodies within the United Nations system should be used to promote communication and coordination between governments, international bodies - including those of the United Nations system and the Bretton Woods system, as well as other relevant [stake-holders] - and to strengthen a common perception of human settlements priorities].**

156 bis. [Implementation of The Habitat Agenda should take place within a coordinated framework which ensures that all the United Nations' **obligations incurred in Conventions, Treaties and Covenants, and all the**

United Nations' expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, Conferences are comprehensively followed-up and the agreed programmes of action fully implemented, monitored and reviewed, together with the results of other obligations and expectations from previous international instruments, as well as of other recent United Nations Conferences where they are related to human settlements, particularly the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States, the World Summit for Social Development, the International Conference on Population and Development, and the Fourth World Conference on Women. This will require better coordination and cooperation between multilateral and bilateral partners and joint programming, leading to increased and more effective cooperation between UNCHS and other entities within and outside the United Nations system].

ARTICLE 157

157. The United Nations family of agencies, including the Bretton Woods institutions, the regional and sub-regional development banks and funds and bilateral support agencies [where appropriate] **shall should:**

(a) **Undertake to require Mandatory International Standards-and-technical-regulation (MINS) drawn from international principles reflected in obligations incurred by states in Conventions, Treaties, and Covenants, and in expectations created in Declarations, General Assembly Resolution, and Conference action plans as a condition for funding; and establish and strengthen, where appropriate, cooperative mechanisms means to integrate into their policies, programmes and operations, socially equitable and environmentally sound sustainable human settlements development including commitments and actions, particularly those from The Habitat Agenda and taking into account the expectations created through outcome of the relevant sections of other recent United Nations Conferences, Declarations and General Assembly Resolutions;**

(b) Establish and strengthen **counterparts and cooperation partnerships** with international associations of local authorities, non-governmental and community-based organizations and with all other *[stakeholders individuals and organizations of civil society drawing upon a wide range of experience and expertise, including that from marginalized members of society to achieve the goals of the Conference;*

(c) Develop activities aimed at strengthening the capacity of local authorities;

(d) Intensify their cooperation with non-governmental organizations, voluntary groups and community associations, and with **BEST practices enterprises *private*** and cooperative **groups sectors** in **socially equitable and environmentally sound *sustainable*** human settlements *development*;

(e) Support **cooperative programmes with genuine community involvement and participation** *public-private partnerships* in **providing shelter delivery, services provision** and other **socially equitable and environmentally sound *development activities for sustainable*** human settlements;

(f) Encourage **genuine community involvement and participation** *the involvement of all actors* at local level in reaching agreements and local measures, programmes and actions necessary to implement The Habitat Agenda, Global Plan of Action and national plans of action including through Local Agenda 21 processes as mandated by the United Nations Conference on Environment and Development.]

unsustainable patterns of production and consumption raise these problems in especially acute forms. (Art. 6)

Part IV.**GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION****F. Implementation and follow-up of the Global Plan of Action****(Paragraphs 158 - 185 bracketed)***(The following paragraph is to be incorporated into section F in square brackets)*

[Set up an advisory centre to identify appropriate financial institutions such as ADB and World Bank to avail themselves to assist member states to secure financial assistance/funding for the implementation of shelter and human settlements programmes.]

Note on Part IV, Chapter F: 158 - 184. The entire paper was bracketed.

1. Introduction

ARTICLE 158

[158. **Before governments undertake new commitments they shall be made aware of relevant existing obligations incurred through Conventions, Treaties, and Covenants and of relevant expectations created through Declarations, Conference Action Plans and General Assembly Resolutions. The initial commitment shall be for states to fulfill years of previous obligations by signing what they have not yet signed, ratifying what they have not yet ratified, enacting legislation to ensure compliance, and establishing an enforcement infrastructure to ensure discharging of these obligations. 1987-1997 is the Decade for International Law and during this decade it would be appropriate for states to finally undertake to discharge their accrued obligations. The long-term impact of the commitments made by Governments and the international community at Habitat II will depend on the implementation of actions agreed upon at all levels including local, national and international levels. Also, national plans of action and/or other relevant national programmes and actions on sustainable human settlements development and shelter provision will need to be developed or strengthened, where appropriate, and their implementation will need to be monitored and evaluated by Governments and their partners at the national level in *sustainable development* socially equitable and environmentally sound development. Similarly *progress in* implementing— the discharging of obligations and the fulfilling of expectation— the Global Plan of Action needs to be assessed, with a view to encouraging and enabling all *stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by non-fulfillment of expectations from the Global Plan of Action.]**

2. Implementation at the national level

ARTICLE 158 bis

158 bis. Governments have the primary responsibility of implementing the Global Plan of Action. Governments, as central partners, will create and strengthen effective partnerships with families, communities, local authorities, the private sector, non-governmental organizations, women, youth, elderly, *vulnerable marginalized* groups and indigenous people(s) in each country. National mechanisms should be installed or improved, as appropriate, to coordinate actions at all relevant government levels which have impact on human settlements and to assess this impact prior to governmental actions. Local authorities should be supported in their approach to implement this Global Plan of Action inasmuch as local action is

required. All appropriate participatory mechanisms, including Local Agenda 21, should be developed and employed.

It should be recognized that many of the provisions necessary for achieving socially equitable and environmentally sound development and for ensuring ecologically sustainable communities were already evident in Agenda 21, and that what is necessary is the political will of states to enact the necessary legislation and mandatory international normative standards-and0regulations to ensure compliance. In the Platform of Action, in Beijing in Art. 167, states undertook to ensure that corporations including transnationals comply with existing national and international law.

3. Implementation at the international level

ARTICLE 159

159. The effective implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) should take into account the **integration social equity and justice of sustainable human settlements development** with broader environmental, social and economic considerations into the concept of socially equitable and environmentally sound development. The main actors at the global level for the implementation and follow-up of the Habitat Agenda will continue to be Member States of the United Nations, the United Nations General Assembly, the Economic and Social Council, the Secretary-General of the United Nations, the United Nations Commission on Human Settlements and its Secretariat, the United Nations Centre for Human Settlements (Habitat), and all other specialized agencies of programmes in the United Nations system engaged in activities pertaining to the provision of adequate shelter for all and sustainable human settlements development in an urbanizing world.

4. Tracking implementation —the discharging of obligations and the fulfilling of expectations progress —on the Global Plan of Action

ARTICLE 160

160. The implementation of the Habitat agenda will require the **discharging of obligations incurred in Conventions, Treaties, and Covenants and the fulfilling of expectations created in Declarations, Conference action plans and General Assembly Resolutions. Member States of the United Nations shall exert concerted efforts to achieve the implementation implement of the Habitat Agenda through bilateral, sub-regional, regional and international mechanisms for cooperation as well as through the United Nations system and the Bretton Woods institutions. The lending policy of the Bretton Woods institutions shall be determined by a set of principles extracted from a body of international instruments.**

ARTICLE 161

161. **The General Assembly, as the highest intergovernmental body— reflecting the democratic will of member states— is the principal policy-making and appraisal organ of international conference agreements. The habitat II Conference is the final conference in a series of five dealing with environment, human rights, population, women (equality, development and peace). The series of conferences reflect, in many cases, a refinement of thought about global issues, and a synthesis of the essential principles emerging from the expectations created in all the conference action plans, as well as from the obligations incurred in Convention, Treaties, and Covenants shall be undertaken in 1997 in recognition of the culmination of the decade devoted to the promoting and furthering of international law. In additions in honour of this decade concerted effort should be made to call upon states to sign what they have not yet signed, to ratify what they have not yet ratified, to enact the necessary legislation to ensure compliance, and to enforce the legislation to ensure the discharging of obligations and the fulfillment of expectations. Concerted effort should also be made to establish an International Court of Compliance where citizens could take evidence of state non-compliance with obligations and expectations. At the Special Session of the General Assembly convened for 1997 for the purpose of an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of *sustainable socially equitable and environmentally sound* development. The General Assembly is the principal policy-making and appraisal organ on matters relating to the follow-up of Habitat II. At the Special Session of the General Assembly convened for 1997 for the purpose of an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of *sustainable socially equitable and environmentally sound* development. Also, the Assembly should include the follow-up to the Conference in its agenda as an item entitled "Implementation of the Outcome of the Second United Nations Conference on Human Settlements (Habitat II)". In its fifty-first session, it should review the outcome of the conference as well as the steps required to implement the Habitat Agenda;**

ARTICLE 162

162. **The General Assembly should hold a special session in the year 2006 for an overall mid-term review and appraisal of the implementation of the outcome of Habitat II and should consider further actions and initiatives.**

ARTICLE 163

163. **The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with relevant General Assembly Resolutions and ECOSOC decisions should in 1997 in respect for the culmination of the decade devoted to the respect and furtherance of international law, should assist in the promotion of the need for states to discharge obligations arising from Conventions, Treaties, and Covenants, and to fulfill expectations arising from General Assembly Resolutions, Declarations, and Conference action plans . The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with relevant General Assembly Resolutions and ECOSOC Decisions, would oversee system-wide coordination in the implementation of the Global Plan of Action and make recommendations in this regard. The Council should be invited to review at its substantive session in 1997 the implementation of the Global Plan of Action. As coordinating body, the Council should be invited to review, in 1997, the role and functioning of the Commission on Human Settlements; taking into account the need for synergy and effective coordination with other related commissions and conference follow-up, and with a view to ensure a clear division of labour and coordination of multi-year programmes of work. In addition, it should consider dedicating one high-level segment before the year_2001 to human settlements and implementation of the Global Plan of Action with the active involvement and participation, inter alia, of the specialized agencies, including the World Bank and IMF.**

ARTICLE 164

164. **The Economic and Social Council (ECOSOC), may convene meetings of high-level representatives to promote international dialogue on the critical issues pertaining to adequate shelter for all and sustainable human settlements development as well as on policies for addressing them through international cooperation.**

ARTICLE 165

165. **The ECOSOC, in the context of its role under the Charter of the United Nations vis-à-vis the General Assembly and in accordance with the relevant General Assembly resolutions, would facilitate system-wide coordination in the implementation of the outcome of Habitat II and make recommendations in this regard. It should look at ways to strengthen, consistent with the mandates of the Charter of the United Nations, the role and authority, structures, resources and processes of ECOSOC, for bringing economic and social development agencies into a closer working relationship with it so that it can review *progress made towards implementing the implementation—the discharging of obligations and the fulfilling of expectations—the outcome of Habitat II.***

ARTICLE 166

166. The General Assembly and ECOSOC should support the establishing of Mandatory International Standards-and-technical-regulation (MINS) drawn from international principles reflected in obligations incurred by states in Conventions, Treaties, and Covenants, and in expectations created in Declarations, General Assembly Resolution, and Conference action plans . The MINS 1997 commemorates the culmination of the Decade for the respect and furtherance of international law. MINS 1997 should assist the development banks to drive socially equitable and environmentally sound development for the fulfilling of the expectations in Habitat II Agenda. The General Assembly and ECHOIC should promote sub-regional and regional cooperation in the implementation of the Habitat Agenda. In this regard, the regional commissions, in cooperation with the regional intergovernmental organizations and banks, should convene meetings at the highest political levels to review the implementation—the discharging of obligations and the fulfilling of expectations—the outcome of Habitat II. , exchange views on their respective experiences, particularly in the best practices, and adopt appropriate measures. The regional commissions should report to the Council on the outcome of such meetings.

167. As a functional commission assisting the Economic and Social Council, the Commission on Human Settlements should have an important role in monitoring, within the United Nations system, the implementation of the Global Plan of Action.

ARTICLE 168

168. The mandate of the Commission will be strengthened and expanded to incorporate and implement the Habitat Agenda. Similarly UNCHS (Habitat) will be strengthened and revitalized in accordance with the relevant resolutions of the General Assembly with a view to enabling it to effectively implement the expanded mandate contained in the Habitat Agenda under the overall policy direction of the United Nations Commission on Human Settlements. UNCHS should be evolved into a highly competent technical secretariat capable of implementing the Habitat Agenda. For the purpose, UNCHS (Habitat) will be restructured and strengthened to deal effectively with the Habitat Agenda.

ARTICLE 175

175. The Secretary General is invited to ensure effective coordination of the implementation of the Global Plan of Action, and adequate consideration of human settlements needs in all activities of the United Nations. The Administrative Committee on Coordination (ACC) should review its

procedures at the inter-agency level to ensure system-wide coordination and full participation of its entities in the implementation of the Global Plan of Action. These entities should examine their programmes to determine how they can best contribute to the coordinated implementation of the Global Plan of Action. ACC should be invited to establish a task force on The Habitat Agenda. UNCHS (Habitat) should be added to the membership of ACC and to the task force on The Habitat Agenda.

ARTICLE 176

176. The Secretary General is invited to continue to ensure effective functioning of the United Nations Centre for Human Settlements (Habitat). In conjunction with the review of the mandate of the Commission on Human Settlements, the functions of the Centre should be assessed by the Economic and Social Council.

ARTICLE 177

177. The important role of the Committee on Economic, Social and Cultural Rights in monitoring those aspects of the Statement of principles *Principals* and Commitment on Global Plan of Action that relate to compliance, by States Parties, with the International Covenant on Economic, Social and Cultural Rights should be emphasized. **It is recognized that discharging of obligations under the ICESCR and fulfilling expectations enunciated in the Habitat Agenda require the concomitant discharging of previous obligations and fulfilling of previous expectations. These obligations have been incurred under Conventions, Treaties and Covenants and these expectations have been created through General Assembly Resolution, Declarations and other Conference action plans related to the guaranteeing of human rights, the preserving, protecting and conserving the environment, the fostering of peace, and the enabling of socially equitable and environmentally sound development. It is only when these obligations have been discharged and the expectations fulfilled that the global community will achieve the socially equitable and environmentally sound global settlements.**

ARTICLE 178

178. To strengthen their support for actions at the national level and to enhance their contributions to an integrated and coordinated follow-up by the United Nations,

specialized agencies and other organizations of the United Nations system should identify the specific actions they will undertake to meet the priorities identified in the Global Plan of Action.

ARTICLE 179

179. In order to improve the efficiency and effectiveness of United Nations organizations in providing support to the efforts for the provision of adequate shelter for all and sustainable human settlements development at the national level, and to enhance their capacity to achieve the objectives of Habitat II, there is a need to renew, reform and revitalize the various parts of the United Nations system, in particular its operational activities. All specialized agencies and related organizations of the United Nations system are invited to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to Habitat II. Relevant governing bodies should review their policies, programmes, budgets and activities in this regard.

(a) The United Nations Development Programme (UNDP) should enhance its efforts to support the implementation of The Habitat Agenda through its network of field offices;

(b) The International Labour Office (ILO) should coordinate and support concrete actions at the policy and programme levels for the implementation of the Habitat Agenda with regard to the expansion and protection of **socially equitable and environmentally sound meaningful employment and work;**

(c) The United Nations Children's Fund (UNICEF) should consider integrating its Urban Basic Service Programmes, the Mayors Defenders of Children Initiative, and the Decentralization of the UNICEF National Plans of Action with the Habitat Agenda through broad partnerships for sustainable community development and community management;

(d) The United Nations Conference on Trade and Development (UNCTAD) should contribute to analyzing and monitoring major trends of urbanization and impact of urban and rural policies in connection with changes in the global economic environment;

(e) The United Nations Environment Programme (UNEP) should develop and promote policies to enhance the environment and integrate environmental considerations in human settlements development and adequate shelter for all and catalyze action to achieve these goals at the international, regional, sub-regional and national levels;

(f) The United Nations Fund for Population Activities (UNFPA), in coordination and cooperation with other United Nations entities, should pursue activities related to basic social services for all;

(g) *The United Nations Industrial Development Organization (UNIDO), in implementing the Habitat Agenda, should address areas which require the competitiveness of export-oriented enterprises and competitive local and national enterprise growth;*

(h) The World Health Organization (WHO), should in the implementation of The Habitat Agenda, be guided by the global importance of health issues, the linkage of those issues to sustainable human settlements and adequate shelter, and the close relationship between public health and basic urban and rural services and the need to place human beings at the centre of development.

ARTICLE 180

180. International financial institutions, should be proactive and be involved with driving BEST endogenous practices through requiring that funding being conditional on compliance with (MINS 1997) — mandatory, international, normative standards and technical regulation drawn from international instruments and in this way ensure funding *contribute to the mobilization of resources* for the implementation of The Habitat Agenda. To this end, the relevant institutions are urged to take the following measures:

(a) The World Bank, the International Monetary Fund, the regional and sub-regional development banks and funds and all other international finance organizations, *should shall undertake to require mandatory international normative standards (MINS) drawn from principles in international instruments as a condition to funding projects; In addition they should further integrate adequate shelter for all and sustainable human settlement development goals in their policies, programmes and operations, including by giving higher priority to these goals, where applicable, in their lending programmes;*

(b) The Bretton Woods institutions and other organizations and bodies of the United Nations system, should work together with concerned countries particularly developing countries to improve policy dialogues and develop new initiatives to ensure socially equitable and environmentally sound development, *that structural adjustment programmes promote sustained economic growth with particular attention to the necessity to provide adequate—affordable, accessible, safe and environmentally sound, with tenure security shelter for all and socially equitable and environmentally sound, sustainable human settlement development to people living in poverty and vulnerable marginalized groups;*

(c) The United Nations system, shall actively institute mandatory international normative standards (MINS) in 1997—the last year of the decade dedicated to the promotion and the furthering of international law, and ensure that the Bretton Woods institutions be guided by these international standards in accessing to the legitimacy of project to be funded. *Including:* The Bretton Woods institutions and specialized agencies, should expand and improve their cooperation in the field of adequate shelter for all and **socially equitable and environmentally sound sustainable** human settlements *development* to ensure that the efforts are complementary and, where possible, should combine resources in joint initiatives for adequate shelter for all and **socially equitable and environmentally sound sustainable** human settlements development build around the objectives of Habitat II;

(d) The World Trade Organization (WTO) should consider how it might through promoting and requiring adherence to the principles established in international instruments drive *contribute to* the implementation of The Habitat Agenda, including activities in cooperation with the United Nations system, and specifically the promotion of BEST (Best Environmentally Sound Traditions) practices.

ARTICLE 181

5. Indicators, best practices and performance evaluation

181. It is essential to evaluate the impact of policies, means *strategies* and actions on the provision of adequate shelter and the achievement of **socially equitable and environmentally sound development sustainable** human settlements development. The results of these evaluations will be considered by the relevant United Nations functional commissions; including the United Nations Commission on Human Settlements. UNCHS (Habitat), together with other relevant organizations, will establish an appropriate process for analyzing and monitoring major trends of urbanization and the impact of urban policies. In particular, information on the impact of urbanization on *vulnerable* marginalized and disadvantaged groups (including children), should be collected.

ARTICLE 182

182. All those responsible for ensuring the implementation *partners of* The Habitat Agenda, including: local authorities, the **BEST practices enterprises, private sector** and communities, will regularly monitor and evaluate their own performances in the implementation of The Habitat Agenda through comparable **socially equitable and environmentally sound development human settlements and performance standards, shelter indicators** and documented *best* BEST practices, the guidelines for which will be provided by UNCHS (Habitat). The data collection and analysis

capabilities of all by those responsible for ensuring the implementation of Habitat II *these partners* will be strengthened and assisted at national, sub-regional and global levels, and there will be an opportunity for individuals and groups of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision to take evidence of state non-compliance to an International Court of Compliance.

ARTICLE 183

183. As part of their commitment to strengthening their existing shelter- and settlements-related data collection and analysis capabilities, governments at the appropriate levels, (including local authorities), should continue to identify and disseminate best practices, develop performance standards related to *and apply shelter and socially equitable and environmentally sound human settlements development indicators*. *This Performance standards* and mandatory international normative standards (MINS) and *other relevant information, as appropriate*, will be used for assessing the national implementation of the global plan of action. Such information could be considered within the framework of an appropriate consolidated reporting system of the United Nations; taking into account the different reporting procedures in the economic, social and environmental fields **under MINS 1997**.

ARTICLE 184

184. UNCHS (Habitat) will be designated as the Global Habitat Observatory to promote, monitor and evaluate the trends and *progress in the implementation—the discharging of obligations and the fulfilling of expectations* —of The Habitat Agenda through locally, nationally and regionally supported indicators and best practices programmes. It should continue to produce and publish the Global State of Human Settlements Report and other periodical monitoring and evaluation publications to track the progress on the implementation of The Habitat Agenda.

ARTICLE 185

185. UNCHS as focal point should:

(a) Set up an advisory secretariat/centre to assist Member States in developing their national housing and urban indicators for at least one major city;

(b) Set up a research centre to assist member States in undertaking studies and research on **BEST (Best Environmentally Sound Traditions) practices, and in particular, *sustainable approaches and BEST endogenous practices methods concerning, using local building materials and traditional construction practices technology*** and disseminate such information to all Member States.]

END

Preliminary comment based on having only had an opportunity to look at the Habitat document for a couple of days.

Apart from the following reference in Article 2 of the Habitat II Agenda to Habitat I as having occurred there is no reference in the Habitat II agenda to Habitat I.

4 Having considered the experience since the United Nations Conference on Human Settlements (Habitat), held in Vancouver, Canada, in 1976, Habitat II r

There were many far reaching substantive provisions in Habitat I that should have formed the basis from which Habitat II could reach further.

The Habitat II Agenda is calling for commitments often in areas where states have undertaken previous obligations which they have never discharged. Habitat II agenda, like so many recent conference agendas is not sufficiently acknowledging previous obligations from the precedents of legally binding conventions, treaties, covenants and from "ethical expectations" from Declarations and general assembly resolutions. In the case of Habitat II, the obligations undertaken in Habitat I, have been virtually ignored.

An integrated human settlement policy:

- (i) be formulated through a truly interdisciplinary approach, concurrently with policies in relation to other aspects of social and economic development
- (ii) be consistent with the preservation, restoration and improvement of the natural and man-made environment; cognizant of the positive role of environment in national economic and social development.
- (v) be considered in all efforts to implement the New International Economic Order

Many of the obligations are communicated in the following ways:

(1) through the use of strong change language:

In many cases, the concepts might be included but the language is stronger in the habitat I document than in the Habitat II Agenda

In many cases, the concepts conveyed by the language in Habitat I are not included in Habitat II

(2) through condemnation of practices

Many of the inequitable and ecologically unsound practices that were condemned in Habitat I are no longer condemned in the Habitat Agenda

(3) through proposal of solutions and actions

Many of the solutions proposed in Habitat I go beyond what States are prepared to agree to in Habitat II

BRIEF CONTENT ANALYSIS OF HABITAT I

ADEQUATE SHELTER

Adequate shelter and services - basic human right

8. adequate shelter and services are a basic human right which places an obligation on governments to ensure their attainment by all people; beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance, is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

adequate shelter...places an obligation

8. adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavor to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

AGRICULTURE (PREY TO SPECULATION AND URBAN ENCROACHMENT) "SPECULATION" "NOT USED IN HABITAT II

(a) Agricultural land, particularly on the periphery of urban areas, is an important national resources; without public control, land is a prey to speculation and urban encroachment.

(b) Change in the use of land especially from agricultural to urban, should be subject to public control and regulation.

(c) Such control may be exercised through:

(i) zoning and land-use planning as a basic instrument of land policy in general and control of land-use changes in particular;

(ii) Direct intervention, e.g. the creation of land reserves and land banks purchasing compensated expropriation and/or pre-exemption, acquisition of development rights, conditioned leasing of public communal land, formation of public and mixed development enterprises;

(ii) Legal controls, e.g. compulsory registration, changes in administrative boundaries, development building and local permits, assembly and re-plotting;

Recommendation D3

Recapturing plus value.

(a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to the public at large, the benefits of the unearned increase in land values.

(b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies.

(c) Specific ways and means include:

(i) levying of appropriate taxes, e.g. capital gains taxes, land taxes and betterment charges, and particularly taxes on unused or under-utilized land;

(ii) Periodic and frequent assessment of land values in and around cities and determination of the rise in such values relative to the general level of prices;

(iii) Instituting development charges or permit fees and specifying the time-limit within which construction must start;

BASIC NEEDS

Recommendation C 12

In the less developed countries, nearly two thirds of the population do not have reasonable access to safe and ample water supply, and even a greater proportion lack the means for hygienic waste disposal

(b) Safe water supply and hygienic waste disposal should receive priority with a view to achieving measurable qualitative and quantitative targets serving all the population by a certain date; targets should be established by all nations and should be considered ;by the forthcoming united nations conference on water.

(c) in most countries urgent action is necessary to

(i) adopt programmes with realistic standards for quality and quantity to provide water for urban and rural areas by 1990, if possible.

(ii) adopt and accelerate programmes for the sanitary disposal of excreta and waste water in urban and rural areas;

(v) reduce inequalities in service and access to water as well as over-consumption and waste of water supply;

CONSERVATION

Conservation and recycling technologies

21 Due attention should be given to implementation of conservation and recycling technologies. (III 21 Habitat 1)

CONSUMPTION (CONDEMNATION)

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

DISARMAMENT (NOT in TEXT HABITAT II)

12. The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament; part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

Armament Arms 150 in brackets in Habitat II

12. The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

3. Economic development should lead to the satisfaction of human needs and is a necessary means towards achieving a better quality of life, provided that it contributes to a more equitable distribution of its benefits among people and nations. In this context particular attention should be paid to the accelerated transition in developing countries from primary development to secondary development activities, and particularly to industrial development.

ENDOGENOUS TECHNOLOGY

18. Governments and the international community should facilitate the transfer of relevant technology and experience and should encourage and assist the creation of endogenous technology better suited to the sociocultural characteristics and patterns of population by means of bilateral or multilateral agreements having regard to the sovereignty and interest of the participating States. The knowledge and experience accumulated on the subject of human settlements should be available to all countries. Research and academic institutions should contribute more fully to this effort by giving greater attention to human settlements problems. (III 18 Habitat 1)

Recommendation C4

Designs and technologies for shelter infrastructure and services

C. the solutions arising from such choices should therefore be:

- (kk) based on the best possible use of available local materials and local resources within a process of constructive rationalization allowing for the effective use of locally existing know-how and unskilled labour in countries with abundant **human power** manpower, thereby generating **meaningful** employment and income.
- (iv) Conceived to utilize traditional techniques suitable adapted to new materials
- (v) emerging from original indigenous research
- (vi) Planned so as to take full account of their environmental impact

ENVIRONMENTAL AND CULTURAL PRESERVATION

2. It is the responsibility of governments to prepare spatial strategy plans and adopt human settlement policies to guide the socioeconomic development efforts. Such policies must be an essential component of an over-all development strategy; linking and harmonizing them with policies on industrialization, agriculture, social welfare, and environmental and cultural preservation so that each supports the other in a progressive improvement in well-being of all **humanity mankind**. (III 2, Habitat I)

Energy renewable [NO MENTION OF SOLAR MENTIONED IN HABITAT II]

Recommendation C. 5

NOTE "RENEWABLE" is mentioned in 3 sections 71, 100 101 which are all still in brackets

ENERGY (NOTE ENERGY CONSERVATION MENTIONED ONLY IN 137 IN HABITAT II THAT IS STILL BEING NEGOTIATED)

Human settlements are consuming more and more energy just when mankind has become aware of the need to cease environmentally degrading and wasteful use of non-renewable energy resources.

(i) reducing energy consumption by changes in land-use planning, building design, living patterns and appropriate transportation systems including emphasis on mass transportation.

(ii) Identifying and developing new sources of energy and promoting more efficient use of energy resources, for example through innovative approaches in design and management and although financial and other incentives for energy conservation and through disincentives for wasteful consumption (Recommendation C. 5 Habitat i)

(iv) emphasizing, where possible, the use of renewable over non-renewable energy sources and the rationalization of technologies which are currently known to be hazardous to the environment.

(vi) Developing and implementing special small-scale power generating, delivery and use systems more appropriate for water supply, rural electrification and district heating and cooling; including the utilization of solar and geothermal energy and heat pumps as appropriate.

ENVIRONMENT AS COMMON HERITAGE (NOT IN TEXT) OF HABITAT II)

11. The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable in the long term. The environment is the common heritage of mankind and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired ;by a deep respect for the protection of the environmental resources upon which life itself depends. (II, 11 Habitat I)

EQUITABLE DISTRIBUTION

3. Economic development should lead to the satisfaction of human needs and is a necessary means towards achieving a better quality of life, provided that it contributes to a more equitable distribution of its benefits among people and nations. In this context particular attention should be paid to the accelerated transition in developing countries from primary development to secondary development activities, and particularly to industrial development. (II, 3 Habitat I)

b) Human settlements policies should aim to improve the condition of human settlements particularly ;by promoting a more equitable distribution of the benefits of development among regions; and by making such benefits and public services equally accessible to all groups. (Rec. A 4,b Habitat I)

(c) this can be done through:

(i) the location of public sector investments;

- (ii) the allocation of direct subsidies and priority of investment, to selected disadvantaged regions and groups
- (iii) the use of incentives and disincentives-fiscal, legal and other to favour or discourage selected activities or areas
- (iv) The creation of special employment, training and social services opportunities training and social services opportunities in favour of the most deprived
- (v) the deliberate improvement of conditions in the most disadvantaged settlements, so as to enhance attraction of such areas in relation to others;
- (vi) Measures to improve the quality of life of *vulnerable marginalized* groups which have special needs-such as children, the elderly, the handicapped and the disabled. Such measure include provision of basic social services, adequate shelter and social and physical access to facilities.

Recommendation C 11

Infrastructure policy

- (a) The unequal distribution of wealth between population groups, within human settlements and between urban and rural settlements is exacerbated by the inequalities in access to goods, services and information.
- (b) Infrastructure policy should be geared to achieve greater equity in the provision of services and utilities, access to places of work and recreational areas as well as to minimize adverse environmental impact.
- (c) this implies
 - (i) Enforcement of minimum and maximum standards of infrastructure for all segments of the population
 - (ii) More efficient use of resources and elimination of excessive consumption through development and implementation of maximum standards, education, conservation and other appropriate measures;

HOMELESS OF THOSE DISPLACED BY NATURAL OR

15 The highest priority should be placed on the rehabilitation of expelled and homeless people who have been displaced by natural or *man-made anthropogenic* catastrophes, and especially by the act of foreign aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

INDIGENOUS PEOPLES

- i(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved. (recommendation D5 Patterns of ownership Habitat I)

Condemnation of displacement of native population

(e) In all occupied territories, changes in the demographic composition or the transfer or uprooting of the native population and the destruction of existing human settlements in these lands and/or the establishment of new settlements for intruders, is inadmissible. The heritage and national identity must be protected. Any policies that violate these principles must be condemned.

INFORMATION ACCESS

(c) This implies

(vi) development and use of methods for assessing economic, social and environmental impacts from proposed projects in a form useful to the public;

(vii) Consideration of land use characteristics including ecological tolerances and optimum utilization of land so as to minimize pollution, conserve energy, and protect and recover resources;

(viii) Undertake the necessary studies on precautions that can be taken to safeguard life and property in case of natural disaster.

INTERDISCIPLINARY APPROACH ADVOCATED

(i) be formulated through a truly interdisciplinary approach, concurrently with policies relation to other aspects of social and economic development(Rec. A 2, Habitat I)

LAND OWNERSHIP

recommendation D 5

patterns of ownership

(a) Many countries are undergoing a process of profound social transformation; a review and restructuring of the entire system of ownership rights is, in the majority of cases, essential to the accomplishment of new national objectives.

(b) Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.

(c) special attention should be paid to:

(i) Redefinition of legal ownership including the rights of women and disadvantaged groups and usage rights for a variety of purposes;

(ii) Promoting land reform measures to bring ownership rights into conformity with the present and future needs of society;

(iii) Clear definition of public objectives and private ownership rights and duties which may vary with time and place;

(iv) Transitional arrangements to change ownership from traditional and customary patterns to new systems, especially in connection with communal lands, whenever such patterns are no longer appropriate.

(v) Methods for the separation of land ownership rights from development rights, the latter to be entrusted to a public authority;

(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved.

MEANINGFUL EMPLOYMENT [NOT IN HABITAT II TEXT] EMPLOYMENT

5. In fact, the very construction of the physical components of human settlements—be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of **meaningful** employment, instead of being treated as a residual of so-called “productive” activities. (Chapt. II A. 5 Habitat)

NEW INTERNATIONAL ECONOMIC ORDER (REFERENCE TO 1974 RESOLUTION IGNORED IN HABITAT II)

4. To achieve universal progress in the quality of life, a fair and balanced structure of the economic relations between States has to be promoted. It is therefore essential to implement urgently the New International Economic Order based on the Declaration and Programme of Action approved by the General Assembly in its sixth special session, and on the Charter of Economic rights and Duties of States. (II 14, Habitat I)

14. Human settlements are characterized by significant disparities in living standards and opportunities. Harmonious development of human settlements requires the reduction of disparities between rural and urban areas, between regions and within regions themselves. Governments should adopt policies ;which aim at decreasing the differences between living standards and opportunities in urban and non-urban areas. Such policies at the national level should be supplemented by policies designed to reduce disparities between countries within the framework of the New International Economic Order. (II 14, Habitat II)

NUCLEAR DISARMAMENT (see ALSO section on Waste related to choices of energy)

12. The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control; in particular in the field of nuclear disarmament. Part of the resources, thus released, should

be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

PUBLIC PARTICIPATION E.(AGENDA ITEM 10 E)

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize productive employment. (III 11, Habitat I)

17. Participation is an integral part of the political processes of decision-making; in a field as complex as human settlements, it is also a necessity because the task is too great for Governments to accomplish without mobilizing the interest of inhabitants, using their ingenuity and skills and harnessing otherwise untapped resources.

28. Public participation is the dynamic incorporation of the people in the economic, social and political life of a country which would ensure that the beneficiary is an effective participant in collective decisions with regard to the common good.

39. A co-operative effort of the people and their Governments is a prerequisite for effective action on human settlements. The magnitude and intractability of the problems are too great for Governments to act alone. Citizen participation should be an integral part of the decision-making processes on the full range of human settlement issues. Citizens must be provided opportunities for direct involvement in the decisions that profoundly affect their lives. Such participation can heighten citizen awareness of the complexity and inter-relatedness of the problems and the urgent need for concerted action. Involvement of citizens can also be an important means of making creative use of their ingenuity and skills, thus making effective use of often untapped resources.

40 Participation can be conceived from the top downwards as the involvement of the higher echelons of government in the decision-making of smaller groups; laterally, as the co-operation between parallel or competing sectoral interests; or, from the base upwards, as the direct involvement of residents in the making of decisions and implementation of programmes which concern them. The first two forms of participation are the basis of strategies, planning procedures, implementation of programmes and, in general, management of human settlements; the last, under the label of popular participation, is becoming an indispensable element of a truly democratic process.

73 Citizen participation, by definition, cannot be achieved by fiat but it can be facilitated by removal of political and institutional obstacles and by providing information in clear and meaningful terms. It can also be stimulated by providing opportunities for early and continuing involvement in the selection of alternatives. The inaccessibility of information and the absence of appropriate mechanisms for the expression of alternative views are often major stumbling blocks for effective involvement of citizens in shaping their future.

95 Public participation implies not only efforts to convey information but also a very important effort of education and formation to allow both specialist and public participation to play a determining role in evaluating the economic, technical and administrative consequences of the measures under consideration

PARTICIPATION OF WOMEN

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize productive employment. (III 11, Habitat I)

PROVIDING FOR THE PROTECTION, PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENT (Preservation of the environment is not used in Habitat II)
... providing for the protection, preservation and enhancement of the environment. (II, 8 Habitat I)

REDUCTION OF DISPARITIES

4. It is of paramount importance that national and international efforts give priority to improving the rural habitat. In this context, efforts should be made towards the reduction of disparities between rural and urban areas, as needed between regions and within urban areas themselves, for a harmonious development of human settlements. (III 4 Habitat I)

PRIORITY OF SOCIAL SERVICES

Recommendation C 15

Social services

(b) the provision of health, nutrition, education, security, recreation and other essential services in all parts of the country should be geared to the needs of the community and receive an effective priority in national and development planning and in the allocation of resources

(c) Areas for priority action include the following:

(v0 Priority orientation of the above actions towards the promotion of health and the prevention of malnutrition, communicable diseases and other avoidable health risks and the provision of essential services and spiritual and physical recreational facilities;

PUBLIC CONTROL AND BENEFIT FROM LAND (NO MENTION OF PUBLIC CONTROL IN HABITAT II AGENDA

D. Land (Agenda item 10 (d)

Preamble

Land, because of its unique nature and the crucial role it plays in human elements, cannot be treated as an ordinary asset controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice. If left unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people, can only be achieved if land is used in the interests of society as a whole.

2. Instead, the pattern of land use should be determined by the long-term interests of the community; especially since decisions on location of activities and therefore of specific land uses have a long-lasting effect on the pattern and structure of human settlements. Land is also a primary element of the natural and man-made environment as well as a crucial link in an often delicate balance. Public control of land use is therefore indispensable to its protection as an asset and the achievement of the long-term objectives of human settlement policies and strategies.

Recommendation D1

Land resource management:

(a) Land is one of the most valuable natural resources and it must be used rationally. Public ownership or effective control of land in the public interest, is the single most important means of improving the capacity of human settlements to absorb changes and movements in population; modifying their internal structure and achieving a more equitable distribution of the benefits of development whilst assuring that environmental impacts are considered.

(b) Land is a scarce resource whose management should be subject to public surveillance control in the interest of the nation.

(c) This applies in particular to land required for:

(v) The protection and enhancement of the natural environment especially in sensitive areas of special geographic and ecological significance such as coastal regions and other areas subject to the impact of development, recreation and tourism activities.

(d) Land is a natural resource fundamental to the economic, social and political development of peoples and therefore governments must maintain full jurisdiction and exercise complete sovereignty over such land with a view to freely planning development of human settlements throughout the whole of the natural territory. This resource must not be the subject of restrictions imposed by foreign nations which enjoy the benefits while preventing its rational use.

SOCIAL JUSTICE (TERM NOT USED IN HABITAT II)

1. *Mankind*: **Humanity** must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national governments and international community; aimed at mobilization of economic resources, institutional changes and international solidarity by:

- (a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;
- (b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people, and the special needs of disadvantaged groups (especially children, women and the infirm), in order to ensure the provision of health, services, education, food and employment within a framework of social justice (Habitat I)

TRANSFER OF TECHNOLOGY QUALIFIED

19. Access should be granted, on more favourable terms, to modern technology which should be adapted, as necessary, to the specific economic, social and ecological conditions and to different stages of development of the developing countries. Efforts must be made to ensure that the commercial practices governing the transfer of technology are adapted to the needs of the developing countries and to ensure that buyers' rights are not abused. (III 19 Habitat I)

TRANSNATIONAL CORPORATIONS (NO MENTION OF TRANSNATIONALS IN HABITAT II AGENDA)

17. Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I)

TRANSPORTATION (NO CONDEMNATION OF THE AUTOMOBILE IN HABITAT II AGENDA)

recommendation C 14 Transportation and communication

(a) Consideration should be given to the radical reversal of current trends, both in terms of facilities for and modes of transport in order to prevent further deterioration of the situation where larger cities are congested with private vehicles which in most countries cater only to a minority while adequate public transport is unavailable to urban and rural residents.

(b) Policies on transportation and communication should promote desired patterns of development to satisfy the needs of the majority of the population, to assure the distribution of activities to favour mass transportation, and to reduce congestion and pollution by motor vehicles.

(c) This could be achieved through:

(i) a more deliberate use of land-use planning and policies for the location of traffic generating activities, in order to minimize the need for travel.

(ii) the active development of a system of public transportation with adequate incentives for its use in preference to individual use of motor vehicles

(vi) provide for the separation of pedestrian and motor circulation, as well as separate paths for bicycles, and other categories of vehicular traffic;

(vii) Over the short-term, transportation improvements should be designed to make more efficient use of existing highways and transit systems;

(vii) Innovative transportation systems need to be encouraged for reducing energy consumption and conserving resources and avoiding pollution

(x) The study of new techniques to avoid the air and environmental pollution caused by the present automobile system.

TRANSNATIONALS

17. Control over transnationals (NO PROVISION FOR CONTROL OVER TRANSNATIONALS)

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I

WASTE = RESOURCES

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates,

together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource.

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load;

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste;

(iii) Innovative use of unavoidable waste as a by-product

(vi) Use of sources of energy which have a low or no waste production

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society;

URBAN SPRAWL

(a) Expected population growth and migration mean that urban expansion will be the most common and universal development challenge. However, urban expansion can take the form of urban sprawl, and it is then costly, wasteful and ecologically destructive. (Rec B, Habitat I)

(c) it requires special provisions for:

(i) securing legislation, legal instruments and regulations;

(iv) active participation of a well-informed public

(v) protection of ecosystems and critical land

(ix) Integration and improvement of squatter and marginal settlements.

WASTE = RESOURCES

Recommendation C13

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(iii) innovative use of unavoidable waste as a by-product

(vi) use of sources of energy which have a low or no waste production

(vii) re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society;

() THAT in 1996, I went to Globe in Vancouver [GLOBE 1996] [Globe is a Corporate green-wash love fest that happens every second year; I always go as a reporter: This time it was for the Changing Times. [a newspaper that David White and I had published]

**() THAT in 1996, I circulated a comment with my concern about Globe 1996 and nuclear energy
EXHIBIT**

() THAT in 1996, [tps://images.app.goo.gl/JppvnuDYVFZ72 ??](https://images.app.goo.gl/JppvnuDYVFZ72??)

() THAT in 1996, at Globe, I went to a UNEP meeting and challenged the presenter on his support for voluntary compliance through ISO 14,000

() THAT IN 1996, at Globe, I spoke out on indigenous issues and was asked after for a copy of my presentation

THAT in 1996, at Globe, I spoke out at GEF meeting about corporate control of the United Nations. Because of the infiltration of corporation through classifying themselves as NGOs

() THAT in 1996, at globe, at one press conference, a Chinese government representative was giving a presentation. I asked him about nuclear industry and the purchase of CANDU reactors.

I also mentioned that I had been in China and I thought that the North had a lot to learn from China about "environmentally sound technology" and I asked him why they were purchasing environmentally unsound technology such as civil nuclear energy--CANDU reactors. A representative from External Affairs, who had introduced the Chinese representative, attempted to shuffle the Chinese representative out.

() THAT in 1996, at Globe:

As a member of the media I had the opportunity to interview Lawrence Good from the World Bank. I told him about the spoof that I had done on the World Bank about their embracing principle based economics. He seemed somewhat interested in conditional funding.

() THAT in 1996, I went to sessions on regulations at Globe 96 and opposed the introduction of the self- regulatory notion of ISO 14,000.

() THAT in 1996, I Prepared and circulated resolutions related to Forest protocols linked with existing conventions; (i) Mandatory International Normative Performance based standards, environmentally sound forest practices to not defeat the purpose of Convention on Biological Diversity, and the purpose of the Climate Change Convention. These resolutions were submitted to the Administrator of the Intergovernmental Panel on Forests to be circulated at the Geneva meeting.

Monsanto's CEO was at the GLOBE 96 meeting in Vancouver. He was waxing poetic about the way through environmental reporting in consultation with environmental groups he had taken such environmental care that Monsanto had avoided law suits. I rose to the microphone unfortunately, and said that I was surprised that he had not been sued for misrepresentation, and I referred to their numerous misrepresentations related to genetically engineered foods and crops. At the end, I also mentioned Monsanto's role in developing nuclear weapons [I had actually confused Monsanto with another firm]. He was very confused but could not deny that Monsanto was involved with nuclear weapons.

() THAT in 1996, I proposed a POST- 50
1996 GLOBAL COMPLIANCE RESOLUTION building on the 1995 resolution

We had 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”. 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 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, on September 13, a version of the Global Compliance resolution was officially distributed to all delegations of the member States at the United Nations at the United Nations Conference on Women: Equality, Development and Peace. The Global Compliance resolution was distributed again to all delegations of the member States of the United Nations on September 15; on the final day of the conference.

A proposed resolution for October 24 was sent to all the UN 50th Anniversary representatives. A response was received from Dr. Sohreh Tabatabai, the Coordinator, Fiftieth Anniversary Secretariat:

I regret that it is not possible for us to arrange for presentation of the Global compliance Resolution to the General Assembly. As resolutions may be introduced only by Member States ...

You may be interested to learn that the special commemorative session of the General Assembly planned for 22-24 October is expected to endorse a Declaration rededicating Member States to achieving the goals of the United Nations Charter.

COMMENT

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.;

1996. Globe 96- five days **March 1996** At the session at Globe 1996 on regulations I challenged the head of Stewardship from Oaxaca about the forest stewardship project. I asked about their position on clear-cutting; I was dismayed when he responded: "Not everyone was opposed to clear cutting."

I interview Good from the World Bank and told him about the Spoof. He indicated that the same dialogue is going on within the World Bank about whether or not there should be conditional funding. He informed that when the World Bank was established it was agreed that the World Bank would not apply conditions to funding. Later on, I attended a presentation from the World Bank, where the representative argued that under no circumstances should there be conditional funding.

() THAT in 1996, I attended Globe 96 as a reporter for the Changing Times.

() in 1996 At the session at Globe 1996 on regulations I challenged the head of Forest Stewardship Project from Oaxaca about the forest stewardship project. When I asked about their position on clear-cutting, he said: "That not everyone was opposed."

() THAT in 1996 at Globe 1996 I interviewed Lawrence Good from the World Bank and told him about the Spoof. He indicated that the same dialogue is going on within the World Bank about whether or not there should be conditional funding. He informed that when the World Bank was established it was agreed that the World Bank would not apply conditions to funding.

COMMENT

Later on, at Globe at another presentation from the World Bank, I asked if they were going to require conditional funding; the representative argued that under no circumstances should there be conditional funding.

in 1996, I attended a press conference hosted by a Chinese government official. I addressed a question to him about nuclear industry and the purchase of CANDU reactor. I had mentioned that I had been in China and I thought that the North had a lot to learn from China about "environmentally sound technology" and I asked him why they were purchasing environmentally unsound technology such as civil nuclear energy--CANDU reactors. A representative from External Affairs, who had introduced the Chinese representative, attempted to shuffle out the Chinese representative.

() THAT in 1996 at Globe 1996, I went to sessions on regulations and opposed the introduction of the self-regulatory notion of ISO 14,000. Control: Went to UNEP

meeting and challenged the presenter on their support for voluntary compliance through ISO 14,000

-spoke out on indigenous issues and was asked after for a copy of my presentations

-spoke out at GEF meeting about corporate control of the United Nations.

() THAT in 1996, I prepared and circulated resolutions related to Forest protocols and linked with existing conventions: (i) Mandatory International Normative Performance based standards, environmentally sound forest practices to not defeat the purpose of Convention on Biological Diversity, and the purpose of the Climate Change Convention. These resolutions were submitted to the Administrator of the Intergovernmental Panel on Forests to be circulated at the Geneva meeting.

() in 1996 March 29-30 I was invited to give a paper at the following conference: International Environmental Law: Evolution and Enforcement.

Evening Presentation; by Judge Ulf Panzer Judges Blockade, Hamburg

Delia Burford: Wishes By and For the Children

Peter McAllister: Slideshow

Joan Russow Global Compliance Project: At an International Court of Compliance, Ulf Panzer who, used the Nuremberg principle to justify his protesting Nuclear site and commented on judges fearing to be political.

EXHIBIT

. BEING SILENT IS JUST AS POLITICAL A STATEMENT AS IT IS TO STAND UP FOR THE PEACE MOVEMENT."

Trial judges typically avoid grave problems caused by the federal government.

However, out of fear of appearing "political", Judge Ulf Panzer of a District Court in Hamburg, West Germany said this about judges:

Fearing to be political: "[Let's not deceive ourselves. Being silent is just as political a statement as it is to stand up for the peace movement." Speaking on behalf of 800 West German judges and prosecutors, Judge Panzer said: "German judges were silent 50 years ago, when the Third Reich began to install its regime of injustice, and later became a docile instrument of the Nazis and their immense crimes. Being silent today, we feel, would make judges guilty once again." He said, he sees "a certain parallel to the American judges. They have put up with the atrocities of the Vietnam War in complete silence, as far as I know. Some judges look upon necessity as an elusive and mysterious defense, not applicable to pragmatic affairs". In *People v. Weber*, the court held "the exact confines of the necessity defense remain clouded." But that is not the case. The Principle of Necessity has been developed extensively in this country and the requisite elements have been expressed numerous times. The requisite elements of

necessity to prevent nuclear ecocide and nuclear genocide proposed above will give ample guidelines for jurors to weigh the factual issues raised.

Reasonableness is an essential concept in the necessity principle
 Did the defendant reasonably believe a greater harm was about to occur? Were there reasonable alternatives? Was the act reasonably necessary to prevent the harm ?

The greater the harm, the more reasonable it is to do something to prevent it even if the likelihood of success is small

Other presenters were

() THAT IN 1996, attended a meeting with the following speakers at the Law faculty
 enforcement First Nations' role
 National Chief Ovide Mercredi

Lavina White

Steve Lawson First Nations Environmental network

Western Caucus: Canadian Association Standards
 International environmental law and World Trade Law
 Paul Kibel Counsel PERC

Alan Yong Environmental Mining Council of B.C.
 Margaret Eriksson Barrister

Michael McGonigle Professor International Environmental law
 Facilitator and Ted McDormand

afternoon

Climate Change and biodiversity

Derrick Mallard CASE

Misty McDuffie WCWC

Bruce Torrie

Chris Genovali

Facilitator Saul Abbess

Law of the Sea Habitat Protection- Alan Beasley former Ambassador

Valerie Langer -Friends of Clayoquot Sound

Peter McAllister- Raincoast Conservation Society

Steve Lawson- First Nations Environmental Network

Kelly Acker-Facilitator

At the conference, I spoke to Ted McWhinnie, MP about the Clayoquot case. He advised me to continue with the using international law and go to the Supreme Court.

SATURDAY MARCH 30
 PROFESSOR TED MCWHINNEY
 SETTING THE STAGE LAW OF THE SEA CLIMATE CONVENTION BIODIVERSITY,
 FORESTS

ALAN BEESLEY, FORMER AMBASSADOR TO LAW OF THE SEA CONFERENCE
 BRUCE TORRIE, SKIES ABOVE FOUNDATION
 PAUL GEORGE, WCWC
 MISTY MACDUFFE
 MODERATOR, RON MCISSACC
 RESPONSIBILITY OF FEDERAL PROVINCIAL AND FIRST NATION GOVERNMENT
 TO ENFORCE INTERNATIONAL ENVIRONMENTAL LAW
 KAREN KRAFT SLOAN PAR, SEC. TO MINISTER OF ENVIRONMENT
 NATIONAL CHIEF OVIDE MERCREDI, ASSEMBLY OF FIRST NATIONS
 PAUL KIBEL, COUNSEL PACIFIC ENVIRONMENT AND RESOURCES CENTRE

Afternoon Workshops 1-2: 245
 Nuclear Weapons and the Law
 Judge Ulf Panzer
 Professor Ted McWhinnie
 Dorthey O'Donnell Lawyers of Social Responsibility
 facilitator Bill Pearce

enforcement First Nations' role
 National Chief Ovide Mercredi
 Lavina White
 Steve Lawson, First Nations Environmental network
 Western Caucus: Canadian Association Standards
 International environmental law and World Trade Law
 Paul Kibel, Counsel PERC
 Alan Yong, Environmental Mining Council of B.C.
 Margaret Eriksson, Barrister
 Michael McGonigle, Professor International Environmental law
 Facilitator, Ted McDormand

afternoon
 Climate Change and biodiversity
 Derrick Mallard, CASE
 Misty McDuffie, WCWC
 Bruce Torrie

Chris Genovali
Facilitator, Saul Abbess

Law of the Sea Habitat protection Alan Beasley former Ambassador
Valerie Langer -Friends of Clayoquot Sound
Peter McAllister -Raincoast Conservation Society
Steve Lawson- First Nations Environmental Network
Facilitator -Kelly Acker

At the conference, I Spoke to Ted McWhinnie MP about the Clayoquot case. He advised me to continue with the using international law and go to the Supreme Court.

APRIL APRIL

() THAT in 1996 I downloaded the March draft for the Habitat II conference in Istanbul and prepared the following:

EXHIBIT

1996 MOVING BEYOND HABITAT I TO DISCHARGING OBLIGATIONS ACTING ON COMMITMENTS AND FULFILLING EXPECTATIONS

Based on the version taken off the internet in March 1996

() I received an honorarium, from the government
of \$500 to prepare for Habitat II

() COMMENTS ON BRACKETED SECTIONS AND PROPOSALS FOR
REVISIONS OF THE HABITAT II AGENDA

Joan Russow, PhD Global Compliance Research Project

LEGEND

Existing text (plain Avant garde, 12 point)

Suggested deletions from existing text (italics)

text that is still bracketed (12 point avant garde outline)

Text that is still bracketed that is proposed for deletion (12 point avant garde outline italics

proposed text by Global Compliance Project (12 point avant garde bold)

Introduced text as documentation (10 point indented avant garde plain)

Introduced text as documentation with deletions (10 point indented avant garde italics)

proposed text by Global compliance Project in introduced text (10 point avant garde bold)

original text with additions by states and NGOs (10 point courier plain)

proposed changes in original text with additions by states and NGOs (10 point courier bold)

~~Deletions by states (in original text (10 point courier plain strike-out)~~

Proposed deletion by Global Compliance Project (in 10 point courier italics

**NOTE: JARGON [*] AND BUZZ WORD [\$], EUPHEMISMS [£]
UNNECESSARY COMPLICATION [%], OR VEILED INTENTION
ALERT. IN MANY SECTIONS INCLUDING SOME THAT HAVE
ALREADY BEEN NEGOTIATED THE LANGUAGE IN HABITAT II
misuse APPEARS TO BE AN UNFORTUNATE JARGONIZATION
OF MORE PROFOUND ORDINARY LANGUAGE. OFTEN THE
MARGINALIZED MEMBERS OF SOCIETY ARE EXCLUDED
FROM GENUINE INVOLVEMENT AND PARTICIPATION INTO THE
DECISION MAKING PROCESS THROUGH THE INTRODUCTION
OF JARGON ETC. [TO BE ADDED]**

PART 1 PREAMBLE

1. We recognize that **years of accrued state obligations to improve the quality of life, through recognizing the right to shelter, the right to social security, the right to equality, the right to peace and the right to a safe environment have not yet been discharged. In 1974, through General Assembly resolutions, we recognized “united determination to work urgently for the establishment of a new international Economic order based on equity...interdependence, common interest and cooperation with systems which shall correct inequalities and address existing injustices... and to ensure steadily social development and peace and justice for present and future generations (Preamble, Declaration on the Establishment of an New International Economic Order, 1974).**

DOCUMENTATION OF PRECEDENT

RE: ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER AS ADVOCATED IN HABITAT 1 (REFERENCE TO A 1974 GENERAL ASSEMBLY RESOLUTION IGNORED IN HABITAT II)

To achieve universal progress in the quality of life, a fair and balanced structure of the economic relations between States has to be promoted. It is therefore essential to implement urgently the New International Economic Order based on the Declaration and Programme of Action approved by the General Assembly in its sixth special session, and on the Charter of Economic rights and Duties of States. (II 4, Habitat I)

Human settlements are characterized by significant disparities in living standards and opportunities. Harmonious development of human settlements requires the reduction of disparities between rural and urban areas; between regions and within regions themselves. Governments should adopt policies; which aim at decreasing the differences between living standards and opportunities in urban and non-urban areas. Such policies at the national level should be supplemented by policies designed to reduce disparities between countries within the framework of the New International Economic Order. (II 14, Habitat II)

We affirm the imperative need **and urgency** to improve the quality of human settlements which profoundly affects the daily lives and well-being of *our* people. There is a sense of great opportunity and hope that a new world can be built in

which economic development, social development and environmental protection as interdependent and mutually reinforcing components of *sustainable development* **socially equitable and environmentally sound development**, can be realized through solidarity and cooperation within and between countries, and through effective partnerships at all levels. International cooperation and universal solidarity, guided by the ~~[[purposes and]]~~ principles of the Charter of the United Nations, **and by over 50 years of obligations accruing through Conventions, Treaties, and Covenants; and by over 50 years of expectations arising through Declarations, Conference action plans and General Assembly Resolutions in a spirit of partnership**, are crucial in order to improve the quality of life of the peoples of the world. **The constant vigilance by individuals and organizations of civil society is essential and should be facilitated through the undertaking by states to discharge previous obligations and fulfill previous expectations; and through the establishment of an International Court of Compliance where citizens can take evidence of State non-compliance.**

DOCUMENTATION OF PRECEDENT:

RE: PROMOTING NEW INTERNATIONAL ECONOMIC ORDER BASED ON EQUITY

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)

RE: ADVOCATING LOCAL SERVICES AND HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

- (a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;
- (b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the

special needs of disadvantaged groups especially children, women and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice (1 Habitat I)

DOCUMENT OF PRECEDENTS:

RE: UNDERTAKING TO GUARANTEE RIGHTS

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* ensure 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:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of **meaningful** 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;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theaters and parks.
(Elimination of all forms of discrimination, 1965)

ARTICLE 1 bis

Recognizing that it is only through the discharging, at the global level, of years of state obligations and through fulfilling at the global level of years of expectations that the goals of Habitat can be achieved

ARTICLE 2

The purpose of the second United Nations Conference on Human Settlements (Habitat II) is to address two themes of equal global importance: **the right to adequate shelter for all and sustainable human settlements development.** *In an urbanizing world, the rights of Human beings limited by the carrying capacity of the ecosystem,* are at the centre of concerns for **socially equitable and environmentally sound sustainable** development; including shelter for all **and socially equitable and environmentally sound sustainable** settlements and they are entitled to a healthy and *productive meaningful* life in harmony with nature. As to the first theme, a large segment of the world's population lacks shelter and sanitation; particularly in developing countries. **Another segment of the world's population in developed countries has been experiencing the problem of urban sprawl, widening gaps between the rich and the poor and excessive environmental destruction as a result of unsustainable models of development.** We recognize that **the right to social security and [the right to adequate housing], as affirmed in the International Covenant of Cultural, Economic and Cultural rights, reaffirmed in the Convention of Elimination of all Form of Discrimination, reaffirmed in Chapter 7 of Agenda 21, and reaffirmed in the International Conference on Population and Development, 1994) [which includes] access to affordable, accessible, inclusive, free-from illegal forced evictions, security of tenure, and environmentally sound, and safe and healthy shelter and basic services is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of our urgent actions for the more than one billion people without decent living conditions. We also recognized that there already exists a state obligation in international law to enshrine and guarantee this right, and that this state obligation has not yet been fully discharged by any of the member states of the United Nations.** Our objective is to achieve adequate shelter for all and especially for the deprived urban and rural poor **and landless poor** through an enabling approach to the development and improvement of shelter that is environmentally sound. **Our objective is also to strive to change peoples' attitudes towards the people in poverty and other marginalized groups, and towards those that are different. People in poverty should never be blamed for their condition, and there should be trust in- not fear of those that are different.**

DOCUMENTATION OF PRECEDENTS

RE: RECOGNIZING THE WASTEFUL AND ECOLOGICAL DESTRUCTIVENESS OF URBAN SPRAWL

(a) Expected population growth and migration mean that urban expansion will be the most common and universal development challenge. However, urban expansion can take the form of urban sprawl, and it is then costly, wasteful and ecologically destructive. (Rec B, Habitat I)

(c) it requires special provisions for:

- (i) securing legislation, legal instruments and regulations;
- (iv) active participation of a well informed public
- (v) protection of ecosystems and critical land
- (ix) Integration and improvement of squatter and marginal settlements. (Habitat I)

RE: PLACING AN OBLIGATION TO PROVIDE ADEQUATE SHELTER AND SERVICES - AS A BASIC HUMAN RIGHT

Adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (3.8 Habitat I)

RE: 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)

RE: ENSURING CONTINUED PROVISION OF BASIC SERVICES TO PEOPLE IN POVERTY 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)

RE: 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)

As to the second theme, socially **equitable and environmentally sound** development **of healthy, safe and environmentally sound communities-settlements** combines **social equity and environmentally sound development with** environmental protection and full *economic development, social development and environmental protection*, with full respect for all human rights and fundamental freedoms, including the right to development, and offers a means to achieving a world of greater stability and peace, built on ethical *and spiritual* vision. **To achieve this vision states shall undertake to ensure compliance with a body of established international principles by establishing mandatory international normative standards (MINS) related to the ensuring of social justice, the enshrining and guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, and the preventing of conflict and war. MINS shall be used to drive industry to adopt BEST (Best Environmentally Sound Traditions) practices.**

DOCUMENTATION OF PRECEDENTS

RE: EXERCISING EFFECTIVE CONTROL OVER TRANSNATIONAL CORPORATIONS

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I

RE: STATE REQUIREMENT TO ENSURE COMPLIANCE

states to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167 Platform of Action UN Conference on Women: Equality, Development and Peace).

[Democracy, and transparent, representative and accountable governance and administration throughout society *in all sectors of society* are indispensable foundations for the realization of **socially equitable and environmentally sound sustainable** development. However, the lack of **socially equitable and environmentally sound** development and the existence of widespread absolute poverty inhibit the full and effective assurance of the enjoyment of human rights and render fragile democracy and popular participation.]

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOR PARTICIPATION

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be **ensured guaranteed**. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize *productive meaningful* employment. (III 11, Habitat I)

RE: ADVOCATING THE EXPRESSION “SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT” TO REPLACE THE EXPRESSION “SUSTAINABLE DEVELOPMENT”

The expression “socially equitable and environmentally sound development” was used in the International Conference on Population and 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)

NOTE: [In the Habitat Agenda the expression “environmentally sound” is used as often as Sustainable Development—a term that reflected neither the real equitable nor environmental component so necessary in development.]

ARTICLE 3

3. Recognizing the global nature of these issues, the international community, in convening Habitat II, has decided that **the collective political will to discharge previous obligations, and to fulfill previous expectations, as well as the undertaking of new commitment is essential for achieving these goals.** *A concerted global approach could greatly enhance progress toward achieving these goals.* **As recognized in Agenda 21 (UNCED)** [The cross-national and global impacts of unsustainable patterns of production and consumption, particularly in industrialized countries, environmental degradation, demographic changes, widespread and persistent poverty, and social and economic inequality are clearly visible.]. **As also confirmed through Environmental Conventions such as the Vienna Convention on Ozone Depletion, with the Montreal Protocol, the Convention on Biological Diversity and the Framework Convention on Climate Change, the global community has undertaken to discharge its international obligations related to conserving and protecting the environment through banning ozone depleting substances, through preserving biodiversity, and through reducing and eliminating climate change agents. It is recognized that the discharging of these obligations is essential to the establishment of socially equitable and environmentally sound community development.**

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF UNSUSTAINABLE PATTERN 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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are

most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

**RE: ACKNOWLEDGING THE IMPACT ON AGRICULTURE (PREY TO SPECULATION AND URBAN ENCROACHMENT)
(Sections from Habitat I)**

(a) Agricultural land, particularly on the periphery of urban areas, is an important national resources; without public control land is a prey to speculation and urban encroachment. (Habitat I)

(b) Change in the use of land especially from agricultural to urban, should be subject to public control and regulation. (Habitat I)

(c) Such control may be exercised through

(i) zoning and land-use planning as a basic instrument of land policy in general and control of land-use changes in particular;

(ii) Direct intervention, e.g. the creation of land reserves and land banks purchasing compensated expropriation and/or pre-exemption, acquisition of development rights, conditioned leasing of public communal land, formation of public and mixed development enterprises; (Habitat I)

(ii) Legal controls, e.g. compulsory registration, changes in administrative boundaries, development building and local permits, assembly and re-plotting;

RESTRUCTURING LAND OWNERSHIP

recommendation D 5

patterns of ownership

(i) Many countries are undergoing a process of profound social transformation; a review and restructuring of the entire system of ownership rights is, in the majority of cases, essential to the accomplishment of new national objectives.

(b) Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.

(c) special attention should be paid to:

(i) Redefinition of legal ownership including the rights of women and disadvantaged groups and usage rights for a variety of purposes;

- (ii) Promoting land reform measures to bring ownership rights into conformity with the present and future needs of society;
- (iii) Clear definition of public objectives and private ownership rights and duties which may vary with time and place;
- (iv) Transitional arrangements to change ownership from traditional and customary patterns to new systems, especially in connection with communal lands, whenever such patterns are no longer appropriate.
- (v) Methods for the separation of land ownership rights from development rights, the latter to be entrusted to a public authority;
(Habitat I)

The sooner communities, and local governments, *partnerships among the public, and private and community sectors* join efforts to create comprehensive, bold and innovative **plans strategies** for shelter and human **communities settlements**, the better the prospects will be for the safety, health and well-being of people and the brighter the outlook for solutions to global environment and social problems. **As previously recognized in Habitat I, communities should take more control over the planning and ownership of public lands and that greater benefit should accrue to the public from the sale of land.**

RE: REDISTRIBUTING BENEFITS TO THE PUBLIC

Recommendation D3

Recapturing plus value.

- (a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to the public at large the benefits of the unearned increase in land values. (Habitat I)
- (b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies. (Habitat I)

(c) Specific ways and means include:

(i) levying of appropriate taxes, e.g. capital gains taxes, land taxes and betterment charges, and particularly taxes on unused or under-utilized land; (Habitat I)

(ii) Periodic and frequent assessment of land values in and around cities and determination of the rise in such values relative to the general level of prices; (Habitat I)

(iii) Instituting development charges or permit fees and specifying the time-limit within which construction must start; (Habitat I)

RE: CONSERVING OF ENERGY

ENERGY (NOTE ENERGY CONSERVATION MENTIONED ONLY IN 137 IN HABITAT II THAT IS STILL BEING NEGOTIATED)
Human settlements are consuming more and more energy just when Humanity *mankind* has become aware of the need to cease environmentally degrading and wasteful use of non-renewable energy resources. (Habitat I)

(i) reducing energy consumption by changes in land-use planning, building design, living patterns and appropriate transportation systems including emphasis on mass transportation.

(ii) Identifying and developing new sources of energy and promoting more efficient use of energy resources, for example through innovative approaches in design ... and although financial and other incentives for energy conservation and through disincentives for wasteful consumption (Recommendation C. 5 (Habitat I)

(iv) emphasizing where possible the use of renewable over non-renewable energy sources and the rationalization of technologies which are currently known to be hazardous to the environment. (Habitat I)

(vi) Developing and implementing special small-scale power generating, delivery and use systems more appropriate for water supply, rural electrification, and district heating and cooling, including the utilization of solar and geothermal energy and heat pumps as appropriate. (Habitat I)

ARTICLE 4

4. **Having acknowledged the applicability of previous international instruments to the Habitat II Agenda, having been forced to acknowledge that many previous obligations have not been discharged and expectations have not been fulfilled including those arising from Habitat I, and having considered the experience since the United Nations Conference on Human Settlements (Habitat I), held in Vancouver, Canada, in 1976, Habitat II reaffirms the results from relevant conventions, treaties covenants, declarations, resolutions and conference action plans recent world conferences and has developed them into an agenda for human communities settlements: the Habitat Agenda. Among many of the relevant obligations included in Habitat II are those existing in the following Conventions or Conventions: The Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, the International Covenant of Cultural, Economic, Cultural Rights, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, along with all the Conventions and Treaties related to the Environment and Peace. In addition, Habitat II incorporates expectations arising from General Assembly resolutions, Declarations and conference action plans from recent conferences such as Agenda 21 from the United Nations Conference on Environment and Development -- The Earth Summit -- held in Rio de Janeiro in 1992, produced Agenda 21. At this Conference, the international community agreed to a framework for the sustainable development of human communities settlements. and other conference action plans from Each of the other conferences, including the Fourth World Conference on Women (Beijing, 1995); the World Summit for Social Development (Copenhagen, 1995); the International Conference on Population and Development (Cairo, 1994); the Global Conference on the Sustainable Development of Small Island Developing States (Barbados, 1994); and the World Conference on Human Rights (Vienna, 1993), as well as the World Summit on Children (New York, 1990) and the World Conference on Education for All (Jomtien, Thailand, 1989) and Habitat I also address important socially equitable and environmentally sound development social, economic and environmental issues, including components of the sustainable development agenda, for which successful implementation requires action at the local, national and international levels. The Global Strategy for Shelter to the Year 2000, adopted in 1988, which emphasizes the need for improved production and delivery of shelter, revised national housing policies, and an enabling means of ensuring adequate shelter strategy, offers useful guidelines for the realization of adequate shelter for all in the next century.**

ARTICLE 5

During the course of history, urbanization has been associated with economic and social progress, *the promotion of literacy and education, the improvement of the general state of health, greater access to social services, and cultural, political and*

religious participation. Unfortunately, urbanization and progress have also been associated with increased violations of human rights, unmitigated environmental degradation, perpetuated, unsustainable patterns of economic consumption, widened gaps between the rich and poor (the enfranchised and disenfranchised), increased abuse of the marginalized and increased incidents of conflict, violence and crime. The growth of cities and towns causes social, economic and environmental changes that go beyond city boundaries, through urban sprawl and industrial conversion of productive land and of areas worthy of preservation.

Cities and towns have been engines of growth often beyond the carrying capacity of the ecosystem that contains them; and incubators of civilization or destroyers of culture; and have facilitated or repressed the evolution of knowledge, culture and tradition, as well as of industry and commerce.

Urban communities settlements, properly planned and managed in harmony with rural communities, within the carrying capacity of the ecosystem and within a system of preserved ecosystems, could hold the promise for socially equitable and environmentally sound human development and for the preservation of nature and for protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Habitat II deals with all settlements - large, medium and small - and reaffirms the need for universal improvements in living and working conditions. While decentralized, participatory planning and management (which are important features of a successful urban future); the planning should be grounded in fundamental principles related to the enshrining and guaranteeing of human rights, the ensuring of social justice, the preserving, protecting and conserving of the environment and the promoting of peace. It should be acknowledged that although there has been some increased participation by individuals and groups of civil society in bringing about the necessary global changes for the establishment of socially equitable and environmentally sound development of communities. There is a long way to go to achieve the necessary Democratization which has enhanced such access and meaningful participation and involvement for of civil society actors, and for public-private partnerships;

ARTICLE 6

6. To overcome current problems and to ensure *future progress in the improvement of economic, social and environmental conditions socially equitable and environmentally sound* in human settlements, we must begin with a recognition of the challenges facing cities and towns. According to current projections, by the turn of the century, more than three billion people - one-half of the world's population - will live and work in urban areas. The most serious problems confronting cities and towns and their inhabitants include **severe environmental degradation resulting from either lack of mandatory regulations that drive industry, or from institutional governments/industry**

collusion that weakens the resolve to establish or enforce regulations; inadequate financial resources to promote socially equitable and environmentally sound development, lack of meaningful employment opportunities in BEST practices, spreading homelessness and expansion of squatter settlements, increased poverty and a widening gap between rich and poor arising from the imposition of over-consumptive models of development and of ill-conceived structural adjustment programs, growing insecurity and rising crime rates caused by the failure to ensure social equity including the positive human rights of the right to social security, health care, shelter, food etc.

DOCUMENTATION OF PRECEDENTS

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities. (Chapt II A. 5 Habitat 1)

RE: PREVENTING WASTE AND MISUSE OF RESOURCES IN WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released, should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

RE: REDUCING OF AVAILABLE RESOURCES THROUGH EXCESSIVE MILITARY EXPENDITURES

Excessive military expenditures, including global military expenditures and arms trade or trafficking, and investments for arms production and acquisition have reduced the resources available for social development. As a result of the debt burden and other economic difficulties, many developing countries have undertaken structural adjustment policies. **Moreover, there are structural adjustment programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries,**

particularly in the heavily indebted countries, during the last decade. (Art. 15 Platform of Action, UN Conference on Women: Equality, Development and Peace, 1995)

RE: REASSESSING STRUCTURAL ADJUSTMENT PROGRAMS
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)

RE: ACCOMMODATING THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, mal-conceived structural adjustment programs . In addition displacement occurs through** natural or *man-made* **anthropogenic** catastrophes, and especially by the act of foreign **and internal** aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

RE: PREVENTING CRIME

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)

Inadequate and deteriorating building stock, services and infrastructure, lack of health and educational facilities, improper land use, insecure land tenure, rising traffic congestion, increasing pollution, lack of green spaces, inadequate water supply and sanitation, uncoordinated urban development, and an increasing

vulnerability to disaster including for example the continued production of toxic, hazardous and atomic wastes , the continued reliance on non-renewable sources of energy or on unsafe sources of energy such as that of civil nuclear energy, the continued visits of nuclear powered military vessels in urban ports and of the continued development and testing of nuclear weapons.

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING PUBLIC CONTROL AND BENEFIT FROM LAND

D. Land (Agenda item 10 (d))

Preamble

Land, because of its unique nature and the crucial role it plays in human elements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole (Habitat I)

2. Instead, the pattern of land use should be determined by the long-term interests of the community, especially since decisions on location of activities and therefore of specific land uses have a long-lasting effect on the pattern and structure of human settlements. Land is also a primary element of the natural and man-made environment and a crucial link in an often delicate balance. Public control of land use is therefore indispensable to its protection as an asset and the achievement of the long-term objectives of human settlement policies and strategies. (Habitat I)

Recommendation D1

Land resource

a Land is one of the most valuable natural resources and it must be used rationally. Public ownership or effective control of land in the public interest is the single most important means of improving the capacity of human settlements to absorb changes and movements in population, modifying their internal structure and achieving a more

equitable distribution of the benefits of development whilst assuring that environmental impacts are considered. (Habitat I)

(b) Land is a scarce resource whose management should be subject to public surveillance control in the interest of the nation

(c) This applies in particular to land required for:

(v) The protection and enhancement of the natural environment especially in sensitive areas of special geographic and ecological significance such as coastal regions and other areas subject to the impact of development, recreation and tourism activities. (Habitat I)

(d) Land is a natural resource fundamental to the economic, social and political development of peoples and therefore Governments must maintain full jurisdiction and exercise complete sovereignty over such and exercise complete over such land with a view to freely planning development of human settlements throughout the whole of the natural territory. This resource must not be the subject of restrictions imposed by foreign nations which enjoy the benefits while preventing its rational use. (Habitat I)

All of these have seriously challenged the capacities of governments, particularly those of developing countries, at all levels to realize *economic development, social development and environmental protection, which are interdependent and mutually reinforcing components of socially equitable and environmentally sound development*, the framework for our efforts to achieve a higher quality of life for all people. Rapid rates of international and internal migration to, as well as population growth in, cities and towns, and unsustainable patterns of production and consumption raise these problems in especially acute forms. In these cities and towns, large sections of the world's urban population live in inadequate conditions and are confronted with serious problems, including environmental problems, that are exacerbated by inadequate planning *and managerial capacities*, and **by unsustainable patterns of production and consumption** lack of investment *and technology* in **BEST (Best Environmentally Sound Traditions) practices (prevention technology that does it right the first time)**; too often **environmentally unsound technologies** have been introduced as a result of north/south transfer and then the “coupling” clean-up technologies are introduced. The continued introduction of these ecologically unsound technologies contributes to environmental degradation, undue stress on the disadvantaged, over-dependency on external “solutions” that could be equally bad or even worse than the problem they were intended to solve. **These ecologically unsound technologies and technological fixes perpetuate a cycle of attempted rectification of error, and contribute to** insufficient mobilization of financial resources **to ecologically sound technologies** and inappropriate allocation of financial resources **to ecologically unsound**

technologies such as non-renewal sources of energy or to the production of substances and activities that cause environmental degradation and are harmful to human health. In the Rio Declaration states were urged to prevent the transfer of substances and activities that could cause environmental degradation or be harmful to human health to other states; this would mean that no state should transfer substances such as toxic, hazardous, or atomic wastes or activities that would produce these wastes to other states.

DOCUMENTATION OF PRECEDENTS RELATED TO TRANSFER OF HARMFUL SUBSTANCES

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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.

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.

as well as by a lack of social and economic opportunities.

In the case of international migration, migrants have **[particular]** needs for housing and basic services, education, **meaningful** employment, and social integration without a loss of cultural identity, and they are to be given adequate protection and attention within host countries.

DOCUMENTATION OF PRECEDENTS

RE: 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)

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 people in poverty 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)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, place of birth, **nature of residence** or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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).

RE: 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)

RE: 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)

ARTICLE 7

7. In the process of globalization and growing interdependence, rural settlements represent a great challenge and opportunity for renewed **socially equitable and environmentally sound** developmental initiatives at all levels and in all fields. Many rural settlements, however, are facing a lack or an *inadequacy of economic opportunities* **inadequate infrastructure of environmentally sound practices**, especially **meaningful** employment, and of infrastructure and services, particularly those related to water, sanitation, health, education, communication, ecologically-**sound public** transportation and **ecologically safe and sound renewable** energy. Appropriate efforts and **BEST practices technologies** for rural development can help to reduce, inter alia, imbalances, unsustainable practices, poverty, isolation, environmental pollution and insecure land tenure. Such efforts can contribute to improving the linkage of rural settlements with the mainstream of economic, social and cultural life, to assuring sustainable communities and safe environments, and to reducing pressures on urban growth.

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING RADICAL REVERSAL OF TRANSPORTATION TRENDS (

recommendation C 14 Transportation and communication

(a) Consideration should be given to the radical reversal of current trends, both in terms of facilities for and modes of transport in order to prevent further deterioration of the situation where larger cities are congested with private vehicles which in most countries cater only to a minority while adequate public transport is unavailable to urban and rural residents. (Habitat I)

(b) Policies on transportation and communication should promote desired patterns of development to satisfy the needs of the majority of the population, to assure the distribution of activities to favour mass transportation, and to reduce congestion and pollution by motor vehicles. (Habitat I)

(c) This could be achieved through:

(i) a more deliberate use of land-use planning and policies for the location of traffic generating activities, in order to minimize the need for travel. (Habitat I)

(ii) the active development of a system of public transportation with adequate incentives for its use in preference to individual use of motor vehicles (Habitat I)

(vi) provide for the separation of pedestrian and motor circulation, as well as separate paths for bicycles, and other categories of vehicular traffic; (Habitat I)

(vii) Over the short-term, transportation improvements should be designed to make more efficient use of existing highways and transit systems;

(vii) Innovative transportation systems need to be encouraged for reducing energy consumption and conserving resources and avoiding pollution (Habitat I)

(x) The study of new techniques to avoid the air and environmental pollution caused by the present automobile system. (Habitat I)

RE: RECOGNIZING IMPACT OF INCREASED 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)

RE; DEVELOPING MASS TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 8

8. Cities, towns and rural settlements are linked through the **environment, transportation, energy and through** the movements of goods, resources and people. Urban-rural linkages have a crucial importance for the sustainability of human settlements. As rural population growth has outpaced the generation of **meaningful** employment and economic opportunities, rural-to-urban migration has steadily increased, particularly in developing countries, which has put enormous pressure on urban infrastructure and services already under serious stress. It is urgent to eradicate rural poverty and to improve the quality of living conditions, as well as to create **meaningful** employment and educational opportunities in rural settlements, regional centres and secondary cities. Full advantage must be taken of the complementary contributions and linkages of rural and urban areas **through socially equitable and environmentally sound development. by balancing their different economic, social and environmental requirements.**

ARTICLE 9

9. More people than ever are living in absolute poverty and without adequate shelter. Inadequate shelter and homelessness are growing plights in many countries **including the most affluent countries of the North**, threatening standards of health, security and even life itself. ~~[Everyone *should* shall be entitled to an adequate- high standard of living, including adequate—~~ **affordable, accessible, safe and healthy food, clothing and inclusive adequate — affordable, accessible, safe and environmentally sound, with tenure security housing, and to the continuous improvement of living conditions.] All the states signatory to the international Covenant of Social Cultural and Economic Rights have “recognize the right of everyone to an adequate standard of living, including food, clothing and housing” (Art. 11.1 International Covenant of Economic, Social and Cultural Rights — ICESCR, 1966).** In addition, states have undertaken the international obligation to recognize the “right of everyone to social security (Art. 9), and “the right of

everyone to the enjoyment of the highest attainable standard of physical and mental health” (Article 12, ICESCR).

DOCUMENTATION OF PRECEDENT

RE: PROVIDING FOR THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, mal-conceived structural adjustment programs . In addition displacement occurs through** natural or *man-made* **anthropogenic** catastrophes, and especially by the act of foreign **and internal** aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

RE: ACKNOWLEDGING ADEQUATE SHELTER AND SERVICES - BASIC HUMAN RIGHT. OBLIGATION ON GOVERNMENTS TO ENSURE ADEQUATE SHELTER

8. adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

RE: PROMOTING OF EQUITABLE DISTRIBUTION OF BENEFITS

(b) Human settlements policies should aim to improve the condition of human settlements particularly by promoting a more equitable distribution of the benefits of development among regions; and by making such benefits and public services equally accessible to all groups. (Rec. A 4,b Habitat I)

(c) this can be done through:

(i) the location of public sector investments;

- (ii) the allocation of direct subsidies and priority of investment, to selected disadvantaged regions and groups
- (iii) the use of incentives and disincentives-fiscal, legal and other to favour or discourage selected activities or areas
- (iv) The creation of special employment, training and social services opportunities training and social services opportunities in favour of the most deprived
- (v) the deliberate improvement of conditions in the most disadvantaged settlements, so as to enhance attraction of such areas in relation to others;
- (vi) Measures to improve the quality of life of *vulnerable marginalized* groups which have special needs-such as children, the elderly, the handicapped and the disabled. Such measure include provision of basic social services, adequate shelter and social and physical access to facilities. (Habitat I)

Recommendation C 11

Infrastructure policy

- (a) The unequal distribution of wealth between population groups, within human settlements and between urban and rural settlements is exacerbated by the inequalities in access to goods, services and information.
- (b) Infrastructure policy should be geared to achieve greater equity in the provision of services and utilities, access to places of work and recreational areas as well as to minimize adverse environmental impact.
- (c) this implies
 - (i) Enforcement of minimum and maximum standards of infrastructure for all segments of the population
 - (ii) More efficient use of resources and elimination of excessive consumption through development and implementation of maximum standards, education, conservation and other appropriate measures;
 (Habitat I)

9 bis. The rapidly increasing number of displaced persons including refugees, other displaced persons in need of international protection and internally displaced persons, as a result of natural and human-made disasters in many regions of the world, is aggravating the shelter crisis, highlighting the need for a speedy solution to the problem on a durable basis.

9 ter. **Acknowledging that often the lack of respect and trust of youth, and the exclusion of youth from the decision making process have contributed to a reciprocal lack of trust on the part of youth, and thus affirming that t** *The rights and needs of children and youth and of future generations have to be taken fully into account [recognizing the rights, duties and responsibilities of parents and other persons legally responsible for children, consistent with the Convention on the Rights of the Child].* Special attention needs to be paid to participatory processes dealing with the shaping of cities, towns and neighborhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment. Special attention must be paid to shelter needs of **vulnerable children from marginalized groups**, such as street children, refugee children and children who are victims of sexual exploitation.

DOCUMENTATION FOR PRECEDENT

RE: 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)

ARTICLE 10

10. *Although All many countries, particularly developing countries, lack the necessary legal, institutional, financial, technological and human resources to respond adequately to rapid urbanization., many local authorities are taking on these challenges with open, accountable and effective leadership and are eager to bring people into the sustainable and the political will to achieve socially equitable and environmentally sound development process.* Enabling structures that facilitate independent initiative and creativity, and that encourage the wide range of **genuine community involvement and participation partnerships**, including with the **members in private sector enterprises that are advocating strong mandatory regulations to facilitate and drive socially equitable and environmentally sound development**, within and between countries, should be promoted. Furthermore, empowering all people, especially [members of]

vulnerable marginalized and disadvantaged groups and people living in poverty, to participate equally and effectively in all activities related to human settlements is the basis for civic engagement, facilitated by the national authorities. Indeed, the Habitat Agenda provides a framework to enable people to take responsibility for the promotion and creation of **socially equitable and environmentally sound human sustainable human** settlements.

10 bis. [Human settlements problems are of multidimensional nature that has its main roots in poverty and underdevelopment and, in many countries, is aggravated by the scarcity of resources. It is recognized that human settlements are not isolated from the social and economic development of countries and that they cannot be set apart from the need for a favourable international framework for sustained economic growth and sustainable development.]

ARTICLE 11

11. There are critical differences regarding human **communities settlements** in different regions and countries and within countries. These differences, specific situations and varying capacities of each community and country need to be taken into account in the implementation of the Habitat Agenda. **Even though these critical differences exist there are overarching principles that have been agreed to internationally within which to group these differences; these principles are related to the enshrining and the guaranteeing of human rights, the preserving, protecting and conserving of the environment, the ensuring of social justice and the enabling of socially equitable and environmentally sound development.** [International, regional, sub-regional and national institutional arrangements, including the enhancement of the Commission on Human Settlements and the United Nations Centre for Human Settlements (Habitat) as the global focal points and allocation of resources, are central to the implementation of the Habitat Agenda.]. **In addition, it is essential that UNCHS recognize that the successful implementation of Habitat II depends on the necessity of examining the interdependence of issues and continually work with agencies involved in Environment, Human Rights, and Peace promotion.**

ARTICLE 12

12. The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles, **previous obligations incurred and expectations created and new commitments undertaken**, a positive vision of **socially equitable and environmentally sound development of sustainable** human settlements -- where all have adequate shelter, a healthy and safe environment, basic services, and *productive*, **environmentally sound** and freely chosen **meaningful** employment. The Habitat Agenda will guide all efforts to

finally turn this vision, **which has been articulated through multiple international forums for over 50 years** into reality.

**PART II.
GOALS AND PRINCIPLES, OBLIGATIONS, AND EXPECTATIONS**

ARTICLE 13

13. We, the States participating in the United Nations Conference on Human Settlements (Habitat II) [~~are have undertaken committed to~~ a political, economic, environmental, ethical and spiritual vision of human settlements based on the principles of equality, solidarity, partnership, human dignity, respect and cooperation, through obligations incurred and expectations created in international instruments. *[We adopt the]* We undertake to observe the *goals and principles*, discharge obligations and fulfill expectations inherent in ensuring the right to of adequate shelter for all as agreed in previous international instruments and to socially equitable and environmentally sound human settlements. *sustainable human settlements development in an urbanizing world.* *[We believe that]* the observance of principles, the discharging of obligations and the fulfilling of expectations *[attaining these goals will promote ensure* a world more stable and free from injustice and conflict and contribute to just, comprehensive and lasting peace and to global equitable economic and social development and environmental protection.] *[Civil, ethnic and religious strife, violation of human rights, nuclear armament, armed conflicts, alien and colonial domination, foreign aggression and occupation, international economic imbalance, coercive economic measures, poverty, organized crime, and terrorism in all its forms are destructive to]* socially equitable and environmentally sound development *[sustainable human settlement development and should therefore be renounced by all States.]* At the national level, we will reinforce and attain peace by *promoting ensuring* tolerance, non-violence and respect for diversity, and by settling disputes by peaceful means, by undertaking to reduce the production of arms, moving towards the ultimate elimination of arms production, and to discharge the obligation to eliminate the production and testing of weapons of mass destruction. At the local level, the prevention of crime and the promotion of sustainable communities are essential to the attainment of safe and secure societies. Crime prevention through social justice, equity and equality including the right to social security, the right to shelter and satisfaction of basic needs within a community of trust. *development is essential to crime prevention one crucial key to these goals.* At the international level, we will *promote ensure* international peace and security by undertaking immediately the substantial reduction the global military budget to that of 1981 the year in which there was a general assembly resolution calling for the freezing and reducing of the military budget and make and support all efforts to settle international disputes by peaceful means in accordance with the Charter of the United Nations.] We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and by over 50 years of

obligations incurred and expectations undertaken through international instruments and we reaffirm our commitment to ensure the realization of the human rights set out in international instruments [including the right to adequate housing as provided for] in the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural 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 that the right to adequate housing should shall be realized progressively*]. We reaffirm that all human rights - civil, cultural, economic, political and social - are universal, indivisible and interdependent and interrelated. We subscribe to the following principles and goals to guide us in our actions.

ARTICLE 14

14. Equitable human settlements are those in which all people, without discrimination of any kind as to race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or, social origin*, property, *birth, nature of residency* or other status have equal access to safe and healthy housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for a *productive meaningful* and freely chosen livelihood; equal access to economic resources, [*including the right to inheritance*], **As agreed in the Convention on the Elimination of All Forms of Discrimination 5 d (vi) The right to inherit;**

ARTICLE 16

16. [*Sustainable socially equitable and environmentally sound development is essential to human settlements development, while giving full consideration for the needs and necessities of achievement of economic growth in all countries, particularly in developing countries. Special consideration needs to be given to the specific situation of countries with economies in transition.*] Human settlements shall be planned, developed and improved in a manner that takes full account of **sustainable socially equitable and environmentally sound** development principles **observed and expectations created and all its components, as set out** in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development. Sustainable human settlements development ensures **socially equitable and environmentally sound economic development, meaningful** employment opportunities and social **justice progress**, in harmony with the environment. It incorporates, among the principles of the Rio Declaration which are equally important and other outcomes of the United Nations Conference on Environment and Development, that of the precautionary *approach principle*,

pollution prevention, respect for the carrying capacity of ecosystems, and preservation of natural heritage and socially equitable and environmentally sound opportunities for future generations. Production, consumption and transportation should be **developed** *managed* in ways that protect and conserve the stock of resources while drawing upon them. Science and technology have a crucial role in shaping sustainable human settlements and sustaining the ecosystems they depend upon. **As expressed in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Humanity from 1975**, there is continued 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”. Sustainability of human settlements entails their balanced geographical distribution or other appropriate distribution in keeping with national conditions, promotion of **socially equitable and environmentally sound development** *economic and social development*, and human health and education, the **conservation and protection of** *maintenance* of biodiversity *promotion of economic and social development*, human health and education, and cultural diversity, as well as air, water, vegetation and soil qualities at standards sufficient to sustain human life and well-being for all time.

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 6 Habitat I)

Re: Precautionary principle

The expression “the Precautionary Principle” is used throughout the UNCED documents in Agenda 21, Convention on Biological Diversity, The Framework Convention on Climate Change, and the Rio Declaration

RE: ENSURING ENVIRONMENTAL AND CULTURAL PRESERVATION

It is the responsibility of Governments to prepare spatial strategy plans and adopt human settlement policies to guide the socioeconomic development efforts. Such policies must be an essential component of an over-all development strategy, linking and harmonizing them with policies on industrialization, agriculture, social welfare, and environmental and cultural preservation so that each supports the other in a progressive improvement in well-being of all **humanity** *mankind*. (III 2, Habitat I)

RE: PRESERVING OR PROTECTING NATURAL HERITAGE

- 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)
- 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)
- 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)

RE: PROTECTING ENVIRONMENT AS COMMON HERITAGE

11. The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable in the long term. The environment is the common heritage of **humanity** *mankind* and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired by a deep respect for the protection of the environmental resources upon which life itself depends. (II, 11 Habitat I)

RE: PROCLAIMING USE OF SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT FOR STRENGTHENING INTERNATIONAL PEACE AND SECURITY

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),

ARTICLE 17

17. The quality of life of the people depends, among other economic, social, environmental and cultural factors, on the physical conditions and spatial characteristics of our villages, towns and cities. City lay-out and aesthetics, land-use patterns, population and building densities, transportation and ease of access for all to basic goods, services and public amenities have crucial bearing on the livability of settlements. This is particularly important to **vulnerable marginalized** and disadvantaged persons, many of whom face barriers in access to shelter and in participating in shaping the future of their settlements. People's needs for community and their aspirations for more livable neighborhoods and settlements should guide the process of **planning**, and **designing, management and maintenance** of human settlements. Objectives of *this endeavour* include protecting public health, providing for safety and security conditions, education, and social integration, promoting equality, respect for diversity and cultural identities, **increased ing** accessibility for persons with disabilities, and **preservation** of natural heritage and cultural heritage—historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care **through**

living within the carrying capacity of the ecosystem. [The preservation of natural heritage and historical monuments and buildings, particularly in the case of those declared by UNESCO as part of the cultural and natural patrimony of humanity, should be assisted through international cooperation.] including states undertaking to sign and ratify the convention on the Protection of Cultural and Natural Heritage, and to enact the necessary legislation to ensure that significant cultural and natural heritage are protected and presented for international world heritage designation. 12

It is also of crucial importance that spatial diversification and mixed uses of types of housing and services be promoted at the local level in order to meet the diversity of needs and expectations.

DOCUMENTATION OF PRECEDENTS

RE: PRESERVING, PROTECTING AND ENHANCING OF THE ENVIRONMENT

Every State has the right to exercise full and permanent sovereignty over its wealth, natural resources and economic activities, adopting the necessary measures for the planning ... of its resources, providing for the protection, preservation and enhancement of the environment. (II 8 Habitat I)

RE: PRESERVING OF NATURAL HERITAGE

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)

ARTICLE 19

19. All people have basic rights and must also accept their responsibility to respect and protect the rights of others - including **the rights of** future generations - and to contribute actively to the common good. **Socially equitable and environmentally sound Sustainable** human settlements are those that, inter alia, generate a sense of citizenship and identity, cooperation and dialogue for the common good, and a spirit of voluntarism and civic engagement, where all people are encouraged and have equal opportunity **for genuine community involvement and participation including the participation of those who have usually been marginalized from**

the decision making process to participate in decision-making and development. Governments at all appropriate levels, including local authorities, have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and public-private—**individuals and enterprises that engage in BEST (Best environmentally sound Traditions) practices or socially equitable and environmentally sound development— cooperation partnerships**, and helping people to understand and exercise their rights and responsibilities through open and effective participatory processes, universal education and information dissemination.

ARTICLE 20

20. Partnerships Cooperation* among countries and among **all individuals and groups in society actors within countries from public, *private*, voluntary, and community-based organizations, the cooperative sector, non-governmental organizations and individuals are essential to the achievement of **socially equitable and environmentally sound sustainable** human settlements. **Genuine community involvement and participation in decision making, from the determining of the terms of reference and throughout the process, is essential to achieving socially equitable and environmentally sound human settlements. To be inclusive particularly for the benefit of groups that are usually marginalized all decision making processes shall avoid jargon, buzz words, euphemism, unnecessary compilation or veiled intention.**

development and the provision assurance of adequate shelter for all and basic services. *Partnerships can integrate and mutually support objectives of broad-based participation through, inter alia, forming alliances, pooling resources, sharing knowledge, contributing skills and capitalizing on comparative advantages of collective actions. The processes can be made more effective by strengthening civil organizations at all levels. Every effort must be made to encourage collaboration and partnership of all sectors of society and among all actors in decision-making processes as appropriate. **

ARTICLE 21

21. Solidarity with those who are less fortunate, disadvantaged and *vulnerable marginalized groups*, including people living in poverty, as well as **commitment to tolerance, non-discrimination and cooperation** among all people, families and communities are foundations for social cohesion. Solidarity, cooperation and assistance should be enhanced by the international community as well as by States and all other relevant **institutions and bodies actors** to respond to challenges **of socially equitable and environmentally sound development in human settlements development**. The international community and governments at

all appropriate levels are called upon to **discharge obligations and fulfill expectations** through enacting the necessary legislation to **ensure socially equitable and environmentally sound development** *the promote sound and effective policies and instruments, thereby* and through strengthening cooperation among governments and non-governmental organizations, as well **through providing as to mobilize** complementary resources to meet these challenges.

ARTICLE 22

22. [To safeguard the global needs and rights *interest* of present and future generations in human settlements including the right to a safe environment, the right to natural heritage, the right to social security and shelter, and to socially equitable and environmentally sound development including social justice is one of the fundamental goals of the international community. The implementation of the Global Plan of Action will require a willingness to make the necessary attitudinal changes, particularly in relation to respecting and trusting the present generation of youth, and in relation to ensuring the rights of the present generation of youth, of marginalized people in global societies, and the rights of future generations; and a flow of new and additional financial support from different sources including from reducing of the global military budget and from deferred taxes from corporations including transnational corporations and to transfer resources to developing countries in order to cover the incremental costs of the socially equitable and environmentally sound actions they have to undertake to address *deal with human settlements* problems and to accelerate socially equitable and environmentally sound development *sustainable development*.] In additions compensation shall be sought from corporations that have violated human rights, caused environmental degradation, and contributed to conflict and war.

DOCUMENTATION OF PRECEDENT

RE DESIGNATING OF HERITAGE OF OUTSTANDING INTEREST

- 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* **[humanity]** 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)

- 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)

RE: CONSERVING BIODIVERSITY FOR FUTURE GENERATIONS

- 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)
- 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)

Part III.

OBLIGATIONS DISCHARGED, EXPECTATIONS FULFILLED AND COMMITMENTS UNDERTAKEN

[The Global Plan of Action *is* shall be revised to be *drawn up* in full conformity with the purposes and principles of the Charter of the United Nations, and with the over-51 years of obligations incurred in Treaties, Conventions, and Covenants, and of expectations created in Declarations, General Assembly Resolutions and Conference Agendas. *The implementation of the recommendations contained in this plan of action is the sovereign right of each State consistent with national laws and development priorities, as well as with full respect for the various religious, ethical values, cultural backgrounds and philosophical convictions of its people, and in conformity with universally recognized international human rights.*]/4 The implementation of the recommendations in this plan of action should reflect sovereign equality as specified in the original Charter of the United Nations. Sovereign equality does not mean that states have the sovereign right to not comply with obligations or fulfill expectations from previous international instruments.

COMMENT ON OBLIGATIONS AND EXPECTATION

We are mindful *that since* the formation of the United Nations, member states of the United Nations have undertaken in UN system governing bodies obligations reflected in Charters, Treaties, Covenants, Conventions, and have created expectations reflected in Declarations, General Assembly Resolutions, and Conference Agendas, and that if these fifty-one years of obligations had been honored and acted upon, respect for human rights could have been ensured, preservation and protection of the environment could have been preserved, protected and conserved, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled,

Cognizant that only when these obligations are discharged and expectations fulfilled will we have the global community that is socially equitable and environmentally sustainable.

RECOGNIZING that for fifty-one years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby if a government holds itself out to do something even if not legal 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 obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

States undertake to introduce the following resolution in the General Assembly.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

ARTICLE 23

23. [Embracing the foregoing principles of compliance and equality through the discharging of obligations, through the fulfillment of expectations and through the undertaking of commitments we, as participating States in this Conference, *commit ourselves* undertake to implement the Habitat Agenda including through sub-national, national, sub-regional and regional plans of action and other policies and programmes drafted and executed in cooperation with all individuals and members of civil society that embrace the international principles related to enshrining and guaranteeing human rights, to preserving, protecting and preserving the environment, and to ensuring social justice and the prevention of conflict and war **key actors** at all levels and supported by the international community. In implementing these commitments we shall give special attention to the circumstances and needs of people who are homeless, living in poverty, or are in some other way disadvantaged or marginalized *vulnerable*, especially those who are women, children, older people, indigenous people, displaced people or people with disabilities.]/6 In addition, we recognize *taking into account* that there shall be respect for nature beyond human purpose and that human beings are crucial in the promotion of *are at the centre of concerns* for *sustainable* socially equitable and environmentally sound development, including adequate shelter for all and sustainable human settlements development, and they are entitled to a healthy and *productive meaningful* life in harmony with nature.]/5

A. ADEQUATE SHELTER FOR ALL

ARTICLE 24

24. [We reaffirm our *commitment to the progressive realization* obligation to ensure enactment of the right to adequate— affordable, accessible, tenure security, safe, healthy and environmentally sound— housing, as set out in numerous international instruments. In this context, we recognize the fundamental obligation of governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods, and to foster and facilitate genuine involvement and participation in the development of the community.] We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter which is healthy, safe, secure, accessible and affordable and which includes basic services, facilities and amenities and the enjoyment of freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards./7

ARTICLE 25

25 displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

DOCUMENT FOR PRECEDENT

RE: PRESERVING LAND RIGHTS OF INDIGENOUS PEOPLES

i(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved. (recommendation D5 Patterns of ownership Habitat I)

RE: CONDEMNING DISPLACEMENT OF NATIVE POPULATION

(e) In all occupied territories, changes in the demographic composition, or the transfer or uprooting of the native population, and the destruction of existing human settlements in these lands and/or the establishment of new settlements for intruders, is inadmissible. the heritage and national identity must be protected. Any policies that violate these principles must be condemned.

RE: ESTABLISHING SUFFICIENT PROTECTING 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)

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)

RE; 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, 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)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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)

RE: 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**

ARTICLE 25a-g

[(a) Ensuring consistency and coordination of macroeconomic policies and shelter policies, **means for action and methods and strategies**, in order to support the **providing of resources** *resource mobilization*, the **generating of meaningful employment** *generation* and the eradicating of poverty;]

(a bis.) Ensuring that women and men have equal access to resources, including credit opportunities, and the right to inheritance and ownership of land and property;

(b) Ensuring legal security of tenure and equal access to serviced land including through a diverse range of tenure options;

(c) Promoting broad, non-discriminatory access to open, efficient effective and appropriate housing finance mechanisms including credit opportunities for all;

(d) Promoting construction methods, materials and technologies that are affordable, safe, efficient, accessible and emphasize greater use of local materials (**endogenous- as undertaking in Habitat I**) and human resources, encourage and support design efficiency and energy-saving methods, and which are environmentally sound and protective of human health;

(e) Through public, community and through **promoting BEST practices enterprises** *private sector* initiatives increasing the supply of affordable housing and tenure options, including rental, cooperative and home ownership;

(f) Promoting rehabilitation, upgrading and maintenance of existing housing stock;

(f bis.) Providing basic services, and promoting supply of facilities and amenities;

(f ter.) Recognizing and respecting clear and enforceable rights and obligations of both owners and tenants;

(g) Eradicating discrimination in the access to shelter which is based on race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin**,

nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age, language, religion or conviction, political or other opinion, national or, social origin, property, birth, nature of residency or other status

ARTICLE 25h

[[h) Promoting shelter and basic services for the homeless, internally displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

[[(i) Promoting access to local basic facilities for education and **primary and universal health services;**]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: 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)

RE: 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)

RE: AFFIRMING UNIVERSAL ACCESS TO EDUCATION

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. (ICPD)

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 an essential tool for achieving the goals of equality, development, **environmental integrity** and peace (71 Platform of Action).

RE: 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, requires a complete restructuring of the educational system. 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.

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 socioeconomic, political global structure to a new vision of education that is one of tolerance cooperation and intellectual stimulation.

RE: ENSURING UNIVERSAL ACCESS TO HEALTH CARE

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)

ARTICLE 25 j

[(j) Formulating or strengthening of measures to provide (legal) migrants, migrant workers and their families access to adequate housing and social services.]

DOCUMENTATION OF PRECEDENTS

RE: RECOGNIZING THE PRIORITY OF SOCIAL SERVICES

Recommendation C 15
Social services

(b) the provision of health, nutrition, education, security, recreation and other essential services in all parts of the country should be geared to the needs of the community and receive an effective priority in national and development planning and in the allocation of resources

(c) Areas for priority action include the following:
(v0 Priority orientation of the above actions towards the promotion of health and the prevention of malnutrition, communicable diseases and other avoidable health risks and the provision of essential services and spiritual and physical recreational facilities;
(Recommendation C 15, Habitat I)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

[(k) Protecting within the national context, the traditional rights to land and other resources of pastoralists, fishery workers and nomadic and indigenous people and strengthening land management;]

[(l) Avoiding forced illegal evictions, when possible; when unavoidable, to strive for rehabilitation.]

B. SUSTAINABLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND HUMAN SETTLEMENTS

ARTICLE 26

[26. We recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring *the goal of socially equitable and environmentally sound sustainable human settlements in an urbanizing world* by developing economies that will preserve, protect and conserve the environment, and that will make efficient use of limited resources, through BEST practices, within the carrying capacity of ecosystems and by providing all people with equal opportunities for a healthy, safe and *productive meaningful* life in harmony with nature and with natural and cultural heritage and spiritual and cultural values, ensuring social justice *progress*.

DOCUMENTATION OF PRECEDENTS

RE: BEING WITH THE CARRYING CAPACITY OF ECOSYSTEMS

Recommended extensively throughout all literature on Ecology and the Environment. The need for socially equitable and environmentally sound development within the carrying capacity of ecosystems is an essential principle of sustainability.

ARTICLE 27

27. We further *commit ourselves to the objectives of:* recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring the following:

(a) *Promoting ensuring* socially integrated human settlements, combating segregation, discriminatory and other exclusionary policies and practices and recognizing and respecting the rights of all, *especially women and the poor*; including those who have been discriminated on the basis of gender, sex sexual orientation, marital status, age, disabilities, race, tribe, or culture, colour, ethnicity, national, ethnic or social origin, nationality, place of birth, refugee or immigrant status, aboriginal ancestry, religion or conviction, language, political or other opinion, socioeconomic conditions, nature of residency and other status

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: ENSURING EQUALITY BEFORE THE LAW

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law

shall prohibit any discrimination and guarantee to all persons equal and

effective protection against discrimination on any ground such as race,

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

RE; 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

ARTICLE 27 b-h

(b) Ensuring the acknowledging and harnessing the potential of the informal sector, *where appropriate*, in providing housing and services for the people in poverty *poor*;

(c) Ensuring *Promoting* changes in production and consumption patterns and settlements structures that will protect **natural environment *natural resources* - including water, air, bio-diversity, energy and land - providing a healthy living environment for all;**

(d) Ensuring *Promoting spatial development* the development of spatial patterns that reduce transport demand, as well as that create *creating* efficient, effective and environmentally sound publicly owned transportation systems that improve accessibility to work, goods, services and amenities;

(e) Preserving natural ecosystems and protecting agricultural *productive* land in urban and rural areas and protecting fragile ecosystems from the negative impacts of human settlements;

(f) Preserving, protecting and maintaining natural, historic and cultural heritage, including traditional shelter and settlements patterns and *pathways*, as appropriate, as well as landscapes and urban flora and fauna in open and green spaces;

DOCUMENTATION OF PRECEDENTS.

RE: PRESERVATION OF HERITAGE OF OUTSTANDING INTEREST

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)

Noting the recognition of the World Heritage committed meeting in 1993 when the committee recognized the protection of cultural pathways

(g) Ensuring cooperative socially equitable and environmentally sound development and meaningful employment *Enabling competitive and sustainable economic development that will attract investments, generate employment and provide revenues for human settlements development;*

(h) *Alleviating preventing and eliminating* undesired impacts of structural adjustment and economic transition on human settlements by **undertaking to develop a socially equitable and environmentally sound alternative with genuine community participation and involvement; and**

COMMENT

RE: RE-EXAMINING THE IMPACT OF STRUCTURAL ADJUSTMENT PROGRAMS

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. (Global Compliance Research Project)

DOCUMENTATION OF PRECEDENT

RE: SUPPORTING REVIEW OF STRUCTURAL ADJUSTMENT

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)

RE: CRITICIZING OF STRUCTURAL ADJUSTMENT PROGRAMS

Concerned about the negative impact on the poor, especially women and children, of the International Monetary Fund and World Bank structural adjustment policies (Women's Action Agenda, 1992)

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)

RE: CONTRIBUTING OF STRUCTURAL ADJUSTMENT TO DETERIORATION OF PUBLIC HEALTH SYSTEMS

In many countries, especially in developing countries, in particular the least developed countries, a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatization of health-care systems without appropriate guarantees of universal access

to affordable health care, further reduces 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 their roles within the family and the community, are often not acknowledged; hence they do not receive the

necessary social, psychological and economic support (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

RE: ASSESSING IMPACT OF STRUCTURAL ADJUSTMENT ON WOMEN AND GIRL CHILDREN

22. Macro and micro-economic policies and programmes, including structural adjustment, have not always been designed to take account of

their impact on women and girl children, especially those living in poverty. Poverty has increased in both absolute and relative terms, and

the number of women living in poverty has increased in most regions. There are many urban women living in poverty; however, the plight of women living in rural and remote areas deserves special attention given

the stagnation of development in such areas. In developing countries, even those in which national indicators have shown improvement, the majority of rural women continue to live in conditions of economic underdevelopment and social marginalization (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

RE: PROPOSING DEBT FORGIVENESS

Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt

reduction, including cancellation or other debt relief (Habitat I) measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities; (61 c Platform of Action. UN Conference on Women: Equality, Development and Peace)

. ARTICLE 27 J

(f) Preventing and reducing the impact of natural and human-made disasters on human communities settlements, by enshrining the notion of healthy community as “healthy, safe and environmentally sound communities,” by eliminating patterns of consumption and development that have increased societal vulnerability to disasters, by promoting and funding BEST practices, and by embracing a culture of safety.

DOCUMENTATION OF PRECEDENTS

RE: PROMOTING A 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)

This principle involves the commitment to act to prevent rather than to [correct]

"to promote a 'culture of safety' in all countries, especially those that are disaster-prone, the following activities should be carried out:
(Agenda 21, 7.60)

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)

RE: PREVENTING DISASTER

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 Traditions *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).

RE: 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)

RE: 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).

RE: 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)

RE: 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)

**RE: 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 Reduction, 1994).

**RE: 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 Disaster Reduction 1994)

**RE: 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)

**RE; 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)

C. Means of Discharging Obligations and Fulfilling Expectations *Enabling Action*

ARTICLE 28

28. We recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring the *We commit ourselves to the strategy of enabling all key actors, in the public, private and the community sectors, the genuine involvement and participation of individuals and groups of civil society to play an effective role - at national, state/provincial, metropolitan and local levels-in the socially equitable and environmentally sound development of human settlements and shelter development.*

ARTICLE 29

29. We further ensure *commit ourselves to the objectives of:*

(a) *Exercising public authority and The using of public resources with openness transparency and accountability;*

(b) *The Decentralizing within a framework of overarching international principles, authority and resources, as appropriate, as well as functions and responsibilities to the level most effective in addressing needs of people in their settlements;*

(c) *Promoting The establishing of institutional and legal frameworks and capacity-building conducive to civic engagement and to inclusive genuine community involvement and participation in socially equitable and environmentally sound development of settlements broad-based participation in human settlements development;*

(d) *The providing of capacity-building for the socially equitable and environmentally sound development of human settlements management and development;*

(e) *The supporting of institutional and legal enabling frameworks for mobilizing providing financial resources for socially equitable and environmentally sound development of human settlements sustainable shelter and human settlements development;* and

(f) *The promoting equal access to reliable information, utilizing, where appropriate, modern communications technology and networks.]*

[Gender Equality

29 bis.. We recognize that through international agreements we have incurred obligations related to the equality of women from the inception of the United Nations Charter and throughout subsequent human rights documents, and we recognize that further expectations have recently been created in the Platform of Action from the UN Conference on Women: Equality, Development and Peace, we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring *We commit ourselves to the goal of gender equality in human settlements development. We further commit ourselves to the objectives of ensure:*

(a) Integrating gender perspectives in human settlement-related policies, programmes and projects, and the promotion of the full and equal participation of women in human settlement planning and decision-making; and

(b) Developing methodologies for incorporating gender perspectives in shelter planning, development and evaluation, such as the collection, analysis and dissemination of gender-disaggregated data and information, and the development of gender-based indicators.]

D. Financing shelter and human settlements

[30. We commit ourselves to **undertake to strengthening** existing financial mechanisms and, *where appropriate*, developing new sources of funding *mechanisms* for financing the implementation of the Habitat Agenda, such as funding from a substantial reduction of the global military budget, from deferred taxes from corporations or transnationals, or from compensation for environmental degradation.

COMMENT:

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81.

which will mobilize increased sources of finance - public, private, multilateral and bilateral - at international, regional, national and local levels; and will promote the efficient, effective and accountable resource allocation and management.]

[31. We further commit ourselves to the objectives of :

(a) Stimulating national and local economies, through **ensuring socially equitable and environmentally sound development enabling competitive and sustainable economic development, that will attract public and international financial resources and private investments, generate employment and increase revenues, providing a stronger financial base to support shelter and human settlements development;**

(b) Strengthening fiscal and financial management capacity, at all levels, to fully develop the taxation base, pricing mechanisms and other sources of revenue;

(c) Enhancing public revenue through the use, as appropriate, of fiscal instruments which are conducive to environmentally friendly practices, in order to promote direct support for **socially equitable and environmentally sound development sustainable** human settlements;

(d) Strengthening regulatory and legal frameworks such as **MINS 1997 to drive the development, promotion and implementation of BEST (Best Environmentally Sound Traditions) practices to enable markets to work and to facilitate independent initiative and creativity, as well as to encourage a wide range of partnerships to finance shelter and human settlements development;**

(e) Promoting increased equitable access to credit for all;

(g) targeting, where appropriate, subsidies to those who are not served by the market, and promoting appropriate credit mechanisms and other instruments to address their needs.]

E. International cooperation/12

ARTICLE 32

[32. We commit ourselves - in the interests of international peace, security, justice and stability - to **reduce the global military budget by 50 % and to reallocate the financial resources saved from the reduction to economic and social as undertaken through General Assembly Resolutions in 1981. In addition we commit to enhancing international cooperation and partnerships which will assist in the to implement implementation of the national and the global plans of action and the attainment of the goals of the Habitat Agenda, by contributing to and participating in multilateral, regional and bilateral cooperation programmes and institutional arrangements and technical and financial assistance programmes; by the interchange of BEST (Best Environmentally Sound Traditions) practices exchange of appropriate**

technology; by the collection, analysis and dissemination of information about shelter and human settlements, and by international networking.]

ARTICLE 33

[33. We further commit ourselves to the objectives of:

(a) Striving for the fulfillment of the accepted target of 0.7 per cent of gross national product for official development assistance **for socially equitable and environmentally sound development**, as soon as possible, as well as increasing, within it, the share for funding for **socially equitable and environmentally sound development human settlements and shelter development;**

(b) Using resources and economic instruments in an effective, efficient and equitable manner, at the local, national, regional and international levels; and

(c) Promoting responsive international cooperation between public, *private* **BEST practices enterprises** and non-profit, non-governmental and community organizations.]

F. Assessing the discharging of obligations and the fulfillment of expectations *progress*

ARTICLE 34

[34. We commit ourselves to monitor and evaluate, within our own countries, efforts to implement national plans of action, striving to ensure efficiency and effectiveness in meeting the goals of adequate shelter for all and sustainable human settlements development.] **In addition we also commit to discharge our previous obligations incurred through Conventions, Treaties and Covenants by signing what we have not yet signed, ratifying what we have not yet ratified, enacting legislation to ensure compliance, and establishing an enforcement infrastructure to ensure the discharging of these obligations and the fulfilling of these expectations, and we commit to fulfilling previous expectations created through Declarations, General Assembly Resolutions and Conference action statements. To demonstrate our commitment to over 50 years of obligations and expectations we also commit to the establishment of an International Court of Compliance where citizens can take evidence of state non-compliance with obligations and expectations. For this purpose we pledge to support a General Assembly Resolution in the 51 session of the United Nations to commemorate the culminating of the Decade devoted to the promotion and furtherance of International Law.**

ARTICLE 35

[35. We further commit ourselves to the objective of enhancing the role and strengthening the institutional capacity of UNCHS (Habitat) as an agency of coordination and cooperation assisting the Member States of the United Nations to monitor and evaluate the implementation of the Habitat Agenda, using *shelter and urban indicators and best* **BEST (Best Environmentally Sound Traditions)** practices as a basis for assessing global conditions and trends in shelter and **socially equitable and environmentally sound development human settlements development.**]

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

A. Introduction

ARTICLE 36

36. Twenty years ago in Vancouver, at the First United Nations Conference on Human Settlements (Habitat I), the world community adopted an agenda for human settlements development. Since then, there have been remarkable changes in population and social, political, environmental and economic circumstances **that could have with the needed international and national political will have permitted the fulfillment of the expectations of Habitat I. affect strategic outlook.** These changes have led many Governments to adopt and promote enabling policies to facilitate actions by individuals, families, communities and the private sector to improve human settlements conditions. However, it is estimated that at least 1 billion human beings still lack adequate shelter and are living in unacceptable conditions of poverty, mostly in developing countries.

ARTICLE 37

37. While the rate of population growth is on the decline, during the past twenty years world population has increased from about 4.2 billion to about 5.7 billion, with nearly one third under 15 years of age, and an increasing number of people living in towns, cities, and mega-cities. By the turn of the century, humankind will be crossing a threshold where over 50 per cent of the population live in urban areas. Meeting the needs of the nearly 2 billion more people expected in the coming two decades and managing human settlements towards sustainability will be a daunting task. In developing countries, in particular, rapid urbanization and the growth of towns, cities, and mega-cities, where public and private resources tend to concentrate, represent new challenges and at the same time new opportunities: there is a need to address the root causes of these phenomena, including rural to urban migration.

ARTICLE 38

38. [Globalization of the world economy and deepening interdependence among nations presents challenges and opportunities as well as risks and uncertainties for the future of the world economy. As a result, the level of economic development has increased in some countries, while the situation in a large number of them remains critical and uncertain. At the same time, the gap between developing and developed countries, the poor and rich - countries as well as people - has widened. New communications technology makes information much more widely accessible and accelerates all processes of change. In many societies, new issues of social cohesion and personal security have emerged and the issue of solidarity has become

central. Poverty, unemployment, environmental degradation, social disintegration and the increasing movement of people, as well as intolerance and violence have also emerged as critical factors. We must keep these new conditions in view as we draw up **plans for socially equitable and environmentally sound human settlements strategies** for the first two decades of the twenty-first century.

ARTICLE 39

39. While Habitat II is a Conference of States and there are many things national Governments can do to enable local communities to solve problems, the **people actors** who will determine success or failure in improving the **condition of human settlements condition** are mostly found at the community level *in* with the public, *private* the **BEST practices enterprises**, and **the individuals and groups of civil society non-profit sectors**. It is they, local authorities, **in Best practices enterprises and other [stakeholders], individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society** who are on the front line in achieving the goals of Habitat II. **Although the principles and standards arising from obligations and expectations should be established at the international level**, structural causes of the problems have often to be dealt with at the national and sometimes the international level, **progress the discharging of obligations and the fulfillment of expectations** will depend to a large degree on local authorities, **with genuine community involvement and participation civic engagement and the forging of partnerships** at all levels of government with the *private sector* the **BEST practices enterprises**, and **the individuals and groups of civil society, such as** the cooperative sector, non-governmental and community-based organizations., *workers and employers and civil society at large*.

ARTICLE 40

40. Habitat II is one in an extraordinary series of World Conferences held under the auspices of the United Nations over the past five years. All addressed important issues of people-centred **sustainable socially equitable and environmentally sound** development. **These Conferences, though significant, should not minimize the extensive obligations previously incurred by states in conventions, treaties and covenants, and the extensive expectations created in Declarations, General Assembly resolutions and other pre-1992 conference action plans.** It is easy with short institutional memory to ignore past obligations and expectations. Habitat II provides a unique opportunity to incorporate significant obligations and expectations from pre-1992 international instruments with post-1992 international instruments including **the four previous conferences in this series.** *including sustained economic growth and equity, for which successful implementation requires action at all levels, particularly at the local level. Strategies on social, economic, environmental, disaster reduction, population, disability and gender issues will have to be*

implemented in urban and rural areas and, in particular, where the problems are acute and generate tension.

ARTICLE 41

41. In Habitat II, Governments at all levels, **the BEST practices enterprises**, and **the individuals and groups of civil society** *the community and the private sector* considered how the achievement of the two principal goals of "Adequate shelter for all" and "socially equitable and environmentally sound *Sustainable* human settlements *development in an urbanizing world*" can be furthered at the local level through an enabling process in which individuals, families and their communities play a central role **through genuine community involvement and participation**. **The implementation of the Habitat Global Plan of Action requires the genuine involvement and participation of governments at all levels, the BEST practices enterprises, and the individuals and groups of civil society** *This is what is special about the Habitat II Global Plan of Action and its strategies for implementation. Implementation of these measures will need to be adapted to the specific situation of each country and community.*

ARTICLE 42

42. *The strategy of* **The implementation of** the Global Plan of Action is **dependent based on enabling the involvement and participation of citizens in a process that is honest, genuine and open transparency and participation**. *Under this strategy,* **government** efforts are based on establishing legislative, institutional and financial frameworks that will enable **the BEST practices enterprises**, and **the individuals and groups of civil society** to fully contribute **to socially equitable and environmentally sound development [sustainable development, including sustained growth]** and enable all women and men to work with each other and in their communities with Governments at all levels, **to establish terms of reference**, determine collectively their future, decide on priorities for action, identify and allocate resources fairly and *build partnerships* **work cooperatively** to achieve common goals. **This cooperative process will set up** the conditions for women and men to exercise their individual rights and responsibilities equally and to engage their abilities effectively in activities that will improve and sustain their living environments (b);

Enablement creates:

(a) A situation in which the full potential and resources of all actors in the shelter production and improvement process are mobilized;

Article 42 (c)

42 (c) The conditions for organizations and institutions to interact and network, **building fostering and ensuring genuine community involvement and**

participation *partnerships* for **socially equitable and environmentally sound development** [*sustained economic growth and sustainable development*];

...

Part IV.

GLOBAL PLAN OF ACTION: **STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION**

B. Adequate shelter for all/14

ARTICLE 44

44. [Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All nations without exception have *some form of an obligation to provide for in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects.*]

[The provision of adequate housing for everyone requires action not only by governments, but by **all society working cooperatively sectors of society**, including the **BEST practices enterprises**, and **the individuals and groups of civil society private sector, non-governmental organizations**, local authorities, as well as by international organizations (community)] *Within the overall context of an enabling approach, Governments should take appropriate action [In order to promote, protect and, ensure the progressive realization of the enactment of the right to adequate housing.]* These include, but are not limited to **ensuring the following**:

1. *Providing Adequate* legal protection from, and effective remedies against discrimination of any kind in housing as to *race, colour, sex, language, religion, political or other opinion, national or social origin, [property, birth or other status]*; race, tribe, or culture, **colour, ethnicity, national ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age, language, religion or conviction, political or other opinion, national or, social origin, property, birth, nature of residency** or other status
2. *Providing* Legal security of tenure and equal access to land among all, including women and those living in poverty, as well as effective protection [from illegal forced evictions]/15;

3. *Adopting* Policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means, by inter alia:

a) Expanding the supply of affordable housing through *appropriate* regulatory measures, **including rent control** and market incentives;

b) Increasing affordability through provision of subsidies and rental and other forms of housing assistance to people living in poverty;

c) Supporting community-based, cooperative and non-profit rental and owner occupied housing programmes;

d) Promoting supporting services to homeless and other *vulnerable marginalized* groups;

e) *Mobilizing Providing* innovative [*domestic*] financial and other resources - public and private - for housing and community development;

f) Creating and promoting market based incentives to encourage the private sector to meet the need for affordable rental and owner occupied housing;

g) Promoting **socially equitable and environmentally** sound *sustainable spatial* development patterns and **environmentally sound** transportation systems that improve accessibility to goods, services amenities and work.

4. Effective monitoring and evaluation of housing conditions including the extent of homelessness and inadequate housing and, in consultation with the affected population, to formulate and adopt appropriate housing policies and implement effective *strategies* means and plans to address these problems.

ARTICLE 47

47. International and national cooperation at all levels will be both necessary and beneficial in promoting adequate shelter for all. This is especially needed in areas that are affected by war or by natural, industrial or technological disasters, and in situations in which reconstruction and rehabilitation needs surpass national resources.

ARTICLE 48

48 ter. [To ensure **the continuing progress discharging of obligations and the fulfilling of expectations in the enactment of the right to toward realizing** an adequate standard of living for all, national and local governments , *as appropriate*, should adopt:

(a) Provisions to ensure:

(i) freedom from discrimination based on race, ethnicity, gender, family composition, and disability status in housing and credit markets, and specifically, recognition that the right to an adequate standard of living pertains to every person, including those in female-headed households; and

(ii) legal security of tenure and equal access to land among all, including women and people living in poverty;

(b) Policies aimed at making housing habitable, affordable, and accessible, including:

(i) creation of *market-based* incentives to encourage the **BEST practices enterprises** to meet the need for affordable rental housing and home ownership;

48 (ii) promoting spatial development patterns and **safe and environmentally sound public transportation systems** that improve accessibility to goods, services and amenities;

NOTE WORDING ALREADY AGREED TO IN ARTICLE 44 G

DOCUMENTATION OF PRECEDENTS

RE: PREVENTING 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)

RE: PROVIDING SAFE AND LESS POLLUTING BEST PRACTICES — BEST ECOLOGICALLY SOUND TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 48 (iii—viii)

(iii) *mobilizing providing* innovative sources of domestic finance - public and private - for housing and community development;

(iv) expanding the supply of affordable housing through appropriate regulatory and market incentives;

(v) promoting **socially equitable and environmentally sound development through working cooperatively with genuine community involvement and participation** *sustainable economic development through community partnerships*;

(vi) increasing affordability through provision of rental assistance to people living in poverty, **and through establishing, and extending rent controls**;

(vii) supporting community-based programmes that provide shelter and supportive services to the homeless;

9 0heritage, and urging non-party states to sign and ratify the Convention on the Protection of Cultural and Natural Heritage]

DOCUMENTATION OF PRECEDENT.

RE: PROTECTING HERITAGE OF OUTSTANDING INTEREST

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* **[humanity]** 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)

ARTICLE 51 (b-h)

51 (b) *[Take full account of the need for* **Ensure socially equitable and environmentally sound** *sustained economic growth, of sustainable development principles and of the basic needs for human development and health]*;17

(c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

(d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of **governments and individuals and groups of civil society**. *the private and public sectors.*

52 (g) Encourage the development of environmentally sound and affordable construction methods, and production and distribution of building materials, including strengthening the local building materials industry, based as far as possible on locally available resources;

(h) Promote, *where appropriate*, the use of labour-intensive construction and maintenance **BEST practices technologies** that generate **meaningful** employment in the construction sector for the underemployed labour force found in most large cities, at the same time promoting the development of skills in the construction sector.

ARTICLE 53

53. In many countries, *markets serve as the primary housing delivery mechanism*, and hence their effectiveness and efficiency are important to the goal of *sustainable* **socially equitable and environmentally sound** development. It is the responsibility of Governments to create an enabling framework for a well-functioning housing market. The housing sector should be viewed as an integrating market in which trends in one segment affect performance in other segments. Government interventions are required to address the needs of disadvantaged and *vulnerable* **marginalized** groups, who are insufficiently served by markets.

ARTICLE 55 (d)

55 D [(d) Apply transparent, comprehensive, easily accessible and progressive taxation and incentive mechanisms to stimulate efficient, environmentally sound and equitable use of land, and exploit the full potential of land-based and other forms of **regulations and taxation** in mobilizing financial resources for service provision by local authorities;]

ARTICLE 57 (c)

57 [(c) Encourage the multiplicity and diversity of intervention of *all* [*stakeholders,*] **individuals and organizations of civil society with a wide range of experience and expertise**, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining

the terms of reference and having input throughout the decision making process

men and women alike, acting within the market system;] (d) Develop a legal framework of land use aimed at balancing the need for construction with the protection of the environment, minimizing risk and diversifying uses;

ARTICLE 58

58. To eradicate legal and social barriers to the *[equal and equitable]* access to land, especially the access of women, people with disabilities and other *vulnerable marginalized* groups, Governments, at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector, and community-based organizations should:

ARTICLE 58a

(a) Address the cultural, ethnic, religious, social and disability-based causes that result in the creation of barriers that lead to segregation and exclusion, including by encouraging **principle-based education founded upon international principles related to promoting and fully enshrining and guaranteeing respect for human rights; to preserving, conserving and protecting the environment; to creating a global structure that respects the rule of law, to achieving a state of peace through prevention and peaceful resolution of conflicts; justice and security, and to participating in socially equitable and environmentally sound development. and training for peaceful conflict resolution;**

ARTICLE 59 e

59 (e) *Capitalize on Draw upon* the potential contribution of *key [stakeholders] in the private formal and informal sectors, and support the engagement of non-governmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution; individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process*

ARTICLE 63

63. To facilitate **equitable** access to housing for those not served by existing finance mechanisms, Governments *should review and rationalize, where appropriate, systems of subsidies by policies that will ensure their viability, [equity] and transparency, thus allowing that* many people without access to credit and land to enter the market.

(e) Ensuring access to basic infrastructure and services

ARTICLE 65

65. To safeguard the health, safety, welfare and improved living environment of all people and to provide adequate and affordable basic infrastructure and services, Governments at the appropriate levels, including local authorities, should promote:

(a) The supply of and access to adequate quantities of safe drinking water;

[(b) Adequate sanitation and *[technically]* [environmentally sound] waste systems management, based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

ARTICLE 66

66. To ensure the [equitable] provision of basic infrastructure and service delivery systems, Governments at the appropriate levels, including local authorities, should:

(a) Work with all *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision related to** *in* providing serviced land and *in to* allocating adequate space for basic services, as well as for recreational and open space in the development of new schemes and the upgrading of existing ones;

(g) Promote dialogue among all *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision** to help provide basic services and infrastructure.

ARTICLE 69

69. To respond effectively to the requirements for **healthy and environmentally safe and sound** *appropriate* planning, design, construction, maintenance, and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should:

(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, **and as agreed in the “Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;**

RE: 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)

RE: SUPPORTING ENDOGENOUS TECHNOLOGY

Governments and the international community should facilitate the transfer of relevant technology and experience and should encourage and assist the creation of endogenous technology better suited to the sociocultural characteristics and patterns of population by means of bilateral or multilateral agreements having regard to the sovereignty and interest of the participating States. The knowledge and experience accumulated on the subject of human settlements should be available to all countries. Research and academic institutions should contribute more fully to this effort by giving greater attention to human settlements problems. (III 18 Habitat 1)

Recommendation C4

Designs and technologies for shelter infrastructure and services

C. the solutions arising from such choices should therefore be:

(kk) based on the best possible use of available local materials and local resources within a process of constructive rationalization allowing for the effective use of locally existing know-how and unskilled labour in countries with abundant **human power** manpower, thereby generating employment and income.

(iv) Conceived to utilize traditional techniques suitable adapted to new materials

(v) emerging from original indigenous research

(vi) Planned so as to take full account of their environmental impact (Habitat

l)

ARTICLE 70

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *[stakeholders, individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision]* should:

(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries

and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

(b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.** and establish a public mechanism to enforce them;

(c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the **inter transfer of BEST (Best Ecologically Sound Traditions) practices technology recognizing that in many cases traditional practices could be the most ecologically sound.**

(d) With *adequate* attention to safety needs, **and BEST (Best Environmentally Sound Traditions) Practices**, reformulate and adopt building standards and by-laws, **and to ensure compliance to safety and Best practices, where appropriate**, to promote and permit the use of low-cost **endogenous** building materials in housing schemes, as well as by using such materials in public construction works;

(e) Where appropriate, promote partnerships with the private sector and non-governmental organizations to create mechanisms for the commercial production and distribution of basic building materials for self-help construction programmes;

(f) Evaluate on a regular basis *the progress the discharging of obligations and the fulfilling of expectations made in the pursuit of the above pertinent to the above* objectives.

ARTICLE 71a

71 [(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to move through “the transition from the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition establish a time-table for the

phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, hydro-power and biomass,... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, (Section 9. Subsection 9 g Agenda 21, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by ;minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)
 (vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

ARTICLE 72

72. *Vulnerability is the inability to compete on an equal basis for resources and opportunities. Vulnerability Marginalization* is often caused by *the marginalization in and exclusion from the socioeconomic mainstream and decision-making processes. If vulnerability marginalization is to be eliminated reduced*, there is a need to *improve and ensure the discharging of obligations* to recognize the right of *access by members of vulnerable marginalized groups to healthy, safe and environmentally sound shelter, to social security, the right to be free from hunger, the right to be free from hunger as undertaken by states parties to the International Covenant of Social, Cultural and Economic Rights 1966. This would include access to* finance, infrastructure, basic social services, safety nets *and a genuine community involvement and participation in* decision-making processes *from the determining of the terms of reference and throughout the process.* [. [Depending on local conditions in the housing sector and the availability of legal protections *ensuring guaranteeing* equal access to resources and opportunities, *vulnerable marginalized individuals* come from disadvantaged groups, such as people living in poverty, homeless persons, older persons, women, youth, children (particularly street children), persons with disabilities, [documented] migrants, internally displaced persons, people affected by natural and technological disasters and environmental degradation, minorities and indigenous peoples.] With regard to shelter, members of *vulnerable marginalized* groups are especially at risk when they may have no security of tenure or where they lack basic services or face disproportionate environmental and health impacts, or because they may be excluded, either inadvertently or deliberately, from the housing market and services.

DOCUMENTATION OF PRECEDENT

RE: INCLUDING MIGRANTS IN LIST OF DISADVANTAGED GROUPS

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)

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)

72 ter. ~~[Inadequate shelter or lack of shelter contributes to a loss of dignity and health in the lives of refugees.]~~ There is a need to strengthen the support for the international protection of and assistance to refugees, especially refugee women and refugee children who are particularly vulnerable. Actions

RE: 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).

RE: 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).

ARTICLE 73

73. To remove barriers and eradicate discrimination in the provision of shelter, Governments at the appropriate levels, including local authorities, *should shall:*

(c) *Work with the private sector* **Ensure that** cooperatives and local communities and other *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision work** to *raise the awareness of the need to* eliminate prejudice and discrimination in housing transactions and provision of services;

ARTICLE 74

74. To provide for the shelter needs of *vulnerable marginalized* groups, Governments at appropriate levels, including local authorities, in cooperation with all *[stakeholders]*, **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision as appropriate, should shall:**

(a) *Provide, where appropriate, targeted and transparent* **Ensure that** subsidies, social services and various types of safety nets **are provided** to the most *vulnerable marginalized* groups;

(b) Work with **the BEST practices enterprises, and the individuals and groups of civil society** *the private and non-profit sectors and including* community-based organizations *and other actors* to provide adequate shelter for members of *vulnerable marginalized* groups, making special efforts to remove all physical constraints to the independent living of persons with disabilities and of older persons;

(c) Strive to provide special living facilities and shelter solutions for members of *vulnerable marginalized* groups, as appropriate, such as shelters for women subjected to violence or shared living arrangements for persons with mental or physical disabilities;

(d) Provide an environment that enables *vulnerable marginalized* groups to participate in the social, economic and political life of their community and country.

ARTICLE 75

75. To reduce **marginalization of individuals and groups** *vulnerability*, Governments at appropriate levels, including local authorities, should:

(a) Work with non-governmental organizations and community-based organizations to assist members of *vulnerable marginalized* groups to obtain secure tenure;

(b) Composite [Enact and enforce laws to protect people from illegal evictions]; and **to retain, and if not in place, to institute** rent-control systems.

(b) [Protect by law all people from illegal evictions, including dismantling of rent-control systems, and, where evictions are unavoidable, ensure that they are strictly according to the law];

(b ter.)

(c) Promote and support self-help housing programmes and initiatives;

(d) *Promote, where appropriate, Ensure* compliance with and enforcement of all health and environmental laws, *especially* in low-income areas with *vulnerable marginalized* groups

DOCUMENTATION OF PRECEDENT

RE: ENSURING CORPORATE COMPLIANCE WITH THE LAW;

“all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.” (UN Conference on Women: Equality, Development and Peace. Section 167).

(d bis.) Facilitate actions aimed at, inter alia, ensuring legal security of tenure, capacity-building, and improving access to credit, which, apart from subsidies and other financial instruments, can provide safety nets that reduce *vulnerability marginalization*;

(e) Pursue policies that will provide information to and consultation with *vulnerable marginalized* groups;

(f) Facilitate the availability of legal information and assistance to *vulnerable marginalized* groups;

(g) Promote the use of tools for disaster prevention, mitigation, and preparedness in order to reduce the vulnerability of populations to natural, man-made and technological disasters. -----

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

C. Sustainable human settlements development in an urbanizing world
Article 76—

ARTICLE 76

76. [Rapid urbanization, the concentration of urban population in large cities, the sprawl of cities into wider geographical areas and the rapid growth of mega-cities are among the most significant transformations of human settlements.] By the year 2000 more than half of the world's population will live in urban areas and approximately 40 per cent of them will be children. Urban areas will strongly influence the world of the twenty-first century, and urban and rural populations will be increasingly interdependent for their economic [,environmental] and social well-being. Among the economic and social factors influencing this process are population growth and voluntary and involuntary migration, real and perceived **meaningful** employment opportunities, cultural expectations, changing consumption and production patterns and serious imbalances and disparities among regions.

ARTICLE 77

77. [77 ter. Given the magnitude of the challenges that human settlements pose, society must value and take advantage of the wisdom, knowledge and skills of every person. **To draw upon the wisdom, knowledge and skills of citizens is the basis for genuine community involvement and participation. Individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision should be involved in the decision making process. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the implementation and evaluation of the process.**

Urban settlements *hold a held the* promise for human development and protection of the world's natural resources through their **potential** ability to support large numbers of people while limiting their impact on the natural environment. Yet, *many* cities are witnessing harmful patterns of growth, of production and consumption, of land use and of mobility, as well as degradation of their physical structure. Such problems are often synonymous with soil, air and water pollution, waste of resources and destruction of natural resources. Some human settlements are also subject to limited water supply, sanitation, drainage, and to dependency upon toxic and non-renewable energy fuel sources and irreversible loss of bio-diversity. Many of these trends are aggravated or accelerated by high population growth and the magnitude of rural-to-urban migration. **[As recognized in Agenda**

21 UNCED Demographic factors, combined with poverty and lack of access to resources *[[in some areas]]* and excessive consumption and wasteful production patterns in others/*unsustainable patterns of production and consumption, particularly in industrialized countries, cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit sustainable socially equitable and environmentally sound development.*] Therefore, a largely urbanized world implies that *sustainable socially equitable and environmentally sound* development will depend very largely on the capacity of urban and metropolitan areas to manage production and consumption patterns, and the transport and waste disposal systems needed to preserve the environment.

ARTICLE 78

78. *In the process of urbanization, Policies and programmes for socially equitable and environmentally sound sustainable development of human settlements in both rural and urban areas require strong sub-national governmental institutions working in partnership with all [stakeholders]. individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process.* Such institutions are still weak in many countries, and their effectiveness is threatened by increasing problems of political regionalism and ethnic strife. All of these concerns and demands require a regional and cross-sectoral approach to human settlements planning which places emphasis on rural/urban linkages and treats villages and cities as two ends of a human settlements continuum in a common ecosystem.

ARTICLE 79

79. Increasingly, cities have a network of linkages that extends far beyond their boundaries. *[Sustainable Socially equitable and environmentally sound urban development should consider the carrying capacity of the entire ecosystem supporting such development, including the prevention and mitigation of adverse environmental impacts occurring outside urban areas].* The unsafe disposal of waste leads to the degradation of the natural environment: aquifers, coastal zones, ocean resources, wetlands, natural habitats, forests and other fragile ecosystems are affected, as are the homelands of the indigenous people. *[Trade in hazardous, toxic and atomic waste and substances shall should not be carried out . /in accordance with relevant international agreements by parties to those agreements].* Rapid urbanization in coastal areas is causing the rapid deterioration of coastal and marine ecosystems.

DOCUMENTATION OF PRECEDENTS

RE: DEFINING OF BIODIVERSITY AND ECOSYSTEM

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)

“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)

RE: REDUCING 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)

RE: RECOGNIZING 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)

RE: 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)

Social impact assessment takes into account affordability, accessibility, access to work, transport and services, environmental, health and security considerations.
(CP)

ARTICLE 80

80. The diversity of types of human settlements is a key component to creating just and sustainable societies. The living and working conditions in all human settlements, including regional urban centres, rural service centres, rural hamlets, rural communities, market towns and villages, must be improved, with particular emphasis on shelter, social and physical infrastructure, and services. The maintenance and development of rural settlements require sustainable agriculture and **ecologically sound forest practices forestry activities** and improved agricultural **BEST practices technologies**, economic diversification and expanded **meaningful** employment opportunities created by encouraging appropriate and environmentally **sound sustainable** investment in industry and related economic production and service activities.

ARTICLE 81

81. International cooperation, including city-to-city cooperation, is both necessary and mutually beneficial in promoting **socially equitable and environmentally sound sustainable** human settlements *development*. Depending on the context and needs of the cities, towns and villages within each country and region, special attention should be paid to the most critical issues, such as changing production and consumption patterns; **as requiring the phasing out of non-renewable or unsafe sources of energy, and** the conserving of energy and the promoting of efficiency; **as ensuring socially equitable and environmentally sound resource and land use sustainable resource and land-use management**; Other critical issues are **the eradicating of poverty eradication; the stabilizing of population with necessary reproductive choice and social programs, the providing of universal health care; the ensuring of a safe ,environmentally sound water supply, sanitation and waste as resource system management; the preventing of disaster prevention, mitigation, preparedness and management; the preserving and protecting of** cultural, natural and historical heritage; **the preserving, protecting and conserving of the environmental protection;the driving of industry to embrace BEST practices; the establishing** of infrastructure; and basic services, such as health and education facilities and services. Habitat II provides an opportunity **to explore the interdependence of these issues within a framework of obligations incurred and expectations created, and** to focus on the effect that current patterns of human settlement development will have on our ability **to discharge the obligations incurred through Conventions, Treaties and Covenants, and to fulfill the expectations created through Declarations, General Assembly Resolutions and Conference Action**

Statements. *achieve the objectives established at recent United Nations conferences.* Close attention to trends in urban development is essential to the viability of **socially equitable and environmentally sound sustainable** human settlements development in rural and urban areas alike.

ARTICLE 82

[[82 Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other *vulnerable marginalized* and disadvantaged groups from gaining access to suitable land, the location of which does not pose economic, environmental or health risks to the residents because of such reasons as proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment, **especially within the carrying capacity of the ecosystem** and the overall system of settlements is one of the basic tasks to be undertaken in achieving a **socially equitable and environmentally sound sustainable** urbanized world. The *tools means to for* achieving a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, **and revitalization and management.** National, sub-national and local policies and problems need to be integrated. [The precautionary principle/*approach* and the use of environmental and social impact assessment are essential].

bis. Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from harmful effects of human settlements. Special attention should be paid to **ensuring that trade in hazardous, including atomic, and toxic wastes and substances should not be carried out, and to guiding potentially hazardous activities away from the fragile areas. Oceans and the atmosphere should be protected from land-based sources of pollution, where appropriate.]** Through **mandatory international normative standards (INS, 1997), states shall invoke and ensure compliance with the precautionary principle. States shall ensure, as agreed in the Platform of Action, UN Conference on Women, that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167).**

DOCUMENT OF PRECEDENTS

RE: PROVIDING ACCESS TO WATER

In the less developed countries, nearly two thirds of the population do not have reasonable access to safe and ample water supply, and even a greater proportion lack the means for hygienic waste disposal

(b) Safe water supply and hygienic waste disposal should receive priority with a view to achieving measurable qualitative and quantitative targets serving all the population by a certain date; targets should be established by all nations and should be considered by the forthcoming united nations conference on water.

(c) in most countries urgent action is necessary to

(i) adopt programmes with realistic standards for quality and quantity to provide water for urban and rural areas by 1990, if possible.

(ii) adopt and accelerate programmes for the sanitary disposal of excreta and waste water in urban and rural areas;

(v) reduce inequalities in service and access to water as well as over-consumption and waste of water supply;

RE: INVOKING THE PRECAUTIONARY PRINCIPLE

The precautionary principle has been enunciated in international documents since at least the 1972 United Nations Conference on Humans and the Environment (Stockholm Convention), where it appeared in a rudimentary form; it was then reinforced in the 1982 UN Resolution 37/7, the World Charter of Nature, and then re-enunciated throughout the UNCED documents.

The precautionary principle has been enunciated " as follows:

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

(version of precautionary principle in BC Working Group on Developing Criteria for Standards, 1994)

The precautionary principle shall be applied to all potentially harmful emissions, contaminants, agents of pollutants, or re concentrated substances—created through imbalance in biogeochemical cycles. States

shall ensure that in all their activities and in the activities of corporations including transnational corporations there is adherence to the anticipatory principle. In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). In the international documents different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

DOCUMENTATION OF PRECEDENTS

RE: ENSURING DOUBT-DRIVEN ACTION

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 not proceed (World Charter of Nature)

RE: ENSURING PREVENTIVE MEASURES

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)

RE: ENSURING CRADLE-TO-GRAVE

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)

RE: ENSURING THE MONITORING FROM CRADLE TO GRAVE

Governments, in collaboration with industry and appropriate international organizations, should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (20.20 e Hazardous wastes)

RE: ENSURING 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)

RE: ENSURING 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)

RE: ENSURING 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)

RE; REVISITING 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)

RE; INVOKING 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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1994)

The anticipatory principle shall be followed as a pro-active measure to ensure that substances and processes which are harmful to the environment or to human health are prevented from entering the environment. One aspect of the anticipatory principle is to determine in advance before extracting resources whether the extraction causes environmental harm or is culturally inappropriate to indigenous peoples whose territory is beyond the treaty frontier.

ARTICLE 83

83 Many cities are using peripheral land for urban-related purposes in a wasteful manner while existing serviced land and infrastructure may not be adequately developed and used. To avoid unbalanced, unhealthy and unsustainable growth of human settlements, it is necessary to promote land-use patterns that minimize transport demands, save energy and protect open and green spaces. Appropriate urban density and mixed land-use guidelines are of prime importance for urban development. National, sub-national and local policies and development plans must be carefully re-examined to ensure optimal land use and geographically better balanced economic development, including the protection of indispensable agricultural land; land that sustains biodiversity, water quality and groundwater recharge; fragile areas, including coastal areas; and other sensitive areas in need of protection. Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic development. Vegetation creates natural habitats and permits a better absorption of rainwater by natural means, which implies savings in water management. Green areas and vegetation also play an important part in reducing air pollution and in creating more suitable climatic conditions, thereby improving the living environment in cities. Healthy and environmentally sound agricultural activities and the provision of common land should be integrated into the planning of urban and peri-urban areas.

ARTICLE 84e

84 (e) **Encourage Ensure genuine community involvement and participation among the public, private and voluntary sectors and other [stakeholders of individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] in the caring for and the using *managing* land resources for socially equitable and environmentally sound *sustainable* urban development; Urban and rural communities will not be environmentally sound until states shall undertake to ensure the phasing out of hazardous, toxic and nuclear activities, and actively promote and funding Best Environmentally Sound Technology (BEST).**

[(e bis.) Promote urban planning, housing and industrial siting initiatives that ban and thus prevent *discourage* the siting of hazardous, toxic or nuclear industrial facilities in residential areas;] in any sensitive ecosystem, or eventually in any location. No toxic, hazardous or atomic wastes shall be produced after 1997. States shall immediately reduce and eventually eliminate the production of toxic, hazardous and atomic wastes, and states shall promote and fund active conversion to BEST (Best Environmentally Sound Traditions) practices.

[(e ter.) Seek to prevent or *minimize* pollution and exposure to pollution from industrial facilities, while also promoting urban planning, housing and industrial siting initiatives that **ban *discourage* the *disproportionate* siting of polluting industrial facilities, and in particular the disproportionate siting of industrial facilities** in areas inhabited by people living in poverty or members of other *vulnerable* marginalized and disadvantaged groups;]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: [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)

ARTICLE 84f & i

84 f*(f) Develop and support the implementation of improved land-**care and use management** practices that deal comprehensively with competing urban land requirements for housing, industry, commerce, infrastructure, transport, green spaces and forested areas, taking into account the need of spaces for everyday activities such as playgrounds, **wilderness, forests**, parks, sports and recreation areas and areas suitable for gardening and urban agriculture;

(i) Institutionalize a participatory approach to **socially equitable and environmentally sound** *sustainable* human settlements through the development and support of **means and methods strategies and mechanisms** that encourage open and inclusive dialogue among all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, with special attention to the needs and

priorities of women, minorities, children, youth, people with disabilities, older persons and persons living in poverty and exclusion;

ARTICLE 85

85. To develop and support improved and integrated land- **care and use management**, Governments at the appropriate levels, including local authorities, **should shall**:

(a) Develop integrated land information and mapping systems;

[[**(b) Consider, as appropriate, Establishing local structures, such as commissions and tribunals for the enforcement of *land management* socially equitable and environmentally sound laws and regulations in order to make enforcement and appeals more equitable, efficient and effective;**]

[[**(c) Develop the land market through the establishment of an effective and environmentally sound legal framework in order to mobilize/which encompasses lands with diverse tenure systems;**]

(d) Develop, with the participation of all [***stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.***], comprehensive and environmentally sound land-**care/use strategies** at the local level.

ARTICLE 86

86. Promoting equitable, socially viable, **environmentally sound** and stable human settlements is inextricably linked to reducing and eradicating poverty. We share the concerns of the First United Nations Decade for the Eradication of Poverty which also acknowledges [***the increasing feminization of poverty***]. Poverty has various manifestations, which include homelessness and inadequate housing. The eradication of poverty requires, inter alia, sound macroeconomic policies **linked to BEST practices** aimed at creating **meaningful** employment opportunities, equal and universal access to economic opportunities, (and special efforts to facilitate such access for the disadvantaged); education and training that will promote sustainable livelihoods through freely chosen **productive meaningful** employment and work, and basic social services, including health facilities. **However, Although** there are no universal solutions which can be applied, **there are principles reflected in obligations incurred and expectations created through international instruments that can provide a framework for assisting in the achieving of the vision of Habitat II.** People living in poverty must be empowered through freely chosen participation in all aspects of political, economic and social life. Other **key elements of actions to reduce poverty a poverty reduction strategy** include **policies geared to ensuring**[**reducing inequalities,**

increasing opportunities, providing access to resources and **[(meaningful employment] income;** providing social protection for those who cannot support themselves; recognizing the special needs and skills of women; developing human resources; improving and making more accessible infrastructure, including communication facilities; and **[(taking comprehensive national responsibility for meeting)]** the basic needs of all.

ARTICLE 87

87. To promote **and provide** **[(equitable)]** *the provision of services* in human settlements,
Governments at the appropriate level, including local authorities, **shall should**:

[(a)] Formulate and implement integrated settlement development policies which ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; **meaningful** employment and livelihood; primary **and universal** health-care, including reproductive and sexual health care and services; safe drinking water and sanitation; adequate— **affordable, accessible, healthy and safe, environmentally sound** shelter with tenure- security; and access to open and green spaces; giving special priority to the needs and rights of women and children who often bear the greatest burden of poverty;] **As already committed to in the UNCED documents and in the Platform of Action UN Conference on Women: Equality, Development and Peace.**

DOCUMENTATION ON PRECEDENTS

RE: ENSURING FOOD SELF SUFFICIENCY

"undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture (3.7.1 Combating Poverty UNCED)

RE: PROVIDING FOOD SECURITY

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)

RE: 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)

RE: PROMOTING HEALTH CARE

Governments should establish measures that will directly or indirectly set up an effective primary health care and maternal health care system accessible to all " (3.7.e Combating Poverty)

the provision of a safe water supply and sanitation and the promotion of a safe food supply and proper nutrition. Particular attention should 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...education and appropriate services regarding responsible planning of family size... values... (6.3. Protecting and promoting health UNCED)

RE: PROVIDING ACCESS TO HEALTHY SHELTER

Access to safe and healthy shelter is essential to a person's physical, psychological, social and economic well-being and should 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, UNCED)

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. (3.7.o Combating Poverty, UNCED)

" provide the poor with access to fresh water and sanitation (3.7. p Combating Poverty, UNCED)

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

RE: IMPROVING HEALTH AND ENVIRONMENT

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, UNCED)

RE: SATISFYING BASIC HUMAN NEEDS OF DRINKING WATER

freshwater resources are an essential component of the earth's hydrosphere and an indispensable part of all terrestrial ecosystems. (18.7 Fresh water, UNCED)

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. (18.8. Fresh water, 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. (18.58 Freshwater UNCED)

"Water is a finite resource, essential for the sustenance of life on earth (18.2 Freshwater UNCED)

"water is needed in all aspects of life (18.6 fresh water UNCED)

ARTICLE 87 b

(b) Where appropriate, re-direct public resources to enable community-based *management provision* of services and infrastructure and promote the participation of *the private sector, local business entrepreneurs that engage in service industries and BEST practices*, local residents, including people living in poverty, women, people with disabilities, indigenous people and members of disadvantaged groups, in the identification of public service needs, spatial planning and the design, provision and maintenance of urban infrastructure and open and green spaces.

ARTICLE 88

88. To promote social integration, Governments at the appropriate level, including local authorities, recognizing the importance of volunteer contributions and in close cooperation with non-governmental organizations, community-based organizations, the cooperative sector and public and private foundations, **shall should:**

(a) Prohibit ~~[[all]]~~ discriminatory, exclusionary practices related to shelter, employment and access to social and cultural facilities;

(b) Offer opportunities and physical spaces to encourage positive interaction among culturally diverse groups;

(c) Involve marginalized and/or disadvantaged groups and individuals in the planning, decision-making, monitoring and assessment related to human settlements development;

[(d) Encourage, in cooperation with relevant [stakeholder individuals and organizations of civil society with a wide range of experience and expertise,], the development of school curricula geared to conscious understanding and cooperation among diverse cultural groups, through the promotion of principle-based education—education based on the fundamental principles underlying International documents related to enshrining and guaranteeing respect for human rights, to preserving, protecting and conserving the environment, to enabling social justice, to achieving a state of peace; justice and security, and to participating in socially equitable and environmentally sound development.]

ARTICLE 90

General

90. In order to promote the genuine involvement and participation of women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision making process.

gender-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, in collaboration with women's groups and other [stakeholders [90 bis. [In order to develop the full potential of the youth and prepare them to take a responsible role in the development of human settlements, Governments at the appropriate levels, including local authorities and in partnership with private sector, non-governmental youth organizations and other non-governmental organizations as well as community-based organizations, should:

[90 ter. In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should:

(a) Adopt, *where appropriate*, by-laws, standards and norms and develop planning guidelines that take into consideration the needs and situations of and in consultation with **women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision making process, and ensure their genuine involvement and participation from the determination of the terms of reference and throughout the planning of human settlements, development of human settlements and decision making processes about human settlements.**

[(a) Integrate youth concerns into all relevant national, sub-national and local policies, strategies, programmes and projects;
[(a bis.) Enable youth by supporting and valuing their ability to play an active and creative role in building sustainable communities;

(b) Promote representative structures, *while* ensuring full and equal participation *women's* [and equal opportunities for] and equal access to **all levels of education and training of for women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized in or from the educational system.**

Data Generation

[(c) Generate and disseminate disaggregated data, while ensuring that such statistics are collected, compiled, analyzed and presented by age, sex and work status; set up monitoring mechanisms in government structures and integrate the results into mainstream policies for sustainable human settlements developments;

Equal access

(d) Eliminate legal and customary barriers, where they exist, to women's equal access to and control of land and finance

[(e) Ensure equal access to housing, land and public services in the urban and rural areas in line with the International Convention on the Elimination of All Forms of Discrimination against Women.]

[(f) Develop policy and guidelines and provide services that would enable persons with disabilities to be housed in community-based settings;

[(g) Promote equal access to all levels of education and skills development for persons with disabilities;

[(h) Provide equal access to basic education, while paying special attention to people living in poverty and to youth living in rural areas, and addressing constraints created by distance, lack of educational facilities and social or economic barriers;

(i) Promote equal access to all levels of education for girls, **youth, young with young** and women;

Equal opportunity

(j.) Foster economic policies that have a positive impact on the **meaningful** employment and income of women workers in both the formal and informal sectors and adopt specific measures to address women's unemployment, in particular their long-term unemployment;

[k) Develop and implement programmes that enable people with disabilities to have an equal opportunity to realize an income sufficient to attain an adequate standard of living;

[l) Promote representative structures, ensuring full and equal opportunities for participation of persons with disabilities;

[m) Take special action to reduce the drop-out rate at all levels of education through increased relevance and quality education, and to facilitate the access of school leavers to sustainable livelihood and meaningful employment;

Genuine involvement and participation in decision making

(n) Develop policy guidelines and programmes that encourage and actively pursue the involvement of women's groups in all aspects of community development related to environmental infrastructure and the provision of basic urban services and encourage women's own cooperatives, as well as their membership in other cooperatives;

(o) Recognize that women, as primary family caregivers, spend a greater proportion of time in the home and community [and therefore, as experts in their own home and community, should participate fully and equally in all aspects of community development, especially environmental infrastructure and basic services];

[p) Consider in the planning process that persons with disabilities are often involved in the informal sector and use their homes for business or market activities.]

[q) Recognize that people with disabilities are experts in their own housing and community requirements and should be decision-makers, designers and implementers of them;

Enhance awareness of issues

[(r) Enhance community awareness of issues facing homeless and refugee women, especially those issues related to physical and sexual abuse, and design appropriate community responses;]

[(s) Enhance community awareness of health care issues facing persons with disabilities, such as physical and sexual abuse and substance abuse, and design appropriate community responses;

Establish programmes

(t) Establish programmes that address the [~~severe/absolute~~] poverty found among rural women, focusing on their need for adequate shelter and **meaningful** employment;

Encourage awareness-raising

[u) Encourage awareness-raising campaigns and other actions developed and implemented by youth that are aimed at promoting the appreciation by the youth of historical, natural and cultural heritage and at increasing their consciousness of the environmental values and environmental implications of their consumption and behavioral choices, especially those related to sustainable human settlements development.]

ARTICLE 91

91. To prevent and reduce violence and crime, especially at the local levels, Governments, **working cooperatively in partnership with all** [~~stakeholders~~ **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who have been excluded through fear and mistrust**], should:

(a) Design, create and maintain livable human settlements that encourage the use of public spaces as centres of community life so that they do not become places for criminal activity;

[(a bis.) **Guarantee Ensure** basic education to all;] [(a ter.) Assist crime prevention through social development by finding ways to help communities deal with underlying factors that undermine community safety and result in crime, including by addressing poverty and inequality as the two basic components of the social development approach;]

(b) Encourage youth and children, in particular street children, to become [~~stakeholders~~ **i**] **involved** in **determining** their own future and their community's

future through education, recreation, and job training and counseling that can attract *private sector investment support from individuals and organizations of civil society support from non-profit organizations*; . **Children and youth shall be respected and trusted.**

(b bis.) Enhance women's safety in communities through the promotion of a gender perspective in crime prevention policies and programmes by increasing in those responsible for implementing these policies the knowledge and understanding of the causes, consequences and mechanisms of violence against women;

(c) Establish programmes designed to improve the skills of local leadership in group facilitation, conflict resolution and intervention;

(d) As appropriate, promote personal security and reduce fear by improving police services, making them more accountable to the communities they serve, and by encouraging and facilitating, whenever appropriate, the formation of lawful community-based crime prevention measures and systems;

(e) Provide accessible, affordable, impartial, prompt and humane local systems of justice by, inter alia, facilitating and strengthening, where appropriate, existing traditional institutions and procedures for the resolution of disputes and conflicts;

(e bis.) Encourage the establishment of programmes and projects based upon voluntary participation, especially of children, youth and older persons, to prevent violence, including violence in the home, and crime;

(e ter.) The concerted and urgent action to dismantle international and national sex trafficking networks.

ARTICLE 93

93. [**Socially equitable and environmentally sound *Sustainable* human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and decrease disparities in their quality of life. People are entitled to a healthy and *productive meaningful* life in harmony with nature; furthermore, improved health can also contribute more to economic and social development.**]

ARTICLE 94

The health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Children's well-being is a particularly reliable indicator for healthy urban environments. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is, therefore, essential to take a holistic approach to health, whereby both prevention and care are placed within the context of the environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and capacities. [Education for all is a fundamental requirement for enabling women and men, young and old, to gain from improved practices and make use of and demand appropriate infrastructure and health and environmental services.]

ARTICLE 95

* [95. Many pollution-related risks to health are particularly high in urban areas, as well as in low-income areas, because of higher concentrations of pollutants from, inter alia, industry, traffic, fumes from cooking and heating devices, overcrowding and inadequate solid and liquid waste management. Environmental risks in the home and the work place may have a disproportionate impact on women's health because of women's different susceptibility to the toxic effects of various chemicals and given the nature of tasks that women frequently undertake. Environmental risks in the home may also have a disproportionate impact on children, and on future generations.]

(a) 95 bis. Many environmental contaminants, such as radioactive materials and persistent organic pollutants, work their way into the food chain and eventually into human beings, thus compromising the health of present and future generations.

DOCUMENTATION OF PRECEDENT

RE: ENSURING THE PRESERVATION OF SPECIES AND ECOSYSTEMS FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

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)

RE: NOT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO MEET THEIR OWN NEEDS

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)

(b) [95 ter. Unsustainable and wasteful production and consumption patterns [particularly in industrialized countries] also lead to increasing problems in waste management. It is essential to intensify efforts aimed at minimizing the production and discharge of waste, and at recycling and reuse as much as possible, and disposing of the remainder in an environmentally sound manner. This will require changes in attitudes and consumption patterns, as well as in the design of buildings and neighbourhoods as well as innovative, efficient and sustainable modalities for waste management.]

(c) [95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

ARTICLE 96

96. To improve the health and well-being of all people throughout their life span, particularly the people living in poverty, Governments at the appropriate levels, including local authorities, *and in partnership with the genuine involvement and participation of other [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, shall *should*:

(a) Develop and implement national, sub-national and local health plans or strategies and strengthen environmental health services to prevent, mitigate and respond to diseases and ill health from poor conditions in living and working environments and the conditions of people living in poverty;

(b) Adopt measures to prevent and control air, water and soil pollution and to reduce noise levels, *where appropriate*, and develop, and develop and ensure access to appropriate preventive and curative health care systems in order to tackle related health problems; Ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to

environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low income, indigenous women and women belonging to minorities;

(c) Improve shelter conditions so as to mitigate health and safety risks, particularly risks to women, older persons, children and people with disabilities, which are associated with activities in the home;

(d) Build capacity at all levels for effective environmental health management, **develop** and implement programmes to ensure availability of access to a full range of affordable, **universal** [good quality/basic] health care services for women [throughout their life span, including reproductive health care]; **establish** *Develop* criteria for maximum permitted safe noise exposure levels and promote noise assessment control as part of environmental health programmes;

(e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene;

[(e bis.) Promote, where appropriate, planning and good design in human settlements, both in new developments and in upgrading and rehabilitation, while emphasizing aesthetic qualities as well as environmentally safe and sound *and sustainable* technical and functional qualities, enriching and enlightening the overall quality of life of the people;]

(f) Establish processes to increase the exchange of information **about BEST practices**, experience and technical assistance among national, sub-national and local governments, [including among governments at the same level] and *across sectors* for environmental health improvements;

[(f bis.) Ensure that due priority is given and adequate resources made available, at the national, regional and international levels, to combat the threat to individuals and public health posed by the rapid spread of HIV/AIDS globally and by the re-emergence of major diseases, such as tuberculosis, malaria, onchocerciasis (river blindness) and diarrhoeal diseases, in particular, cholera;]

(g) Promote safe and healthy work place conditions for men and women.

ARTICLE 97

97 . To improve environmental conditions and reduce industrial and domestic waste and other forms of health risks in human settlements, Governments at the appropriate levels and in partnership with all [*stakeholders* **individuals and**

organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] shall should:

(a) Develop and implement national and local [*sustainable socially equitable and environmentally sound development plans and*] policies and specific cross-sectoral programmes addressing all relevant chapters of Agenda 21., **and in particular to ensure the fulfillment of expectations that arose from Agenda 21** These should be action-oriented and have clear targets and schedules;

(b) Develop laws and policies that specify appropriate ambient environmental quality levels and set targets for environmental improvements and identify instruments for their achievement appropriate to national and sub-national priorities and conditions;

(c) Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels;

[(d) Set high mandatory international normative environmental standards and technical regulations so as to drive and facilitate the selection and development of BEST (Best Ecologically Sound Traditions) practices appropriate technologies and their appropriate use;]

*[(d bis.) Identify and address, as appropriate, the disproportionately high and adverse effects of policies and programmes on the human health or the environment of the **people in poverty poor**, minorities and other **vulnerable marginalized** populations;]*

(d) Develop criteria and methodologies for the assessment of environmental impacts and resource requirements at the local level throughout the life cycle of products and processes;

(e) Provide incentives and disincentives to promote the use of clean production and energy- and water-saving processes and technologies **such as BEST practices that, among other things, can increase economic opportunities in the area of environmental technology, environmental clean-up and Environmentally sound friendly activities and products and can improve the attractiveness and competitiveness of human settlements for economic investments of other BEST practices;**

(f) Provide guidelines and training for the application of procedures for the assessment of environmental health impacts;

[(g) Undertake *strategic* environmental impact assessments of *for* development projects that may *significantly* have **significant adverse environmental effects** or that may affect the quality of the environment;]

(h) Support mechanisms **for working cooperatively with consultations and partnerships among [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]** to prepare and implement local environmental plans and local Agenda 21's and specific *cross-sectoral integration of* environmental health programmes;

(i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed **for socially equitable and environmentally sound sustainable** human settlements *development*;

(j) In cooperation with the international community, promote the protection of the living environment and strive to restore contaminated land, air and water to levels acceptable for **socially equitable and environmentally sound sustainable** human settlements.

DOCUMENTATION OF PRECEDENT

RE: 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)

ARTICLE 98

98 [(a) Promote the conservation and *sustainable* **socially equitable and environmentally sound** use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity; the protection of biodiversity should be included within local **socially equitable and environmentally sound sustainable** development planning activities;

(aa) Incorporate the following principles *and strategies* in developing this integrated approach: the precautionary principle, the ecosystem *approach* **primacy principle**, pollution prevention **principle**, **staying-within-the-carrying-capacity principle**, and **avoidance of ecological footprint principle**;

(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

DOCUMENTATION OF PRECEDENTS

RE: CONSERVING BIODIVERSITY

To conserve and sustainably use biological diversity for the benefit of present and future generations, (preamble, Convention of Biological Diversity, UNCED, 1992)

RE: PREVENTING LONG TERM DECLINE OF BIODIVERSITY

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)

[(b) Protect existing forests, ensure environmentally sound forestry practices in areas designated for forestry, *resources* and promote afforestation around and within human settlements in order to fulfill basic needs relating to energy, construction, recreation and food security;

ARTICLE 98 e

98 (e) Ensure *adequate* the opportunity for genuine community involvement and participation *public participation* by all [*stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision,] at all levels of environmental decision-making, including in determining the “terms of reference” and throughout the decision making process]

DOCUMENTATION OF PRECEDENTS

RE: ENSURING GENUINE PUBLIC PARTICIPATION E.(AGENDA ITEM 10 E)

Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize *productive meaningful* employment. (III 11, Habitat I)

RE: MOBILIZING PARTICIPATION IN DECISION-MAKING

Participation is an integral part of the political processes of decision-making; in a field as complex as human settlements, it is also a necessity because the task is too great for Governments to accomplish without mobilizing the interest of inhabitants, using their ingenuity and skills and harnessing otherwise untapped resources. (III 17, Habitat I)

RE: ENSURING THE BENEFICIARY IS A PARTICIPANT IN COLLECTIVE DECISIONS

Public participation is the dynamic incorporation of the people in the economic, social and political life of a country which would ensure that the beneficiary is an effective participant in collective decisions with regard to the common good. (III 28, Habitat I)

RE: PROVIDING DIRECT INVOLVEMENT IN DECISIONS

A co-operative effort of the people and their Governments is a prerequisite for effective action on human settlements. The magnitude and intractability of the problems are too great for Governments to act alone. Citizen participation should be an integral part of the decision-making processes on the full range of human settlement issues. Citizens must be provided opportunities for direct involvement in the decisions that profoundly affect their lives. Such participation can heighten citizen awareness of the complexity and inter-relatedness of the problems and the urgent need for concerted action. Involvement of citizens can also be an important means of making creative use of their ingenuity and skills, thus making effective use of often untapped resources. (III 39, Habitat I)

RE: INVOLVING RESIDENTS IN THE MAKING OF DECISIONS

Participation can be conceived, from the top downwards, as the involvement of the higher echelons of government in the decision-making of smaller groups; laterally, as the co-operation between

parallel or competing sectoral interests; or, from the base upwards, as the direct involvement of residents in the making of decisions and implementation of programmes which concern them. The first two forms of participation are the basis of strategies, planning procedures, implementation of programmes and, in general, management of human settlements; the last, under the label of popular participation, is becoming an indispensable element of a truly democratic process. (III 40, Habitat I)

RE: PROVIDING OPPORTUNITIES FOR EARLY AND CONTINUING INVOLVEMENT IN THE SELECTION OF ALTERNATIVES

Citizen participation, by definition, cannot be achieved by fiat. But it can be facilitated by removal of political and institutional obstacles and by providing information in clear and meaningful terms. It can also be stimulated by providing opportunities for early and continuing involvement in the selection of alternatives. The inaccessibility of information and the absence of appropriate mechanisms for the expression of alternative views are often major stumbling blocks for effective involvement of citizens in shaping their future.

95 Public participation implies not only efforts to convey information but also a very important effort of education and formation to allow both specialist and public participation to play a determining role in evaluating the economic, technical and administrative consequences of the measures under consideration (III 73 Habitat I)

ARTICLE 98 ter

[98 ter. *Water resources in communities management in human settlements presents an outstanding challenge of sustainable **socially equitable and environmentally sound** development. It combines the challenge of securing for serves all the basic human need of a reliable supply of safe drinking water and **meeting the competing the needs of businesses that engage in socially equitable and environmentally sound development and Best practices with local materials. Industry and Agriculture, which are is crucial to socially equitable and environmentally sound economic** development and food security and food self-sufficiency, without compromising the ability of future generations to meet their water needs. Meeting this challenge requires an integrated approach to water resources management that takes cognizance of the links between water, sanitation and health, between the economy and the environment, between cities and their hinterland, and harmonizes land-use planning and housing policies with water sector policies and ensures a comprehensive and coherent approach to setting and enforcing realistic standards. A strong political commitment, cooperation across disciplines and sectors, and an active partnership of all [stakeholders*

individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] will be essential to integrated water resources management. To this end, Governments, at the appropriate levels, and in partnership with other [stakeholder community-minded citizens and groups with a wide range of experience and expertise” including some members of the community that will be socially and environmentally disadvantaged by the decisions], should:

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOOD SECURITY AND FOOD SELF SUFFICIENCY

"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)

RE: 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)

RE: 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)

ARTICLE 99

[99. In a globalizing economy, the increasing occurrence of the transferring of substances or activities that cause environmental degradation or that are harmful to human health to other states (in violation of principle 14 of the Rio Declaration) and the increasing occurrence of trans-boundary pollution and the transfer across national borders and regions of technologies hazardous — including toxic and nuclear technologies — to the environment represent a serious threat to the environmental conditions of human settlements and the health of their inhabitants. Governments should therefore cooperate to develop further bilateral and multilateral legal mechanisms to implement Principle 13 of the Rio Declaration regarding "liability and compensation for

adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction." In this context, States should be guided by Principle 16 of the Rio Declaration which encourages the approach that the polluter should in principle bear the cost of pollution. The international community, international organizations and Governments should also seek appropriate preventive measures in cases of clear risk of major environmental accidents with trans-boundary effects.] in addition citizens can legitimately expect that states will comply with Principle 14 of the Rio Declaration which calls for the prevention of the transfer of substances and activities that are harmful to human health or to the environment to other states, and to principle 15 which calls for the invoking of the precautionary principle which states that 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.

DOCUMENTATION OF PRECEDENT

RE: PROMOTING NEW AND RENEWABLE ENERGY

The basic and ultimate objective of this programme area is to reduce adverse effects on the atmosphere from the energy sector by promoting policies or programmes, as appropriate, to increase the contribution of environmentally safe and sound and cost effective energy systems, particularly new and renewable ones, through less polluting and more efficient energy production, transmission, distribution and use. This objective should reflect the need for equity, adequate energy supplies and increasing energy consumption in developing countries, and the need to take into consideration the situations of countries that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which countries have serious difficulties in switching to alternatives, and of countries highly vulnerable to adverse effects of climate change. (9:11 Atmosphere, UNCED)

RE: RESPECTING THE ATMOSPHERE THROUGH ENERGY ALTERNATIVES

Energy is essential to economic and social development and improved quality of life. Much of the world's energy, however, is currently produced and consumed in ways that could not be sustained if technology were to remain constant and if overall quantities were to increase substantially. The need to control atmospheric emissions of greenhouse and other gases and

substances will increasingly need to be based on efficiency in energy production, transmission, distribution and consumption, and on growing reliance on environmentally sound energy systems, particularly new and renewable sources of energy./1/ All energy sources will need to be used in ways that respect the atmosphere, human health, and the environment as a whole (9.9. Atmosphere, UNCED).

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, services, *industrial BEST practices production*, and household and office activities. Current dependence on fossil-fuel-based energy sources in most urban centres leads to climate change, air pollution, and consequential environmental and human health problems, and *[may]* represent a serious threat to **socially equitable and environmentally sound development. sustainable development.** Sustainable energy production and use *can be enhanced by encouraging* shall be undertaken through energy conservation, energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness, and through the phasing out of the use of non-renewable or unsafe sources of energy. The socially equitable and environmentally sound development of Human settlements and energy policies should be actively coordinated. Regulations driving the phasing out of non-renewable and unsafe sources of energy will be essential to foster the promotion and development of BEST practices in the area of renewable environmentally sound alternative energy sources.

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: DEVELOPING SAFE, MORE EFFICIENT AND LESS POLLUTING TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way,

giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

(c) Promote **energy conservation and** energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling systems that make use of waste heat recovery, and co-generation of heating and electricity **providing co-generation is not used to justify the continued use of non-renewable or unsafe energy.** ;

(d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

(f) Introduce or amend user charges and/or other measures to promote the efficient use of household energy;

(g) Stimulate, through fiscal incentives or other measures, and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

(h) *Support programmes for* **Undertake the prevention,** reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

(i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption, **and to prepare the public for the required changes needed for the phasing out of non-renewable unsafe sources of energy;**

(j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings, **by requiring the phasing out of non-renewable unsafe sources of energy;**

(k) Encourage the **cautious** use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction **providing that this “environment industry” is not used to justify the continued production of toxic, hazardous, or atomic wastes, or to discourage the needed change to the production of safe renewable resources from production;**

(l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

ARTICLE 101 b

101 (b) **Introduce energy-pricing policies and use regulatory measures to drive the phasing out of non-renewable unsafe energy and to promote use of renewable and safe sources of energy, and the conservation of energy; and to improve efficiency of energy use in human settlements, while ensuring that people living in poverty and their families are not disadvantaged;**

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING ALTERNATIVE ENVIRONMENTALLY SAFE AND SOUND TECHNOLOGIES

"To develop and apply pollution control and measurement technologies for stationary and mobile sources of air pollution and to develop alternative environmentally [safe and] sound technologies; (see trans-boundary) (9.24 a Atmosphere)

RE: PROMOTING ALTERNATIVE ENERGY

Promote pilot plans and projects consisting of electrical, mechanical and thermal power (gasifiers, biomass, solar driers, wind-pumps and combustion systems) that are appropriate and likely to be adequately maintained. (14.95 a. Agriculture)

ARTICLE 104 f

104 (f) **Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion, promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and actively fund and promote other alternative forms of energy;**

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating **meaningful** employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities worldwide. If other factors, such as population growth of and migration to cities, are addressed effectively through, inter alia, **requiring cities not to exceed the carrying capacity of the ecosystem that sustains them**, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through **the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments industry, together with trade and services, will** provides the main impetus to this process. **by driving businesses to engage in socially equitable and environmentally sound practices.**

ARTICLE 110

110. Cities have traditionally served as economic centres and have become the primary providers of services. As engines of economic growth and development they function within a network of supporting economic activities located in their surrounding peri-urban and rural areas. For this reason, specific actions also need to be taken to develop and maintain efficient and affordable transport, information and communications systems and linkages with other urban centres and with rural areas and to seek reasonably balanced patterns of development, both geographically and economically. Rapid changes in production technologies and in trade and consumption patterns will lead to changes in urban spatial structures that, notwithstanding their nature, need to be addressed.

ARTICLE 111

111. Economic development and the provision of services can be enhanced through improved human settlements activities such as urban revitalization, construction, upgrading and maintenance of infrastructural facilities, and building and civil works. These activities are also important growth factors in the generation of employment, income and efficiency in other sectors of the economy. In turn, in combination with appropriate environmental protection policies, they result in the sustainable improvement of the living conditions of city residents as well as of the efficiency and productivity of countries.

Actions

ARTICLE 112

112. To establish an effective financial base for **socially equitable and environmentally sound** urban development **within the carrying capacity of the ecosystem**, Governments at the appropriate levels, including local authorities, in cooperation with trade unions, consumer organizations, **BEST practices**

enterprises *business*, trade, and the financial sector, including *the* cooperatively organized **enterprises** *business sector* and non-governmental organizations, as appropriate, should:

(a) Formulate and implement financial policies which stimulate a broad range of urban **meaningful** employment opportunities;

(b) Encourage the formation of new public-private sector partnerships for institutions that are privately owned and managed but public in their function and purpose, and promote transparency and accountability of their operation.

ARTICLE 113

113. To provide opportunities for *productive meaningful* employment **and investment in BEST practices** *private investment*, Governments at the appropriate levels, including local authorities, in consultation with workers' and employers' organizations, chambers of commerce, industry, trade, consumer organizations, professional associations, and the financial sector, including the cooperative sector, and in the context of comprehensive urban planning, should:

(a) Implement **socially equitable and environmentally sound** *sustainable* urban development policies that take account of and respond effectively to the needs of locally owned enterprises **which engage in BEST practices**, and are not detrimental to the natural and human environment;

(b) Facilitate access to all levels of education and training;

(c) Promote an adequate supply and the environmentally sound allocation of sufficiently serviced land for the needs *of the business community, with due regard to the needs* of the small and medium sized-enterprises **which engage in BEST—Best Environmentally Sound Technology—practices**;

(d) Offer opportunities for urban economic activities by facilitating, **through regulatory schemes**, the access of new and emerging **socially equitable and environmentally sound** businesses, and small and medium-sized enterprises, including the informal sector, to credit and finance, and by streamlining legal and administrative procedures;

(e) Facilitate, where appropriate, the opportunity for urban horticulture; and encourage citizens **to convert lawns and other ecologically unsound use of land to indigenous plant reserves or into food producing areas; local markets and distribution of food to those in need.**

(f) Assist informal-sector enterprises to **embrace BEST practices** *become more productive and through the establishment of MINS 1997 they will have*

the opportunity of being progressively integrated into the formal economy, or of eventually replacing the “formal economy” that has been based on non-renewable use of energy, and on environmentally unsound technology;

(g) Consider designating select areas for redevelopment within urban centres by providing packages of fiscal and financial incentives along with appropriate regulatory arrangements and the development of partnerships.

ARTICLE 114

114. To improve opportunities, **through regulatory schemes**, for the **small BEST practices enterprises businesses** and the micro-enterprise and cooperative sectors, Governments at the appropriate levels, including local authorities, in consultation with non-governmental organizations, community-based organizations, financial and vocational training institutions, should, as appropriate:

(a) **Discourage and phase-out activities that contribute to environmental degradation, to the violation of human rights, to the proliferation of arms or to the production of toxic, hazardous or atomic wastes, and facilitate the extension to the informal sector the protection of human rights in the field of labour and promote respect for the relevant International Labour Organization conventions, including those on the prohibition of forced and child labour, the freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination;**

(b) Promote and strengthen, as appropriate, programmes which integrate credit, finance, vocational training and technological transfer programmes of **BEST practices** in support of small and micro-enterprises and enterprises in the cooperative sector, particularly those developed and utilized by women, **providing that the technology transfer does not undermine endogenous practices;**

(c) Encourage fair treatment of the informal sector, promote the use of environmentally sound practices, and encourage links between financial institutions and non-governmental organizations that support the informal sector where it exists, and encourage financial institutions to **use Mandatory International Normative standards (MINS) to be the basis for conditional funding and to drive industry to BEST practices;**

(d) Integrate, where appropriate, the needs of the growing informal sector within planning, **and design and management systems**, including by promoting its **genuine involvement and participation** in the planning and decision-making process, and by strengthening its linkages with the formal economy;

(e) Promote training for small and micro-enterprises and enterprises in the cooperative sector, and support them in their efforts to improve their products,

services, technology and distribution networks, and to identify new market opportunities.

ARTICLE 115

115. To strengthen urban economies *so they may be competitive in a globalizing economy*, Governments at the appropriate levels, including local authorities, in consultation with all *[[stakeholder individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]]*, should, inter alia:

- (a) Improve education and enhance job training **in meaningful employment** in order to improve the quality of the local work-force;
- (b) Support the re-structuring of local **enterprises industries**, where appropriate, and develop urban infrastructure and services, promote a reliable, efficient and environmentally sound supply of energy and enhance telecommunication networks;
- (c) Review and revise, as appropriate, the regulatory framework in order **to drive BEST practices** and to attract private investment;
- (d) Prevent crime **not through increasing incarceration but through the strengthening of social programs** and enhance public safety in order to make urban areas more attractive for economic, social and cultural activities;
- (e) Encourage sound financial **and BEST** practices at all levels of Government;
- (f) Promote legislative action that may be necessary to implement the above.

ARTICLE 116

116. To *alleviate prevent* the adverse impacts of measures for structural and economic transition, Governments at the appropriate levels, including, where appropriate, local authorities, **shall should**:

- (a) Promote an integrated approach by promoting socially equitable and environmentally sound *addressing the social, economic and environmental consequences of reforms on the needs human settlements development needs*; **ensuring that genuine community involvement and participation shall be involved in determining the needs of the community in particular those of the people in poverty and marginalized groups.**

(b) Promote the *integrated functioning of inclusive housing markets* so as to avoid segregation of the social housing sector;

(c) Implement appropriate basic social programmes and adequate resource allocation, in particular those measures affecting people living in poverty, people with disabilities, other *vulnerable marginalized* segments of society, micro-enterprises and other **socially equitable and environmentally sound small enterprises businesses**;

(d) **Provide for genuine community involvement and participation in finding alternatives to the current ill-conceived structural adjustment programmes** *Review the impact of structural adjustment on social development by paying particular attention to gender-sensitive assessments*;

(e) *Design policies to promote* **Ensure a** more equitable and enhanced access to income and resources;

(f) Support, as appropriate, public and private enterprises in their efforts to adapt to the changing requirements of **BEST practices and of cooperative decision making processes which reflect genuine community involvement and participation** *technological and human resources development*.

9. Balanced development of settlements in rural regions

ARTICLE 117

117. Urban and rural areas are interdependent economically, socially and environmentally. At the turn of the century, a substantial proportion of the world's population will continue to live in rural settlements, particularly in developing countries. In order to achieve a *more socially equitable and environmentally sound sustainable* future for the earth, these rural settlements need to be valued and supported. **Although in many cases**, insufficient infrastructure and services, lack of environmentally sound technology, and pollution resulting from the adverse impacts of unsustainable industrialization and urbanization contribute significantly to the degradation of the rural environment, in other cases it is the environmentally sound endogenous practices with local materials that offer the solution to the means of living within the carrying capacity of the ecosystem. Additionally, the lack of **appreciation of** employment opportunities in rural areas increases rural-to-urban migration **often to less meaningful employment** and results in a loss of human capacity in rural communities. Policies and programmes for the *sustainable socially equitable and environmentally sound* development of rural areas that integrate rural regions into the national economy require strong local and national institutions for the planning *and management* of human settlements that place an emphasis on rural-urban linkages, **that appreciates the innovative and**

environmentally sound traditional practices of the rural areas, and that treat villages and cities as two ends of a human settlements continuum.

ARTICLE 118

118. Rural populations, including indigenous people, play an important role in **demonstrating to urban populations practices of living within the carrying capacity of the ecosystem, in providing evidence of BEST practices**, in ensuring food security and in sustaining the social and ecological balance over large tracts of land in many nations and thus contribute significantly to the task of protecting biodiversity and fragile ecosystems and to the sustainable use of biological resources.

Actions

ARTICLE 119

119. To promote *sustainable socially equitable and environmentally sound* development of rural settlements and to reduce rural-to-urban migration, Governments at the appropriate levels, including local authorities, **shall should**:

(a) Promote the active **genuine involvement and participation** of all *[[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. s]]*, including those in isolated and remote communities, in ensuring the integrated consideration of the environmental, social and economic objectives of rural development efforts;

(b) Take appropriate measures to improve living and working conditions in regional urban centres, small towns and rural service centres;

(c) Foster a sustainable and diversified agricultural system in order to have vibrant rural communities;

(d) *Provide infrastructure, services and incentives for investment in rural areas*;

(e) Promote education and training in rural areas to facilitate **meaningful** employment and the use of BEST (**Best Environmentally Sound Traditions**) practices *appropriate technology*.

ARTICLE 120

120. To promote **BEST (Best Environmentally Sound Traditions) practices** *the utilization of new and improved endogenous technologies* and appropriate

traditional practices in rural settlements development, Governments at the appropriate levels, including local authorities, in cooperation with the private sector, should:

(a) Improve access to information on agricultural production, marketing and pricing in rural and remote areas by using, inter alia, advanced and accessible communication technologies;

(b) In cooperation with farmers' organizations, women's groups and other *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, promote research and the dissemination of research findings in traditional, new and improved technologies for, inter alia, agriculture, aquaculture, forestry and agroforestry.

ARTICLE 121

121. In establishing policies **for socially equitable and environmentally sound development sustainable regional development and management**, Governments at the appropriate levels, including local authorities, should:

(a) Promote education and training programmes and establish procedures for the full participation of rural and indigenous people in the setting of priorities for balanced and ecologically viable regional development;

(b) Make full use of geographic information systems and environmental assessment methods for the preparation of environmentally sound regional development policies;

(c) Implement regional and rural development plans and programmes based on needs and economic viability, *[consistent with the goal of socially equitable and environmentally sound sustainable development]*;

(d) Establish an efficient and *transparent open* system for the allocation of resources to rural areas based on people's needs, *[consistent with the goal of sustainable socially equitable and environmentally sound development]*.

DOCUMENTATION OF PRECEDENTS

(From Russow, J. (1995) Charter of Obligations,

RE: PROMOTION OF TRADITIONAL METHODS OF AGRICULTURE

the promotion of ...systems such as traditional methods of agriculture, agroforestry, forestry, range and wildlife **care management**, which use, maintain or increase biodiversity (15.5 d Biodiversity, Agenda 21 UNCED 1992)

RE: UNDERTAKING PROJECTS WITH EMPHASIS ON TRADITIONAL ENVIRONMENT 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)

RE: COLLECTING AND RECORDING INFORMATION ON INDIGENOUS CONSERVATION

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)

RE: FOSTERING TRADITIONAL METHODS AND KNOWLEDGE

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)

RE: PROMOTING COLLABORATIVE RESEARCH WITH INDIGENOUS PEOPLE

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 (**s**) 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)

RE: ACKNOWLEDGING BENEFICIAL TRADITIONAL HEALTH CARE

Acknowledge and encourage beneficial traditional health care, especially that practised by indigenous women, with a view to preserving and incorporating the value of traditional health care in the provision of health services, and support research directed to achieve this aim (Art.111 Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

ARTICLE 122

122. To strengthen [*sustainable* **socially equitable and environmentally sound development and**] **meaningful** employment opportunities in impoverished rural areas, Governments at the appropriate levels, including local authorities, should:

(a) Stimulate rural development by enhancing **meaningful** employment opportunities, providing educational and health facilities and services, improving housing, strengthening technical infrastructure for **BEST (Best Environmentally Sound Traditions) practices**, and encouraging rural enterprises and sustainable agriculture;

(b) Establish priorities for regional infrastructure investments based on *opportunities for economic return*, social equity and environmental quality and on the promoting **BEST (Best Environmentally Sound Traditions) practices** ;

(c) *Encourage the private sector to develop and strengthen contract-based wholesale markets and marketing intermediaries for rural products so as to improve and/or establish a cash-flow and futures contract economy in rural areas;*

(d) Promote equitable and efficient access to markets as well as, where appropriate, pricing and payment systems for rural products, especially of food items consumed in urban areas, **providing that rural areas will not be used for exploitative cash crops for foreign states as has often been done as a result of forced adherence to structural adjustment programmes;**

(d bis.) Promote products from rural areas in urban markets and rural service centers by improving the access to market information and distribution centres and networks;

(e) Reduce significantly or eliminate environmentally harmful **technologies**, subsidies and other programmes, such as those which stimulate the excessive use of pesticides and chemical fertilizers, and price control or subsidy systems that perpetuate unsustainable practices and production systems in rural and agricultural economies.

ARTICLE 123

123. An integrated approach is required to promote balanced and mutually supportive urban-rural development. To achieve this objective, Governments at the appropriate levels, including local authorities, with the support of the relevant international and regional institutions, should:

(a) Provide an appropriate legal, fiscal and organizational framework that is suitable to strengthen the networks of small- and medium-sized settlements in rural areas;

(a bis.) Facilitate the development of efficient communication and distribution infrastructure for the exchange of information, labour, goods, services and capital between urban and rural areas;

(b) Promote broad cooperation among local communities to find integrated solutions for land-use, transport and environmental problems in an urban-rural context;

(c) *Pursue* **Ensure genuine community involvement and participation participatory approach to balanced and mutually supportive urban-rural development, based on a continuous dialogue among the** *[[stakeholders* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]]** involved in urban-rural development.

10. Disaster prevention, mitigation, preparedness and post-disaster rehabilitation capabilities

ARTICLE 124

124. The impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, **such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes**; such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, **and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports**. Armed conflicts also have consequences that affect human settlements and the country as a whole and call for specific rehabilitation and reconstruction processes that may necessitate international involvement, at the request of the Government of the concerned country. The impact of such disasters and emergencies is especially severe in countries where prevention, preparedness, mitigation and response capacities are ineffective in dealing with such situations.

ARTICLE 125

125. **The most efficient and effective disaster response is to ensure first and foremost through a concerted effort that prevention of potential known adverse consequences (preventable disasters) will occur. In cases where there is no possibility to prevent the potential disaster,** The most efficient and effective disaster preparedness systems and capabilities for post-disaster response are usually provided volunteer contributions and local authority actions at the neighbourhood level. These can operate independently and irrespective of reduced, damaged or destroyed infrastructure or capacity elsewhere. Specific actions are also required at the appropriate levels of Government, including local authorities, **in cooperation and partnership with the private sector and** in close coordination with all community groups, to put into place disaster preparedness and response capacities that are coordinated in their planning but flexible in their implementation. The reduction of vulnerability **in the area of anthropogenic disasters**, as well as the capacity to respond to disasters is directly related **to the degree of willingness on the part of government to drive industry through regulations to ban and prevent potentially disastrous technologies, and on the part of financial institutions to refuse to fund disaster-possible technologies** and to some extent the degree of decentralized access to information, communication, and decision-making and the control of resources. National and international cooperation networks can facilitate rapid access to specialist expertise, which can help to build capacities for disaster **prevention and** reduction and, to provide early warning of impending disasters and to mitigate their effects. Women and children are the most affected in situations of disaster, and their needs should be considered in all stages of disaster **prevention and in restoration after disasters management.** Women's active involvement in disaster **prevention and in restoration after disasters planning and management** should be encouraged.

Actions:

ARTICLE 126

126. In improving natural and human-made disaster prevention, preparedness, mitigation and response, Governments at the appropriate levels, including local authorities, and in close consultation and cooperation with such entities as insurance companies, non-governmental organizations, community-based organizations, organized communities, the academic, health and scientific communities, **shall should:**

(a) **Legislated regulations that would ban and prevent technologies that could lead to disasters, and develop, adopt and enforce appropriate norms and by-laws for land-use, building and planning standards, that are based on professionally established assessments of hazard and of vulnerability assessments;**

(a bis.) **Ensure that serious public concern about an activity or technology that could lead to preventable disaster be taken into consideration and the activity or technology shall be prevented or banned, and ensure that the participation in preparing and planning for non-preventable disaster *planning and management* of all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society such as.]*, including women, children, the elderly, and people with disabilities, in recognition of their particular vulnerability to human-made and natural disasters;**

(b) **Ensure regulations that will prevent preventable anthropogenic disasters and encourage continued *mobilization of* domestic and international resources for disaster reduction activities for non-preventable disasters;**

(c) Promote and disseminate information on disaster-resistant construction methods and technologies for buildings and public works in general;

(d) Devise programmes to facilitate, where possible, voluntary relocation and access by all people to less disaster-prone areas;

(e) Develop training programmes on disaster-resistant construction methods for designers, contractors and builders. Some programmes should be directed particularly to small enterprises, which build the great majority of housing and other small buildings in the developing countries;

(f) Take measures to upgrade, where necessary, the resistance of important infrastructure, lifelines and critical facilities, in particular where damage can cause secondary disasters and/or constrain emergency relief operations.

[[126 bis.) Given that since the development of nuclear technology the most significant preventable anthropogenic disaster has been the preventing of nuclear-related disasters, and given that the outcome of nuclear disasters, including from nuclear arms and nuclear civil reactors, has had irreversible consequences that cannot be considered to have been remediated other than by forced reallocation ; and continues to have unexpected consequences; the global community, if it is to embark upon the prevention of preventable disaster, shall prevent the continued production of nuclear arms, the mining of uranium for the producing of nuclear arms, the testing of nuclear arms, the circulating and harbouring of nuclear-armed or nuclear-powered military vessels, and the using of civil nuclear reactors. It should be noted that at the 1972 UN Conference on Human Environment (UNCHE) held in Stockholm the states globally adopted the commitment in Article 26 to “eliminate the production of weapons of mass destruction” and twenty years

later a Nobel Laureate Declaration called for the phasing out of civil nuclear reactors. As a consequence of the development and testing of nuclear weapons, disasters with irreversible environmental consequences have occurred and communities have been displaced, there has to be an acknowledgment that there is no acceptable remediation to these nuclear disasters. The least that can be done for those who have been affected by nuclear disasters is to ensure the safe resettlement of displaced populations especially those from *for* small island developing States and coastal regions. There also has to be an acknowledgement that there is no real restoration of sites that have been exposed to radiation from nuclear disasters, otherwise the perpetuation of the belief in the possibility of restoration could justify the continued nuclear associated technologies. *and the restoration of economic activity to the affected areas, especially for small island developing States and coastal regions.* Noting the special responsibility towards those people of the former United Nations Trust Territories who have been adversely affected as a result of the nuclear-weapons tests conducted during the period of the Trusteeship, all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants should consider giving appropriate assistance as may be required for remedial purposes in areas affected by radioactive contamination from nuclear weapons programmes.]

ARTICLE 127

(a) Pursue the objectives of prevention of major technological accidents and the limitation of their consequences, inter alia, through land use policies, **through the banning of technologies and preventing activities that could lead to disasters**, and promotion of safe technology **promotion of BEST (Best Environmentally Sound Traditions) practices**. Prevention of disaster requires the establishment of **Mandatory, International Normative Standards (MINS)** that will drive industry to engage in **BEST practices**. Voluntary standards such as ISO 14,000 environmental management standards which evaluate nothing more than the corporations' compliance with self-selected environmental policy, without reference to external normative standards of performance, will be less effective than MINS for promoting **BEST practices** and thus for preventing anthropogenic disasters. In the interim during the phase-out period the potential environmental and social costs shall not longer be externalized from the operation of the industry/military activities.

(b) **Ensure that dangerous activities are phased out and replaced by safe and environmentally sound practices**, and in the interim take the necessary measures in order to control the siting of new developments surrounding dangerous industrial activities that may be liable to increase the risk of the effects of a major accident by appropriate consultation procedures to facilitate the implementation of the policy established under sub-paragraph (a) above;

(c) Introduce a clear definition of roles and responsibilities and of communication channels among the various key functions of disaster preparedness and prevention including assessment, monitoring, prediction, prevention, relief, resettlement, and emergency response;

(d) Promote and encourage broad-based participation in disaster **prevention and** preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards

(e) **Strengthen, and/or develop global, regional and local resolve and political will to prevent preventable disasters by ensuring the phasing out of technologies that could lead to disasters, and to provide** early-warning systems to alert populations in case of a major **non-preventable occurrences technological accident**, and impending disasters.

ARTICLE 128

128. In preparing for and implementing post-disaster relief, rehabilitation, reconstruction and resettlement, Governments at the appropriate levels, including local authorities, in partnership with all *[stakeholder individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society]*, shall *should*:

(a) Establish or strengthen disaster preparedness and response systems, **in the case of non-preventable disasters**, that clearly define roles and responsibilities of, and communication channels between, the various functions and actors in disaster preparedness, and in post-event disaster management, including emergency management, relief and rehabilitation;

(b) Devise exercises to test emergency response and relief plans and promote research on the technical, social and economic aspects of post-disaster reconstruction and adopt effective strategies and guidelines for post-disaster reconstruction;

(c) Establish reliable communications, and response and decision-making capabilities, including at the national, local and community levels;

(d) Establish contingency plans, *management and* assistance systems and arrangements for rehabilitation, reconstruction and resettlement;

(e) Strengthen scientific and engineering capacities for damage assessment and monitoring and for special rehabilitation and reconstruction techniques;

(g) Identify and support approaches to cope with the urgent shelter requirements of returnees and internally displaced persons;

(h) Identify approaches to minimize interruption to attendance in schools;

(i) Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict;

(j) Ensure that the particular needs of women, children, persons with disabilities and *vulnerable marginalized* groups are considered in all communications, rescue, relocation, rehabilitation, and reconstruction;

(k) Promote a cultural dimension in post-disaster rehabilitation processes.] -

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

D. Capacity-building and institutional development

1. Introduction

ARTICLE 129 j

(j) Reinforce measures to eradicate corruption **and institutional collusion between corporations including transnationals and state governments** and ensure greater **openness** *transparency*, efficiency and **genuine** community **involvement and participation in the preservation of the environment and in the use** *management* of local resources, **within the framework of Mandatory International Normative Standards (MINS);**

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation, particularly to share good **BEST (Best Environmentally Sound Traditions) practices** and innovative approaches to **socially equitable and environmentally sound** *sustainable* human settlements *management*;

(l) Develop, in cooperation with UNCHS (Habitat), associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise, **especially BEST practices.**

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the enshrining and guaranteeing of human rights, the preserving, and protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations/networks

131. To ensure effective decentralization and strengthening of local authorities and their associations/networks **within a framework of international principles based on the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war,** Governments at all appropriate levels, including local authorities, **shall should:**

(a) Adopt and adapt, *as appropriate*, policies and legal frameworks from other Member States that are effectively implementing decentralization **while adhering to international principles, and contribute innovative local practices to other states that could benefit from this insight;**

(b) Review and revise, as appropriate, legislation **to ensure compliance with international obligations**, increase local autonomy **participation** in decision-making, implementation, and resource mobilization and use, especially with respect to human **rights, allocation of funding for socially equitable and environmentally sound development** *technical and financial resources and local enterprise development*, within the overall framework of **international**, national, and local principles, obligations and undertakings *social, economic and environmental strategy* **and encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities** *city neighbourhood or dwellings*;

(c) Seek **additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support** local authorities reviewing revenue generating mechanisms;

(d) Facilitate the inter-transfer of **BEST (Best Environmentally Sound Traditions) Practices** *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with **businesses that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict.**, *inter alia*, through technical twinning and **inter-transfer** *exchange* of experience programmes, **recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world;**

(e) Enhance the performance of local authorities **by requiring BEST practices**, and by undertaking comparative analysis of, and disseminating of innovative **BEST** practices in, the delivery, operation and maintenance of public goods and services, **and in fostering and developing** *and in exploiting the fiscal other* potential of their cities;

(f) *Help institutionalize* **Ensure and implement** broad-based participation in decision-making and management processes at the local level **with genuine community involvement and participation in determining the terms of reference and in having input throughout the process;**

(g) **Ensure and strengthen the capacity of local authorities to seek, respect and rely on genuine community involvement and participation** *engage the local private and community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local socially equitable and environmentally sound development economic development;*

(h) Promote **genuine community involvement and participation in a policy dialogue between among all levels of Government, within a framework of governance principles, the private and community sectors** to improve planning and coordination **in implementing socially equitable and environmentally sound development;**

(i) Collect, analyse and disseminate, through **public channels**, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; **and facilitate the opportunity for citizens to present evidence of non-compliance with obligations through national and international mechanisms**

(j) Reinforce measures to increase the participation of **indigenous peoples, migrant workers, women, children and youth and other disenfranchised groups**. Eradicate corruption and ensure greater transparency **through efficient genuine community involvement and participation** in the **socially equitable and environmentally sound development** of local resources;

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation **within a framework of international principles** particularly to share good **BEST** practices and innovative approaches to **socially equitable and environmentally sound development sustainable human settlements management;** and

(l) Develop, in cooperation with UNCHS (Habitat), **and other UN agencies**, associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise. from diverse cultures, ethnic and historical backgrounds.

3. Participation, civic engagement and Government responsibility

ARTICLE 132

132. **Socially equitable and environmentally sound development** *Sustainable human settlements development* requires the active engagement **of individuals and organizations** of civil society —**those members of society that advocate the enshrining and guaranteeing of the respect for human rights, the**

preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and the enabling of socially equitable and environmentally sound development. *organizations, as well as the broad-based participation of all people.* It equally requires responsive, transparent and accountable governmental structures at all levels. Civic engagement and responsible government both necessitate the strengthening of **genuine community involvement and participation** *participatory mechanisms*, including access to justice and community-based action planning, which will ensure that all voices are heard, including particularly women, youth, children and elderly and all other vulnerable marginalized groups (UNICEF) in identifying problems and priorities, setting goals, exercising legal rights, determining service standards, mobilizing resources and implementing policies, programmes and projects.

ARTICLE 133

133. To encourage and support civic engagement and the fulfillment of government **obligations, expectations, duties, commitments, undertakings and** responsibilities, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based **genuine involvement and participation of all citizens people** in decision-making, **including in the determining of the terms of reference and in having input throughout the decision making process, implementation** and monitoring of human settlements *strategies*, policies and programmes, **and in presenting evidence through legal channels of non-compliance with obligations and expectations;** these institutional and legal frameworks would be specifically aimed at; *inter alia*:

- (a) **Ensuring protecting** the basic human right to hold and express opinions and to disseminate ideas and information;
- (b) Permitting, and facilitating the formation of independent non-governmental community local, national and international organizations **representing a civil society which advocates the enshrining and guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and thus the enabling of socially equitable and environmentally sound development.**
- (c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

(d) **undertaking education and training programs that promote the ensuring of social justice, the preservation, conservation and protection of the environment, the enshrining and guaranteeing respect for human rights, and the elimination of conflict and war, and that are based on significant principles drawn from United Nations conventions, treaties, covenants, declarations, conference action plans and General Assembly Resolutions.**

DOCUMENTATION OF PRECEDENT;

RE: PROVIDING SOCIAL SERVICES IN HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

(a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;

(b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups especially children, women and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice (1 Habitat I)

(e) establishing regular **opportunities for genuine community involvement and participation** *and broad-based consultative mechanisms as individuals and organizations of civil society for involving civil society—both women and men* in the decision-making process, including in the determination of terms of reference and in having input throughout the process for all major policies, plans and programmes that will affect their lives; (*e bis.*) In addition, removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;

(f) establishing agenda-setting **for genuine community involvement and participation** *participatory mechanisms enabling citizens individuals, to ensure that communities and individuals and organizations of civil society organizations* to play a pro-active, constructive and substantive role in identifying and formulating new policies, plans and projects, **and in determining the terms of reference and in having input throughout the policy formation and the plans and projects development;**

(g) fostering an understanding of contractual relationships **between NGOs and businesses that observe the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and the preventing of conflict and war, and the ensuring of socially equitable and environmentally sound development and BEST practices, and non-governmental organizations (NGOs) sectors to acquire the skills for participating in and developing projects that will benefit all people negotiating effective partnerships for project implementation, development and management that will maximize benefits to all people;**

(h) promoting equality, **social justice**, and *equity fairness*, *incorporate by incorporating* gender and age considerations and *involve involving* marginalized and low-income groups **including people with disabilities, migrant workers, indigenous peoples** through institutional measures to ensure their interests are represented in policy and decision-making processes, and through such techniques as advocacy training and seminars including ~~the development of those that develop~~ *mediating and consensus-building skills* ~~to~~ **and** facilitate effective networking and alliance formation;

ARTICLE 133 e

(i) **Ensuring Improving** access to judicial and administrative channels for affected **persons and (UNICEF) disadvantaged and marginalized** groups to challenge, or seek redress **from decisions that deny social justice, that destroy the environment, that violate human rights, that are destructive to human health and well-being, or that contribute to war and conflict** *from socially and environmentally harmful decisions and actions*; including legal mechanisms to ensure that **all (UNICEF) State bodies both national and local (UNICEF)** remain legally accountable for their actions, in accordance with their social *and* environmental and **human rights** obligations as defined in both national legislation and **in international conventions, treaties, covenants, declarations, conference action plans and general assembly resolutions. Affected individuals shall, after exhausting all domestic remedies, have access to an International Court of Compliance to bring evidence of state non-compliance. Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;**

(i) bis **Ensuring** access, when all domestic channels have been exhausted, or when there is no legitimate domestic remedies in place, to an International Court of Compliance where affected persons and groups can seek redress for decisions that deny social justice, that destroy the environment, that violate human rights or that contribute to war and conflict. **Broadening the procedural right of individuals and civil society to take legal actions on behalf of affected communities or groups which do not have the resources or skills to take such action themselves, and promoting the**

representation of inter-generational interests, including children and future generations in decision-making processes.

(j) Facilitating access to legal services by people living in poverty (Canada) low-income and marginalized groups through provision of facilities such as legal aid and free legal advice centres. In addition access to reliable scientific and medical expertise without undue financial burden to the applicant should be provided.

(k) Strengthening **the capacity of international United Nations bodies to establish mandatory international normative standards-and-regulations (MINS) based on fundamental principles enshrined in international customary law; and providing opportunities for local authorities and individuals and groups of civil society organizations to review social, economic and environmental policies affecting their communities and to set local priorities and contribute to the setting of local standards, based on the mandatory international normative standards, for services in such areas basic education, public safety drug-abuse awareness and environmental management: environmental protection and pollution prevention, social justice and basic needs and rights —right to housing, food, safe drinking water, social security, education and universal health care and safety as basic education, child care(EU), public enshrine the right to primary health care—free emergency health care including treatment completion and foster best practices for health promotion and disease prevention recognizing the value of traditional and natural remedies and to universal health care, water for domestic, agricultural and industrial use, public infrastructure,(FAO) public safety, drug- abuse awareness and environmental protection and pollution prevention management; (133)**

ARTICLE 134

134. *Human settlements managers need to draw on the skills and resources of a diversity of people and institutions at many levels coupled with genuine community involvement and participation are essential for socially equitable and environmentally sound development of human settlements.* Scarcity of suitably qualified personnel *and* weakness of institutional systems *and* technical capacity, **as well as unwillingness to draw upon the individuals and groups from civil society that are experienced and aware of the physical and social service community facilities, that are active in the preservation, conservation and protection of the environment and that are advocates of social justice and human rights** are among the main obstacles to the improvement of human settlements in many countries. **In addition, the use of BEST (Best Environmentally Sound Traditions) practices based on principles of socially equitable and environmentally sound development in *new skills, know-how and technology in all aspects of developing community based planning of***

human settlements planning and management will be necessary. In countries where change is rapid there is a need for governments and the international community to ensure the effective development and transfer of leadership skills, *management* expertise and experience **in guaranteeing the respect for human rights, in preserving, conserving and protecting the environment, in promoting peace and social justice, and in advocating BEST practices, know-how and technology.**

Actions

ARTICLE 135

135. To improve **the planning and development of socially equitable and environmentally sound human settlements management,** governments at all appropriate levels, including local authorities and their associations, **shall should:**

(a) Support training programmes for administrators and civic officials at all levels, as appropriate, **and enhance leadership qualities of individuals and organizations of civil society and promote the inclusion of women and young people, and marginalized members of society in staff structures and decision-making;**

(b) Establish *private-public, community, urban-rural sector, BEST practices enterprises business* and economic forums to facilitate the transfer of expertise *management know-how* and experience;

(c) Develop and implement and comprehensive training, education **in socially equitable and environmentally sound and human resources** development policies and programmes involving a wide range of **individuals and groups of civil society including the participation of academics,** local authority associations, *academic, research, training and educational institutions* and the **BEST practices enterprises private sector** focusing on:

(i) The **furthering of genuine community involvement and participation development of a multi-sectoral approach** to human settlements development, **which includes the participation of women, migrant workers, minority groups, indigenous peoples and other usually marginalized individuals and groups;**

(ii) The **cooperative decision making process where there is a continual drawing upon the experience and expertise of members of the community** *The training of trainers to develop a core capacity for institution-strengthening and capacity-building;* **including women, youth, elderly and members of disadvantaged or marginalized groups.**

(iii) The development of local capacity to define needs and undertake or commission applied research, particularly in social and environmental impact assessments, local **socially equitable and environmentally sound development growth and creation of meaningful employment job creation**, and to *incorporate* apply the findings from the research *in management systems* in socially equitable environmentally sound human settlements;

(d) Develop information systems for the exchange, transfer and sharing of experience, expertise, know-how and **BEST practices in socially equitable environmentally sound human settlements technology in human settlements management**;

(e) *Encourage, as appropriate, the involvement of private-sector entities in improving public-sector management and administration and the formation of entities that are public in their function, private in their management and publicly-privately funded; and*

(e) develop information systems for **networking and accessing resources in a timely manner, and for** the exchange, transfer and sharing of experience, expertise, know-how and **BEST practices technology related to** *in human settlements management*;

(f) **help develop principle-based decision making processes to enable mediation programmes in conflict resolution between competing agents in the access to, distribution and use of resources and spaces in settlements.**

4. Metropolitan planning

ARTICLE 136

136. Although **there are the managers of human settlements face** many common challenges **in urban and rural human settlements**, *those responsible for the management and development of metropolitan areas and mega-cities face unique problems caused by the size and complexity of their tasks and responsibilities. Among the characteristics of metropolitan areas that require special skills to handle are* their ethnically **religiously** and culturally diverse populations; their large concentrations of urban poverty **within economically deprived zones (NGO Composite)**; their extensive infrastructure...networks and transportation and communications systems; their role in national, regional and international production and consumption cycles, economic development, trade and finance; and their potential for severe environmental degradation. Large metropolitan areas and mega-cities also represent the largest potential risks of human, material and production-capacity loss in case of natural and human-made disasters and **the greatest negative impacts of the global economy and of structural**

adjustment programmes on local economies. In some countries, the lack of a metropolitan-wide authority creates difficulty in urban management.

Actions

ARTICLE 137

137. To address the special needs of metropolitan areas, Governments at all the appropriate levels, including local authorities, **shall should**:

- (a) **Ensure and promote metropolitan-wide planning in socially equitable and environmentally sound development and management strategies; which include individuals and organizations of civil society with those members of society that are using marginalized in the planning process.**
- (b) Monitor and analyse the effectiveness and efficiency of metropolitan structures and administrative systems, and incorporate the results into public policies for dealing with macroeconomic, social and environmental issues;
- (c) Create a legislative framework and adopt organizational structures that ensure coordinated and efficient delivery of services *delivery*, **provision** of resource *mobilization* and *sustainable* **socially equitable and environmentally sound** development throughout metropolitan areas;
- (d) Strengthen the capacity and mandates of metropolitan authorities to deal effectively with issues of regional and national importance, such as the **use of land, energy and water resources management, the preservation, protection and conservation of the environment management, and** the access to adequate social infrastructures, transportation and communications, trade and finance, and social integration;
- (e) Develop, **a coalition of individuals and groups of civil society with varying areas of experience and expertise to collaborate with a** professional staff trained in the technical aspects of planning and development of primary infrastructure and emergency prevention and planning;
- (f) Facilitate and promote policy dialogue and the exchange of experience, expertise, know-how and **BEST practices technology among** metropolitan authorities **with individuals and groups of civil society including women and numerous marginalized groups** in such areas as transportation and communications, waste **prevention, reduction, resource-reversion waste, and mitigation, management**, energy conservation, social welfare and environmental **preservation, protection and conservation management.**

5. Domestic financial resources and economic instruments

ARTICLE 139

139. Financing the future of urban development and sustaining the economic viability of cities represents a particular challenge which will require innovative systems of finance at national and local levels. Effective *cooperation partnerships* between the public and **BEST practices enterprises** are needed which combine local taxes on production and consumption with fiscal incentives for investment by *industry, commerce, trade and the private service sector*. **BEST practices enterprises with local materials and that provide socially equitable and environmentally sound meaningful employment** New forms of municipal finance are needed to meet the future needs of urban economic development and the costs of supporting infrastructure and services. **In addition funding shall be sought from the reduction of the military budget and from requiring the payment of deferred taxes from industry. It is thus necessary to reduce military expenditures and production in order to finance programs for habitat (NGO Composite).**

BACKGROUND

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs In 1994 States, in adopting the statement from the International Conference on Population and Development, concurred that the attainment of “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.(Article 1.19) In 1995, Similarly, states in adopting the statement from the Social Development Summit endorsed the calling for “the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action States have made a commitment to maintain “ peace and

security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict” (Art. 14) and to reduce “...military expenditures “ (Art. 15)., states have also made a commitment to the “prevention and resolution of conflicts”(art 15) and to “increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes (145a)

In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). Yet, through sympathetic administrations states have for years failed to ensure corporate compliance with national laws, codes and regulations, and international agreements. States have continued to provide subsidies and tax deferrals to corporations, a large proportion of whom have engaged in socially inequitable and environmentally unsound development.

Actions

ARTICLE 140

140. To strengthen the national and local economic and financial base with a view to addressing the needs of **socially equitable and environmentally sound sustainable** human settlements *development*, Governments at all appropriate levels, including local authorities, **shall should**:

(a) Strengthen, as appropriate, the capacity of local authorities to attract **BEST practices** investments;

(b) Adopt macroeconomic policies and frameworks which encourage increased domestic savings and facilitate their use in housing, basic infrastructure and **other socially equitable and environmentally sound settlements** development;

(c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment fees **levies** to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments **which are conditional on mandatory international normative standards (MINS) including the penalizing penalize of environmental damage arising from both**

production and consumption of environmentally unsound activities (NGO Composite);

(d) Enhance national and local tax collection capabilities and expenditure control **to reduce cost attainment ? and increase tax effort for revenue maximization** (NGO Composite)

(e) *Strive for full cost recovery of urban services through user charges, while at the same time* Addressing the needs of the **people living in poverty poor, inter alia**, through pricing policies and, where appropriate, by *transparent* subsidies;

(f) Support local efforts to encourage voluntary private and community sector partnerships and participation in building, operating and maintaining basic infrastructure and services **which employ gender and marginalized group sensitive policies, and address the needs of marginalized groups and empower women with financial resources for home acquisition** (NGO Composite);

(g) *Rationalize and* Facilitate local authorities' access to national, regional and international capital markets and specialized lending institutions, including, *inter alia*, instituting municipal credit rating and credit systems, **which ensure that women and members of marginalized groups have genuine involvement and participation are integral in program in the development of socially equitable and environmentally sound human settlements** bearing in mind the borrower's capacity to repay the debt;

(h) Facilitate the role of local authorities in **working cooperatively forming partnerships with the private**, community and cooperative sectors and institutions for local development by **BEST practices enterprises development**;

(i) Institutionalize budget mechanisms, where appropriate, and accounting to enable local authorities to engage in medium- and long-term investment programmes;

(j) Establish *transparent* open systems and procedures to ensure financial accountability;

(k) Institutionalize, where appropriate, *transparent, open*, inter-governmental transfer **methods mechanisms** that are timely, predictable and performance- and need-based; and

(l) Attract **BEST practices enterprises private and community** investment to urban development.

(m) use a reduction of national military budgets to fund local programmes for human settlement as agreed through General Assembly Resolutions.

6. Information and communications

ARTICLE 141

141. Recent developments in information technology, in conjunction with the liberalization of trade and the free flow of capital on a global scale, **are bringing will bring** about radical changes in the roles and functions of cities, and their decision-making and resource allocation processes. Those Governments that make the necessary investments in information technology and infrastructure and enable and empower their citizens to make effective use of such technology can expect to foster tremendous **additional** productivity gains in industry, trade and commerce. **However in many countries these productivity gains have benefited only a fortunate few, while contributing to increasing income inequality and unemployment. Furthermore, these technologies are only available to those who can afford them and place the substantial majority of people who do not have access at an increasing disadvantage in a competitive global economy. In addition, there has been an unprecedented dependency on computer technology as the panacea for organizing infrastructures, and as noted recently the global conversion to accommodate the date transfer into the year 2000 will cost the global community at least \$400 billion US It is recognized that this improved information technology should be appropriately and optimally has the potential to be** utilized to preserve and share **cultural and** moral values and enhance and improve education, training **development of meaningful employment programmes for women and marginalized groups, has the potential to contribute to** public awareness of the social, economic and environmental issues affecting the quality of life, and **has the potential to** facilitate access by all *key actors and* communities to the exchange of habitat practices, including those which uphold the rights of children, women **disabled, frail elderly, displaced,** and other *vulnerable marginalized groups to genuine community involvement and participation in developing socially equitable and environmentally sound human settlements. context of growing urbanization.*

Actions

ARTICLE 142

142. To improve the capacity to *use exploit* these innovations **to enhance the public good**, governments **at all appropriate levels including** ~~and~~ local authorities **shall should:**

(a) **Develop, upgrade, and maintain** information infrastructure and technology **with a healthy skepticism about the role of this technology** and encourage their use by all levels of Government, public institutions and *civil society organizations individuals and groups of civil society*; **Caution should be exercised in becoming too dependent on this technology.**

(b) **develop and implement a training program for women, men of all ages and for members of marginalized groups** in the use, ways and means of information technology; (Composite NGO)

(c) Develop methods of sharing experiences through electronic means, such as the Internet, networks and libraries of local initiatives and the dissemination of **information on best BEST (Best Environmentally Sound Technique)** practices;

(d) **Implement programs that** encourage participation of children, youth, **women, the elderly, people in poverty, and other members of marginalized groups** in the use of public libraries and communication networks (NGO Composite);

(e) Facilitate the learning process through the dissemination of both successful and unsuccessful experiences in human settlements taken from governments, public **institutions, BEST practices enterprises, corporations, including transnationals, private and community organizations sectors**;

(f) **Establish Encourage** policies that make information technology and services available and more accessible to the general public; and

(g) Ensure *Guarantee* the free flow of, and access to, information in all areas of public policy, decision-making, resource allocation, **and social developments which impact women, children and marginalized groups (NGO Composite).**

(h) **Assure market competition and broad public access in the provision of information technology and media services by strictly limiting concentrations of private ownership and control and by maintaining public information technology and media facilities for those who otherwise lack access (NGO Composite).**

(i) **implement policy measures to assure that the benefits of productivity gains are broadly shared and contribute to livelihood creation rather to increased unemployment.**

142 bis. That dissemination of experiences that contribute to facilitate the access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human settlements development. National governments, in partnership with social actors, should:

(a) Promote the selection of urban management practices which stand out by their positive impact in improving habitat, by their use of participatory modes of organization and operation, by their sustainable and lasting character, and by their tendency to become universal;

(b) Set up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field;

(c) Promote dissemination of the selected practices locally, nationally, regionally and internationally, in an integrated manner.

Part IV.

GLOBAL PLAN OF ACTION: *STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION*

E. International cooperation and coordination (143 -157 IN BRACKETS)

1. Introduction

ARTICLE 143

[143. The goals of ensuring adequate shelter for all and making human settlements and communities **environmentally sound, productive**, healthy, safe, more equitable and sustainable contribute to achieving world peace, development, stability and justice. International cooperation takes on added significance and importance in the light of recent trends in the globalization and the interdependence of the world economy. There is an urgent need to redefine and resuscitate the existing processes and structure of cooperation and to evolve new and innovative forms of cooperation with a view to enabling humankind to face the challenges posed by the development of rural and urban areas. **There is urgency to redefine development and move towards a new “international economic order” based on socially equitable and environmentally sound development. This new order may require the political will to reduce the global military budget by 50% (from the current 800 billion to 400 billion which it was in 1981 when there was a UN General Assembly resolution to freeze and reduce the military budget) at with the undertaking to transfer the peace dividend to socially equitable and environmentally sound development. The states of the world must firmly adhere to the principle endorsed in the United Nations Conference on Human Environment where states agreed to eliminate weapons of mass destruction, which by definition would include nuclear weapons as well and chemical and biological. In addition the global community must undertake to condemn the continued mining of uranium for weapons production, the use of civil nuclear reactors whose waste is a scourge for future generations, the use of plutonium from former nuclear weapons sites as a fuel for nuclear reactors. Thus** there is a need for the political will of all States as well as specific action by the international community to establish and inspire new forms of cooperation, partnership, coordination and investment, including the local private sector, in order to contribute effectively to the provision and improvement of shelter conditions in human settlements, especially in developing countries, taking into account the diversity of the needs of human settlements among countries.

144. **Although** the formulation and implementation of strategies for human settlements development are the responsibility of each country at the national and local levels, and should take into account the economic, social and environmental diversity of conditions in each country, **fundamental principles derived from the obligations incurred in the United Nation Conventions, Treaties, Covenants**

and from the expectations created in the United Nations Declarations, Conference action plans and General Assembly Resolutions shall establish the basis for socially equitable and environmentally sound development. The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires the establishment of mandatory international normative standards-and-technical regulations (MINS) that will drive the corporations, including transnationals, and funding agencies such as the development banks to ensure socially equitable and environmentally sound development.** Currently the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry will there be the needed shift towards a real cooperation based on the highest tenable principles. This shift from aid to trade clearly points to the need for **global mandatory regulations and standards to drive corporations including transnationals *private sector* to participate in socially equitable and environmentally sound development. *participation in the shaping of international cooperation.*** The international community, including multilateral financial institutions, **has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical -regulations (MINS) based on principles established over the past 50 years in international instruments.** In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, states undertook to ensure that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.”. In addition the lending institutions shall not support the “clean-up environment industries” which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best environmentally sound technology that *environmental to ensure that additional resources to reinforce national efforts to foster an enabling environment to* **and** achieve the objectives of adequate shelter

for all and the **socially equitable and environmentally sound sustainable development** of human settlements.

ARTICLE 144 bis

144 bis. [International cooperation assumes added significance and importance in the wake of recent trends in the globalization of the world economy on the one hand and the continued deterioration of the plight of developing countries on the other hand. The problems resulting from poverty, urbanization, lack of adequate shelter including social housing, rapid population growth, rural-urban migration, economic stagnation and social instability are especially acute.]

ARTICLE 145

145. [In recent years disparities in economic growth, environmental degradation, and labour-market asymmetries have increased international migration, and have impacted on spatial distribution of cities' population entailing the imbalances of human resources among countries of origin and countries of destination.] Innovative approaches and frameworks for international cooperation in human settlements development and management must be sought and developed to include the active participation of all levels of Government, the **segment of private sector which is driven by high global mandatory regulations and standards** and cooperative sectors, non-governmental organizations and community-based organizations, in decision-making, policy formulation and resource allocation, implementation and evaluation. These approaches and frameworks should also include new and improved forms of cooperation and coordination between and among multilateral financial institutions, international organizations and various organs and bodies of the United Nations system, including south-south, north-south and south-north exchanges of best practices, the continuous development of policy, **and planning and management** tools and instruments such as the application of shelter and urban indicators, human resources development and institutional capacity-building. **In this new global partnership at all levels decisions will be guided by principles reflected in International instruments endorsed by the states within the global system.**

ARTICLE 145 bis

145 bis. These innovative approaches should also include new forms of cooperation and partnerships between multilateral and bilateral assistance agencies on the one side, and **individuals and groups of civil society** and local authorities, on the other, based on the **adherence to principles related to the enshrining and guaranteeing of the respect for human rights, the preservation, protection and conservation 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,**

Principles of local implementation of mandatory standards and regulations should guide "decentralized cooperation". This implies recognition of the capacity of local authorities to develop international relations and cooperation, with the existing legal frameworks of each country, their right to devote their own resources for that purpose and to be associated in the process of defining international human settlements policies. Governments as well as bilateral and multilateral aid-agencies should commit themselves to encourage decentralized cooperation between local authorities as well as the strengthening of networks of associations of local authorities.

EVIDENCE OF PRECEDENT

RE: REDUCING OF DISPARITIES

4. It is of paramount importance that national and international efforts give priority to improving the rural habitat. In this context, efforts should be made towards the reduction of disparities between rural and urban areas, as needed between regions and within urban areas themselves, for a harmonious development of human settlements. (III 4 Habitat I)

2. Enabling international context

ARTICLE 146

146. *The process of Urbanization has resulted from a development model that has been based primarily on economic progress. Socially equitable and environmentally sound human settlements will result from a cooperative and collective undertaking to ensure social justice, to enshrine and guarantee the respect for human rights, to preserve, conserve and protect the environment, and to prevent of conflict and war. is linked to economic development, social development and environmental protection, The promoting of BEST (Best Environmentally Sound Traditions) practices, the preserving and protecting of the environment, the ensuring of social justice are interdependent and mutually reinforcing components of sustainable socially equitable and environmentally sound development. The provision of adequate shelter for all and sustainable socially equitable and environmentally sound human settlements development are increasingly influenced by the global economy. In this context, it is imperative to enable requires all countries, especially developing countries, to improve living and working conditions in human settlements to draw upon endogenous BEST practices with international funding to assist in developing traditional practices. The international funding should be provided to stimulate BEST practices. This calls for an enabling international environment and integrated approaches at national and international levels which take account of the efforts of countries to implement programmes of economic*

reform or economic transition. Furthermore, **BEST practices technological developments** are leading to major changes in the structure of **meaningful** employment. *[It should be recognized that in social and economic terms the housing sector is a productive sector and should be treated on an equal basis with other productive sectors. Achievement of the goal of sustainable human settlements development at the global level would depend on fair and durable solutions of, inter alia, the issues of finance, debt, trade and transfer of technology.]*

ARTICLE 147

147. The international community should support governments in their efforts **to promote socially equitable and environmentally sound** *to cope with the impact of these changes on human settlements* within a framework of **cooperation and collectiveness** *enabling strategies*. The international community **should shall** promote:

(a) *The establishment of **Openness, equity, co-cooperativeness and mutually benefit** open, equitable, cooperative and mutually beneficial international economic environment;*

(b) *The co-ordination of macroeconomic policies at all levels to achieve an international financial system that is conducive to stable and **sustained economic growth** and **socially equitable and environmentally sound** development;*

(c) *An international financial system that is more conducive to stable and **socially equitable and environmentally sound** **sustainable** human settlement **development** through, inter alia, a higher degree of stability in international financial markets, a reduction of the risk of financial crisis, and lower real interest rates;*

(d) *An environment in all countries, [including developing economies, economies in transition and developed economies,] that attracts foreign and domestic direct investment, and encourages savings;*

(e) **BEST (Best Environmentally Sound Traditions) practices** *development, productive investment and expanded access to open and dynamic markets in the context of an open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international trading system, [and to technologies for all people, especially those living in poverty and the disadvantaged and marginalized , as well as for the least developed countries];*

(f) *Capacity building though **BEST practices** in developing countries in all regions, particularly African countries and the least developed countries: and in countries with economies in transition;*

(g) The strengthening and improvement of *technical and* financial assistance to developing countries in all regions to promote **sustainable socially equitable and environmentally sound** development and overcome hindrances to their full and effective **genuine involvement and** participation in the world economy.

ARTICLE 148

148. With specific reference to *sustainable socially equitable and environmentally sound* human settlements *development* and the provision of shelter, the international community **shall should**:

(a) Ensure that the benefits of **the global economy economic growth** improve people's quality of life in all nations, regardless of where people live;

(b) *Mobilize Provide* national and international financial resources for shelter provision and **socially equitable and environmentally sound sustainable** human settlements *development*;

(c) Facilitate increased access by all levels of government, by **BEST practices enterprises, and by individuals and groups of civil society including those usually marginalized by society and the private sector in developing countries and countries with economies in transition** to international financial resources to enable them to attract investment in shelter and infrastructure for **sustainable socially equitable and environmentally sound** human settlements *development*;

(d) In a manner consistent with national legislation, seek to increase the ability of local authorities, non-governmental organizations and **BEST practices enterprises the private sector** to link *directly with global capital markets, in accordance with prudential safeguards in those markets*, to finance their shelter and infrastructure programmes *and to establish international and local mechanisms and instruments to facilitate risk sharing and credit enhancement for investing agencies - local, regional and national*;

(e) Promote strategies to ensure substantial, well-directed *public and private* investments in **BEST practices** in shelter, infrastructure and health, education and other basic services, including through the provision of *appropriate technical and* financial assistance;

[(f) Encourage international cooperation, in order to address the negative impact of international migration through *technical* assistance, **BEST practices management know-how, exchange of information as well as**

by ensuring equitable wages and working conditions for both migrant and native workers.]

[(g) Continue to provide support to refugees in order to meet their needs, and to assist in assuring them a just, durable solution in accordance with relevant United Nations resolutions and international law, noting that sustainable human settlements can only be established for them on their land of origin.]

3. Financial resources and economic instruments

ARTICLE 149

149. The **need and the** demand for shelter *and infrastructural services in human settlements* is continuously increasing. *Communities and countries, especially developing countries, have difficulties in mobilizing adequate financial resources to meet rapidly rising costs of shelter, services, and physical infrastructure.* [New and additional financial resources, from various sources, are necessary to achieve the goals of adequate shelter for all and **socially equitable and environmentally sound sustainable human settlements development** in an urbanizing world. The existing resources available to developing countries - public, private, multilateral and bilateral - need to be enhanced through appropriate and flexible mechanisms and economic instruments to support sustainable human settlements development.]

ARTICLE 150

150. Implementation of the Habitat Agenda, particularly in developing countries of all regions, especially those in Africa and the least developed countries, will need additional financial resources *to be mobilized* at national and international levels and more effective development cooperation and assistance. This will require, inter alia:

ARTICLE 150 (a—z)

General

[150. (a) Translating the commitments of Habitat II into financial implications for the provision of adequate shelter and **socially equitable and environmentally sound human settlements development** in developing countries in all regions, particularly those in Africa and the least developed countries;

(b) Promoting assistance for shelter and human settlement activities in favour of **vulnerable marginalized** groups, such as refugees and internally displaced persons, documented migrants and the homeless through specific targeted grants and other assistance programmes;

15 The highest priority should be placed on the rehabilitation of expelled and homeless people who have been displaced by natural or man-made catastrophes, and especially by the act of foreign aggression. In the latter case, all countries have the duty to fully cooperate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

Official financial resources

(c) Raising the priority of adequate shelter for all and **socially equitable and environmentally sound *sustainable* human settlements development** among multilateral and bilateral donors *and mobilizing their support* for national, sub-regional and regional plans of action of developing countries, especially for interested beneficiary countries;

(d) Striving to fulfil the 0.7 percent of GDP target and the 0.15 percent of GNP target for assistance to the least developed countries as soon as possible, and to increase, where appropriate, the share of funding for **socially equitable and environmentally sound *sustainable* human development** programs;

(e) Achieving the agreed targets of 0.7 percent of GNP for overall official development assistance (ODA), and 0.15 percent of GNP for assistance to the least developed countries, as soon as possible, and no later than the year 2000, and increasing the share of funding for adequate shelter and **socially equitable and environmentally sound development programmes** in human settlement, commensurate with the scope and scale of activities required to achieve the objectives and goals of the Habitat Agenda;

(f) Replacing *Striving to ensure that* structural adjustment programmes with programmes that would respond to the needs of those who have been indebted as a result of over-consumptive models of development inconsistent with **socially equitable and environmentally sound development. *sustainable human settlements development***;

(g) Inviting the international financial institutions to examine innovative approaches with **genuine community involvement and participation** to assisting low-income countries with a high proportion of multilateral debt, with a view to alleviating their debt burden;

Partnerships Cooperative participation

(h) Encouraging multilateral development institutions and donors to support nations in their effort to pursue enabling strategies through which national and local governments, communities and **BEST practices enterprises** *the private and cooperatives sectors can form can work collectively and cooperatively together* *partnerships to participating in providing shelter and sustainable socially equitable and environmentally sound human settlements activities;*

(i) Inviting multilateral and bilateral donors to support countries, particularly developing countries, in their efforts to pursue enabling strategies through which governments, local authorities, communities, and the private and cooperative sectors can form partnerships to participate in the provision of adequate shelter, including social housing and sustainable human settlements development activities;

(j) Exploring ways and means to strengthen support and expand south-south cooperation based on the concept of triangular cooperation, partnership between developing and developed countries, as well as enhanced cooperation among developing countries;

(k) Consolidating solidarity of the international community and its organizations to provide adequate shelter for all and sustainable human settlements development for people living under foreign occupation;

Improving the effectiveness of financial resources

(l) Striving to enhance the effectiveness of existing ODA and other external financial flows through improving coordination between **policies and among of donors and mandatory international normative standards derived from obligations, and expectations from international United Nations instruments and agreements** *operational activities, and through better coherence between those flows and internal sustainable human settlements strategies;* those practices related to socially equitable and environmentally sound development.

(m) Supporting programmes that increase the effectiveness and **openness** *transparent utilization* of public and private resources, reduce wasteful and untargeted expenditure and increase access to housing and services for people living in poverty;

(n) Recognizing the negative effect of excessive military expenditures, trade in arms, especially of those arms that are particularly injurious or have

indiscriminate effects such as land mines whose use should be banned, and excessive investment for arms production and acquisition; The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget (UN General Assembly 36/81). Also, in 1981 the UN General Assembly undertook to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81.

DOCUMENTATION OF PRECEDENT:

RE; PREVENTING WASTE AND MISUSE OF RESOURCES FOR WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

(o) Giving preference, wherever possible, to the *use utilization* of competent national experts or, where necessary, of competent experts from within the sub-region or region or from other developing countries, in projects and programmes design, preparation and implementation, and to the building of local expertise where it does not exist; **and at all times there shall be genuine community involvement and participation;**

(p) Maximizing projects and programmes efficiency by keeping overhead costs to a minimum;

(q) Integrating practical measures for **preventing and reducing disaster-vulnerability** in development programmes and projects, in particular construction of buildings and communication systems, financed by the international community, and ensuring that such measures become an integral part of feasibility studies and project identification;

Private Non-exploiting enterprises financial resources

(r) Developing economic policies to promote *and mobilize* domestic savings and attract external resources **for socially equitable and environmentally sound *productive* investments within a context of BEST**

practices driven by MINS 1997, and seeking innovative sources of funding, both public and non-exploiting enterprises *private*, for adequate shelter and socially equitable and environmentally sound *sustainable* human settlements development *programmes*, while ensuring their effective utilization;

(s) Strengthening financial *and technical* assistance for **BEST practices** and community-based development and self-help programs, and strengthen cooperation among governments at all levels, community organizations, cooperatives, formal and informal banking institutions, *private BEST practices* enterprises and international institutions, with the aim of *mobilizing* providing local savings, promoting the creation of local financial networks, and increasing the availability of credit and market information to low-income individuals, people in poverty, women, and *vulnerable* marginalized and disadvantaged groups for shelter and **socially equitable and environmentally sound** human settlements *development*;

(t) Facilitating access to global finances for governments and local authorities which are initiating or are involved in **working cooperatively** with **BEST practices** enterprises, and with individuals and groups of civil society including individuals and groups that are usually marginalized from the decision making process and *public-private partnership programmes*;

(u) Establishing and supporting linkages of informal credit mechanisms to the global pool of resources and increasing access by a majority of the population to housing finance through participatory processes involving communities, non-governmental organizations, credit unions, global financial institutions and other relevant actors;

Existing economic instruments

(v) Attracting international flows of public finances for **providing** shelter *provision* and **socially equitable and environmentally sound** human settlements *development* through appropriate economic instruments;

(w) *Considering means to facilitate foreign private sector investment in sustainable human settlements projects, particularly in the areas of infrastructure and transportation, for example by way of BOT schemes*;

(x) Assisting countries, particularly developing countries, in implementing effective and equitable pricing mechanisms for adequate shelter and **socially equitable and environmentally sound** settlements human settlements, infrastructure and services to induce greater flows of *private*,

domestic and global funds, while ensuring **openness** *transparent* and *targeted* subsidies for people living in poverty;

(y) Examining appropriate debt-equity swapping measures in favour of shelter and infrastructure development in human settlements;

Innovative economic instruments

(z) Developing innovative sources of funding, *both public and private*, for **socially equitable and environmentally sound human settlements development**, and creating a *supportive environment support* for the *mobilization of resources* by **individuals and groups of civil society**, including beneficiary and individual voluntary contributions;

Special financing needs/issues

(aa) Providing assistance for shelter and **socially equitable and environmentally sound human settlement development activities in favour of** for people living in poverty, particularly women, and **vulnerable marginalized groups**, such as refugees, internally displaced persons, people with disabilities, street children, migrants and the homeless through specific targeted grants;

(bb) Promoting assistance for shelter and human settlement activities in favour of **vulnerable marginalized groups**, such as refugees and internally displaced persons, documented migrants and the homeless through specific targeted grants and other assistance programmes;

(cc) Recognizing the need for shelter and **socially equitable and environmentally sound human settlements development** in order to address the special conditions of some countries experiencing natural and human-made disasters and the urgent need to reconstruct their economies and **communities human settlements**;

(dd) Implementing the commitments of the international community to the special needs and vulnerabilities of human settlements in the small island developing States, in particular by providing effective means, including adequate, predictable, new and additional resources for **programmes for socially equitable and environmentally sound human settlements programmes**, in accordance with the Declaration of Barbados and on the basis of relevant provisions of the Programme of Action for the Sustainable Development of Small Island Developing States;

(ee) Providing international support and assistance to the land-locked developing countries and their neighbour transit [?] developing countries in their efforts to implement the outcome of Habitat II, taking into account the challenges and problems characteristic to those countries;

(ff) Agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of ODA and 20 per cent of the national budget, respectively, to basic social programmes;

(gg) Providing soft loans and grants to enable all nations to specifically address the needs of *vulnerable marginalized groups*.]

4. Technology Transfer and Information Exchange

ARTICLE 151

151. [The use and transfer of environmentally sound *technologies practices* which have a profound impact on consumption and production patterns is one of the prerequisites for **socially equitable and environmentally sound sustainable** human settlements *development*. Advanced **BEST (Best Environmentally Sound Traditions) practices and appropriate technologies** and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of **meaningful** employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on **BEST practices available technologies** and options for their transfer. It is understood that the transfer of *technology* **BEST practices** includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits, **particularly those benefits that shall accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology**].

ARTICLE 152

152. The international community, in promoting and facilitating the transfer of technology and expertise in support of the implementation of national plans of action, should:

(a) Establish and reinforce, as appropriate, global networks among all [stakeholders] individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society to facilitate information exchange on environmentally sound technologies particularly those related to shelter and human settlements;

(b) Ensure that the process of technology transfer is fair and avoids dumping of environmentally unsound technologies on the recipients, and also avoids the replacing of significant endogenous BEST practices. In addition, the promotion of clean-up technology which has been used to justify the continuation of the production of hazardous, toxic or atomic wastes undermines the development of BEST practices, and should be discouraged so that the emphasis will be on prevention practice—doing it right the first time.

(c) [Facilitate] [Develop and intensify] technical cooperation with and among all regions including south - south cooperation in order to exchange experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements;

(c bis.) Ensure use of appropriate technology and production of local building materials;

(d) Place special emphasis on the funding, and promotion and dissemination of applied research and innovation in all areas which could contribute to enhancing the capabilities of developing countries particularly those in Africa and least developed countries, to provide shelter, urban services, infrastructure and amenities to their communities;

(d bis.) Support the development of international, sub-regional and regional networks of research, production, dissemination and commercialization institutions for locally produced building materials;

(e) [Enhance the identification and dissemination of new and promising technologies related to human settlements which generate meaningful employment and lower cost of infrastructure, make basic services more affordable, and minimize detrimental environmental impacts, and identify specific roles for existing United Nations organizations, [especially UNCHS (Habitat)] which would promote these goals].

5. Technical Cooperation

ARTICLE 153

153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. UNCHS (Habitat) should [play central role] and act as catalyst in mobilizing technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

ARTICLE 154

154. More specifically, the international community should:

(a) Establish, [within existing resources] cost-effective global human settlement information networks in the form of permanent and "electronic conferences" which will contain updated information and the Global Plan of Action, best practices, as well as *progress* **Obligations discharged/Expectations fulfilled** reports on the implementation of national plans of action;

(b) Through global human settlements information networks, assist Governments at all levels, all major groups of actors and international development agencies, in assessing information and policies, strategies, programmes and projects on sustainable human settlements development and shelter provision;

(c) [Under the leadership of the Commission on Human Settlements, and supported by the United Nations regional economic commissions and UNCHS (Habitat), develop awareness-building and information activities to ensure that human settlements development issues in general, and concerted policy and programme responses to urbanization in particular, are brought into the mainstream of the development objectives of the international community and national Governments];

(d) Develop and strengthen, with a view to supporting and facilitating national and local efforts in human settlements management, capacity-building programmes and promote exchange of experiences and policy responses to urbanization and integration of regional development within the framework of national development strategies;

(e) Through the secretariat of the United Nations Commission on Human Settlements, UNCHS (Habitat), supported by information gathered by United Nations regional economic commissions, develop capacity building strategies in order to enhance the capabilities of national and local authorities to identify and analyze critical human settlements issues; to formulate and effectively implement policies and programmes which respond to them; and to efficiently manage the process of settlements development at the local levels;

(e bis.) Through appropriate institutions, continue to promote capacity-building in developing countries with effective utilization of national experts;

(f) Continue to support technical cooperation programmes aimed at mitigating the effects of natural and human-made disasters, as well as reconstruction activities in affected countries;

(g) Enable UNCHS (Habitat), [within existing resources], to provide technical, legal and institutional assistance to Governments at all appropriate levels upon request, in particular, in closer cooperation with UNDP's capacity building efforts.

ARTICLE 155

6. Institutional cooperation

155. The task of pursuing the goals of adequate shelter for all and sustainable human settlements development, in the face of increasing global economic interaction, necessitates international cooperation of public and private institutions operating in the areas of human settlement development, whereby resources, information and capacities are pooled for a more effective response to human settlements problems.

ARTICLE 156

156. [The Habitat Agenda adds new elements to the agenda for national actions and international cooperation, reaffirming, **building on the obligations incurred in Conventions, Treaties and Covenants, and on expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, as well as on the results of the recent major United Nations conferences.** Governments confirm the need for a coordinated follow-up of the major world conferences, including Habitat II. The very nature of urban challenges requires an integrated approach to **sustainable socially equitable and environmentally sound development** and thus increased cooperation and coherence. Existing intergovernmental bodies within the United Nations system should be used to promote communication and coordination between governments, international bodies - including those of the United Nations system and the Bretton Woods system, as well as other relevant [stake-holders] - and to strengthen a common perception of human settlements priorities].

156 bis. [Implementation of The Habitat Agenda should take place within a coordinated framework which ensures that all the United Nations' **obligations incurred in Conventions, Treaties and Covenants, and all the**

United Nations' expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, Conferences are comprehensively followed-up and the agreed programmes of action fully implemented, monitored and reviewed, together with the results of other obligations and expectations from previous international instruments, as well as of other recent United Nations Conferences where they are related to human settlements, particularly the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States, the World Summit for Social Development, the International Conference on Population and Development, and the Fourth World Conference on Women. This will require better coordination and cooperation between multilateral and bilateral partners and joint programming, leading to increased and more effective cooperation between UNCHS and other entities within and outside the United Nations system].

ARTICLE 157

157. The United Nations family of agencies, including the Bretton Woods institutions, the regional and sub-regional development banks and funds and bilateral support agencies [where appropriate] **shall should:**

(a) **Undertake to require Mandatory International Standards-and-technical-regulation (MINS) drawn from international principles reflected in obligations incurred by states in Conventions, Treaties, and Covenants, and in expectations created in Declarations, General Assembly Resolution, and Conference action plans as a condition for funding; and establish and strengthen, where appropriate, cooperative mechanisms means to integrate into their policies, programmes and operations, socially equitable and environmentally sound sustainable human settlements development including commitments and actions, particularly those from The Habitat Agenda and taking into account the expectations created through outcome of the relevant sections of other recent United Nations Conferences, Declarations and General Assembly Resolutions;**

(b) Establish and strengthen **counterparts and cooperation partnerships** with international associations of local authorities, non-governmental and community-based organizations and with all other *[stakeholders individuals and organizations of civil society drawing upon a wide range of experience and expertise, including that from marginalized members of society to achieve the goals of the Conference;*

- (c) Develop activities aimed at strengthening the capacity of local authorities;
- (d) Intensify their cooperation with non-governmental organizations, voluntary groups and community associations, and with **BEST practices enterprises private** and cooperative **groups sectors** in **socially equitable and environmentally sound sustainable** human settlements *development*;
- (e) Support **cooperative programmes with genuine community involvement and participation** *public-private partnerships* in **providing** shelter *delivery*, services *provision* and other **socially equitable and environmentally sound development activities for sustainable** human settlements;
- (f) Encourage **genuine community involvement and participation** *the involvement of all actors* at local level in reaching agreements and local measures, programmes and actions necessary to implement The Habitat Agenda, Global Plan of Action and national plans of action including through Local Agenda 21 processes as mandated by the United Nations Conference on Environment and Development.]

unsustainable patterns of production and consumption raise these problems in especially acute forms. (Art. 6)

Part IV.**GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION****F. Implementation and follow-up of the Global Plan of Action****(Paragraphs 158 - 185 bracketed)***(The following paragraph is to be incorporated into section F in square brackets)*

[Set up an advisory centre to identify appropriate financial institutions such as ADB and World Bank to avail themselves to assist member states to secure financial assistance/funding for the implementation of shelter and human settlements programmes.]

Note on Part IV, Chapter F: 158 - 184. The entire paper was bracketed.

1. Introduction

ARTICLE 158

[158. **Before governments undertake new commitments they shall be made aware of relevant existing obligations incurred through Conventions, Treaties, and Covenants and of relevant expectations created through Declarations, Conference Action Plans and General Assembly Resolutions. The initial commitment shall be for states to fulfill years of previous obligations by signing what they have not yet signed, ratifying what they have not yet ratified, enacting legislation to ensure compliance, and establishing an enforcement infrastructure to ensure discharging of these obligations. 1987-1997 is the Decade for International Law and during this decade it would be appropriate for states to finally undertake to discharge their accrued obligations. The long-term impact of the commitments made by Governments and the international community at Habitat II will depend on the implementation of actions agreed upon at all levels including local, national and international levels. Also, national plans of action and/or other relevant national programmes and actions on sustainable human settlements development and shelter provision will need to be developed or strengthened, where appropriate, and their implementation will need to be monitored and evaluated by Governments and their partners at the national level in *sustainable development* socially equitable and environmentally sound development. Similarly *progress in* implementing— the discharging of obligations and the fulfilling of expectation— the Global Plan of Action needs to be assessed, with a view to encouraging and enabling all *stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by non-fulfillment of expectations from the Global Plan of Action.]**

2. Implementation at the national level

ARTICLE 158 bis

158 bis. Governments have the primary responsibility of implementing the Global Plan of Action. Governments as central partners will create and strengthen effective partnerships with families, communities, local authorities, the private sector, non-governmental organizations, women, youth, elderly, *vulnerable marginalized* groups and indigenous people(s) in each country. National mechanisms should be installed or improved, as appropriate, to coordinate actions at all relevant government levels which have impact on human settlements and to assess this impact prior to governmental actions. Local authorities should be supported in their approach to implement this Global Plan of Action inasmuch as local action is required. All appropriate participatory mechanisms, including Local Agenda

21, should be developed and employed. It should be recognized that many of the provisions necessary for achieving socially equitable and environmentally sound development and for ensuring ecologically sustainable communities were already evident in Agenda 21, and that what is necessary is the political will of states to enact the necessary legislation and mandatory international normative standards-and0regulations to ensure compliance. In the Platform of Action in Beijing in Art.167 states undertook to ensure that corporations including transnationals comply with existing national and international law.

3. Implementation at the international level

ARTICLE 159

159. The effective implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) should take into account the integration **social equity and justice of sustainable human settlements development** with broader environmental, social and economic considerations into the concept of **socially equitable and environmentally sound development**. The main actors at the global level for the implementation and follow-up of the Habitat Agenda will continue to be Member States of the United Nations, the United Nations General Assembly, the Economic and Social Council, the Secretary-General of the United Nations, the United Nations Commission on Human Settlements and its Secretariat, the United Nations Centre for Human Settlements (Habitat), and all other specialized agencies of programmes in the United Nations system engaged in activities pertaining to the provision of adequate shelter for all and sustainable human settlements development in an urbanizing world.

4. Tracking implementation—the discharging of obligations and the fulfilling of expectations *progress*—on the Global Plan of Action

ARTICLE 160

160. The implementation of the Habitat agenda will require the discharging of obligations incurred in Conventions, Treaties, and Covenants and the fulfilling of expectations created in Declarations, Conference action plans and General Assembly Resolutions. Member States of the United Nations shall *exert concerted efforts to achieve the implementation* **implement** of the Habitat Agenda through bilateral, sub-regional, regional and international mechanisms for cooperation as well as through the United Nations system and the Bretton Woods institutions. **The lending policy of the Bretton Woods institutions shall be determined by a set of principles extracted from a body of international instruments.**

ARTICLE 161

161. The General Assembly, as the highest intergovernmental body— reflecting the democratic will of member states— is the principal policy-making and appraisal organ of international conference agreements. The Habitat II Conference is the final conference in a series of five dealing with environment, human rights, population, women (equality, development and peace). The series of conferences reflect, in many cases, a refinement of thought about global issues, and a synthesis of the essential principles emerging from the expectation created in all the conference action plans, as well as from the obligations incurred in Convention, Treaties, and Covenants shall be undertaken in 1997 in recognition of the culmination of the decade devoted to the promoting and furthering of international law. In addition in honour of this decade concerted effort should be made to call upon states to sign what they have not yet signed, to ratify what they have not yet ratified, to enact the necessary legislation to ensure compliance, and to enforce the legislation to ensure the discharging of obligations and the fulfillment of expectations. Concerted effort should also be made to establish an International Court of Compliance where citizens could take evidence of state non-compliance with obligations and expectations. At the Special Session of the General Assembly convened for 1997 for the purpose of an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of *sustainable socially equitable and environmentally sound* development. The General Assembly is the principal policy-making and appraisal organ on matters relating to the follow-up of Habitat II. At the Special Session of the General Assembly convened for 1997 for the purpose of an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of *sustainable socially equitable and environmentally sound* development. Also, the Assembly should include the follow-up to the Conference in its agenda as an item entitled "Implementation of the Outcome of the Second United Nations Conference on Human Settlements (Habitat II)". In its fifty-first session, it should review the outcome of the conference as well as the steps required to implement the Habitat Agenda;

ARTICLE 162

162. The General Assembly should hold a special session in the year 2006 for an overall mid-term review and appraisal of the implementation of the outcome of Habitat II and should consider further actions and initiatives.

ARTICLE 163

163. **The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with relevant General Assembly Resolutions and ECOSOC decisions should in 1997 in respect for the culmination of the decade devoted to the respect and furtherance of international law, should assist in the promotion of the need for states to discharge obligations arising from Conventions, Treaties, and Covenants, and to fulfill expectations arising from General Assembly Resolutions, Declarations, and Conference action plans . The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with relevant General Assembly Resolutions and ECOSOC Decisions, would oversee system-wide coordination in the implementation of the Global Plan of Action and make recommendations in this regard. The Council should be invited to review at its substantive session in 1997 the implementation of the Global Plan of Action. As coordinating body, the Council should be invited to review in 1997 the role and functioning of the Commission on Human Settlements, taking into account the need for synergy and effective coordination with other related commissions and conference follow-up, and with a view to ensure a clear division of labour and coordination of multi-year programmes of work. In addition, it should consider dedicating one high-level segment before the year_2001 to human settlements and implementation of the Global Plan of Action with the active involvement and participation, inter alia, of the specialized agencies, including the World Bank and IMF.**

ARTICLE 164

164. **The Economic and Social Council (ECOSOC), may convene meetings of high-level representatives to promote international dialogue on the critical issues pertaining to adequate shelter for all and sustainable human settlements development as well as on policies for addressing them through international cooperation.**

ARTICLE 165

165. **The ECOSOC, in the context of its role under the Charter of the United Nations vis-à-vis the General Assembly and in accordance with the relevant General Assembly resolutions, would facilitate system-wide coordination in the implementation of the outcome of Habitat II and make recommendations in this regard. It should look at ways to strengthen, consistent with the mandates of the Charter of the United Nations, the role and authority, structures, resources and processes of ECOSOC, for bringing economic and social development agencies into a closer working relationship with it so that it can review *progress made towards implementing the implementation—the discharging of obligations and the fulfilling of expectations—the outcome of Habitat II.***

ARTICLE 166

166. The General Assembly and ECOSOC should support the establishing of Mandatory International Standards-and-technical-regulation (MINS) drawn from international principles reflected in obligations incurred by states in Conventions, Treaties, and Covenants, and in expectations created in Declarations, General Assembly Resolution, and Conference action plans . The MINS 1997 commemorates the culmination of the Decade for the respect and furtherance of international law. MINS 1997 should assist the development banks to drive socially equitable and environmentally sound development for the fulfilling of the expectations in Habitat II Agenda. The General Assembly and ECHOIC should promote sub-regional and regional cooperation in the implementation of the Habitat Agenda. In this regard, the regional commissions, in cooperation with the regional intergovernmental organizations and banks, should convene meetings at the highest political levels to review the implementation—the discharging of obligations and the fulfilling of expectations—the outcome of Habitat II. , exchange views on their respective experiences, particularly in the best practices, and adopt appropriate measures. The regional commissions should report to the Council on the outcome of such meetings.

167. As a functional commission assisting the Economic and Social Council, the Commission on Human Settlements should have an important role in monitoring, within the United Nations system, the implementation of the Global Plan of Action.

ARTICLE 168

168. The mandate of the Commission will be strengthened and expanded to incorporate and implement the Habitat Agenda. Similarly UNCHS (Habitat) will be strengthened and revitalized in accordance with the relevant resolutions of the General Assembly with a view to enabling it to effectively implement the expanded mandate contained in the Habitat Agenda under the overall policy direction of the United Nations Commission on Human Settlements. UNCHS should be evolved into a highly competent technical secretariat capable of implementing the Habitat Agenda. For the purpose, UNCHS (Habitat) will be restructured and strengthened to deal effectively with the Habitat Agenda.

ARTICLE 175

175. The Secretary General is invited to ensure effective coordination of the implementation of the Global Plan of Action, and adequate consideration of human settlements needs in all activities of the United Nations. The Administrative Committee on Coordination (ACC) should review its

procedures at the inter-agency level to ensure system-wide coordination and full participation of its entities in the implementation of the Global Plan of Action. These entities should examine their programmes to determine how they can best contribute to the coordinated implementation of the Global Plan of Action. ACC should be invited to establish a task force on The Habitat Agenda. UNCHS (Habitat) should be added to the membership of ACC and to the task force on The Habitat Agenda.

ARTICLE 176

176. The Secretary General is invited to continue to ensure effective functioning of the United Nations Centre for Human Settlements (Habitat). In conjunction with the review of the mandate of the Commission on Human Settlements, the functions of the Centre should be assessed by the Economic and Social Council.

ARTICLE 177

177. The important role of the Committee on Economic, Social and Cultural Rights in monitoring those aspects of the Statement of principles *Principals* and Commitment on Global Plan of Action that relate to compliance, by States Parties, with the International Covenant on Economic, Social and Cultural Rights should be emphasized. It is recognized that discharging of obligations under the ICESCR and fulfilling expectations enunciated in the Habitat Agenda require the concomitant discharging of previous obligations and fulfilling of previous expectations. These obligations have been incurred under Conventions, Treaties and Covenants and these expectations have been created through General Assembly Resolution, Declarations and other Conference action plans related to the guaranteeing of human rights, the preserving, protecting and conserving the environment, the fostering of peace, and the enabling of socially equitable and environmentally sound development. It is only when these obligations have been discharged and the expectations fulfilled that the global community will achieve the socially equitable and environmentally sound global settlements.

ARTICLE 178

178. To strengthen their support for actions at the national level and to enhance their contributions to an integrated and coordinated follow-up by the United Nations,

specialized agencies and other organizations of the United Nations system should identify the specific actions they will undertake to meet the priorities identified in the Global Plan of Action.

ARTICLE 179

179. In order to improve the efficiency and effectiveness of United Nations organizations in providing support to the efforts for the provision of adequate shelter for all and sustainable human settlements development at the national level, and to enhance their capacity to achieve the objectives of Habitat II, there is a need to renew, reform and revitalize the various parts of the United Nations system, in particular its operational activities. All specialized agencies and related organizations of the United Nations system are invited to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to Habitat II. Relevant governing bodies should review their policies, programmes, budgets and activities in this regard.

(a) The United Nations Development Programme (UNDP) should enhance its efforts to support the implementation of The Habitat Agenda through its network of field offices;

(b) The International Labour Office (ILO) should coordinate and support concrete actions at the policy and programme levels for the implementation of the Habitat Agenda with regard to the expansion and protection of **socially equitable and environmentally sound meaningful employment and work;**

(c) The United Nations Children's Fund (UNICEF) should consider integrating its Urban Basic Service Programmes, the Mayors Defenders of Children Initiative, and the Decentralization of the UNICEF National Plans of Action with the Habitat Agenda through broad partnerships for sustainable community development and community management;

(d) The United Nations Conference on Trade and Development (UNCTAD) should contribute to analyzing and monitoring major trends of urbanization and impact of urban and rural policies in connection with changes in the global economic environment;

(e) The United Nations Environment Programme (UNEP) should develop and promote policies to enhance the environment and integrate environmental considerations in human settlements development and adequate shelter for all and catalyze action to achieve these goals at the international, regional, sub-regional and national levels;

(f) The United Nations Fund for Population Activities (UNFPA) in coordination and cooperation with other United Nations entities, should pursue activities related to basic social services for all;

(g) *The United Nations Industrial Development Organization (UNIDO) in implementing the Habitat Agenda should address areas which require the competitiveness of export-oriented enterprises and competitive local and national enterprise growth;*

(h) The World Health Organization (WHO) should in the implementation of The Habitat Agenda be guided by the global importance of health issues, the linkage of those issues to sustainable human settlements and adequate shelter, and the close relationship between public health and basic urban and rural services and the need to place human beings at the centre of development.

ARTICLE 180

180. International financial institution should be proactive and be involved with driving BEST endogenous practices through requiring that funding being conditional on compliance with (MINS 1997) — mandatory, international normative standards and technical regulation drawn from international instruments, and in this way ensure funding *contribute to the mobilization of resources for the implementation of The Habitat Agenda*. To this end, the relevant institutions are urged to take the following measures:

(a) The World Bank, the International Monetary Fund, the regional and sub-regional development banks and funds, and all other international finance organizations *should* shall undertake to require mandatory international normative standards (MINS) drawn from principles in international instruments as a condition to funding projects; In addition they should further integrate adequate shelter for all and sustainable human settlement development goals in their policies, programmes and operations, including by giving higher priority to these goals, where applicable, in their lending programmes;

(b) The Bretton Woods institutions and other organizations and bodies of the United Nations system should work together with concerned countries particularly developing countries to improve policy dialogues and develop new initiatives to ensure socially equitable and environmentally sound development *that structural adjustment programmes promote sustained economic growth*, with particular attention to the necessity to provide adequate—affordable, accessible, safe and environmentally sound, with tenure security shelter for all and socially equitable and environmentally sound sustainable human settlement development to people living in poverty and vulnerable marginalized groups;

(c) The United Nations system, shall actively institute mandatory international normative standards (MINS) in 1997—the last year of the decade dedicated to the promotion and the furthering of international law, and ensure that the Bretton Woods institutions be guided by these international standards in accessing to the legitimacy of project to be funded. *Including* The Bretton Woods institutions and specialized agencies, should expand and improve their cooperation in the field of adequate shelter for all and socially equitable and environmentally sound *sustainable* human settlements *development* to ensure that the efforts are complementary and, where possible, should combine resources in joint initiatives for adequate shelter for all and socially equitable and environmentally sound *sustainable* human settlements development build around the objectives of Habitat II;

(d) The World Trade Organization (WTO) should consider how it might through promoting and requiring adherence to the principles established in international instruments drive *contribute to* the implementation of The Habitat Agenda, including activities in cooperation with the United Nations system, and specifically the promotion of BEST (Best Environmentally Sound Traditions) practices.

ARTICLE 181

5. Indicators, best practices and performance evaluation

181. It is essential to evaluate the impact of policies, means *strategies* and actions on the provision of adequate shelter and the achievement of socially equitable and environmentally sound development *sustainable* human settlements development. The results of these evaluations will be considered by the relevant United Nations functional commissions, including the United Nations Commission on Human Settlements. UNCHS (Habitat), together with other relevant organizations, will establish an appropriate process for analyzing and monitoring major trends of urbanization and the impact of urban policies. In particular, information on the impact of urbanization on *vulnerable* marginalized and disadvantaged groups, including children, should be collected.

ARTICLE 182

182. All those responsible for ensuring the implementation *partners of* The Habitat Agenda, including local authorities, the BEST practices enterprises, *private sector* and communities, will regularly monitor and evaluate their own performances in the implementation of The Habitat Agenda through comparable socially equitable and environmentally sound development human settlements and performance standards, *shelter indicators* and documented *best* BEST practices, the guidelines for which will be provided by UNCHS (Habitat). The data collection and analysis

capabilities of all by those responsible for ensuring the implementation of Habitat II *these partners* will be strengthened and assisted at national, sub-regional and global levels, and there will be an opportunity for individuals and groups of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision to take evidence of state non-compliance to an International Court of Compliance.¶

ARTICLE 183

183. As part of their commitment to strengthening their existing shelter- and settlements-related data collection and analysis capabilities, Governments at the appropriate levels, including local authorities, should continue to identify and disseminate best practices, **develop performance standards related to and apply shelter and socially equitable and environmentally sound human settlements development indicators. This Performance standards** and mandatory international normative standards (MINS) *other relevant information, as appropriate*, will be used for assessing the national implementation of the global plan of action. Such information could be considered within the framework of an appropriate consolidated reporting system of the United Nations, taking into account the different reporting procedures in the economic, social and environmental fields **under MINS 1997.**

ARTICLE 184

184. UNCHS (Habitat) will be designated as the Global Habitat Observatory to promote, monitor and evaluate the trends and *progress in the implementation—the discharging of obligations and the fulfilling of expectations*—of The Habitat Agenda through locally, nationally and regionally supported indicators and best practices programmes. It should continue to produce and publish the Global State of Human Settlements Report and other periodical monitoring and evaluation publications to track the progress on the implementation of The Habitat Agenda.

ARTICLE 185

185. UNCHS as focal point should:

(a) Set up an advisory secretariat/centre to assist Member States in developing their national housing and urban indicators for at least one major city;

(b) Set up a research centre to assist member states in undertaking studies and research on **BEST (Best Environmentally Sound Traditions) practices, and in particular *sustainable approaches and BEST endogenous practices methods concerning using local building materials and traditional construction practices technology*** and disseminate such information to all Member States.]

() **THAT IN 1996** I was contacted by Dr. Jack Littlepage He asked me then if I would assist him in preparing the next stage of his CIDA grant. On completing my doctorate, I helped him place his grant in the context of international agreements related to environment and gender issues; It was my understanding that in exchange for my work I would be hired to teach a course in Brazil. When I began to express concern

BACKGROUND;

I was still associated with the Environmental Studies Program at the University. A biology professor, Jack Littlepage, attended the presentation on Brazil, with the two Brazilians that were brought to Canada through the ERA/Eco tropic Project that I organized at the University. He contacted me to help him in developing a project to be funded by CIDA. I helped in the understanding that I would be part of the project and would be able to organize and teach a course on the environment in Brazil. I spent a considerable amount of time going through international documents to find relevant statements to support the project; he contacted me after to ask if I would also provide specific information about the relevance of the project to women's issues. I submitted a document based on my 350-page compilation for the conference in Beijing.

() THAT in1996, I became aware of Rauf Tarif scheme of transferring plutonium from Russia to CANDU reactors

() I tried to find out more about the project April 23, 1996 MOX INFO ON TARIK STUDY

Fax 380 9134

Thank you for your assistance

Dr Joan E. Russow

Tel/FAX 604 598-0071

"rauf, tariq" <trauf@miis.edu>

To: J E RUSSOW <Russow@UVic.CA>

Subject: Re[4]: Candu reactors and MOX

() I received information about the study and the misrepresentation of the interpretation of the survey

ATTENTION: David Herford Could you please inform me about the following: In the April 18 Press release on the Canada-Russia Agreement on Nuclear Energy, there was no mention of the “CANDU Option”—the controversial proposal to transfer plutonium from the dismantled nuclear weapons in the form of MOX to be used in CANDU Reactors in Canada. Could you please let me know if this option is included in the referendum and what is the status of this option. In addition the results of the survey by Rauf Tariq

() THAT IN 1996 Greenpeace and firefighters were opposed to the scheme

- 1996 Circulated documents revealing the fallaciousness of Rolf Turik research on the CANDU solution for transferring plutonium from dismantled nuclear weapons in Russia to be used in CANDU reactors in Canada

CHECK Plutonium being transferred in the form of MOX. I received a message on the internet about a survey that was being carried out by Rauf Tarik, previously from Canada, but not working in Monterey. I contacted him and asked for information on the survey. the point of his survey was to determine whether or not Canadians would support the transfer of plutonium in the form of MOX from Russian dismantled nuclear weapons The option was referred to as Transferring swords into plough-shares.

50 hours @

COMMENT

I found out through the net that a survey was being done in Canada to determine public opinion about the proposal “from swords to ploughshares” of bringing plutonium from dismantled nuclear weapons in the form of MOX to be used in CANDU reactors. I phoned Rolf Turik who was conducting the project and asked him to send me an e-mail about the project. Thinking that I was a supporter, he sent me inadvertently all their strategic documents for promoting the project.

Supposedly he had sent out 35 questionnaires to groups and individuals and are received only 19 responses. I received a list of the groups originally contacted. First of all when there is an important survey such as this one based on which governments could make decisions, it is negligent for those approached not to ensure that the questionnaire is filled out. Of the 19 who responded 5 said that they were not qualified to respond.

One of the ways that he was pushing the project was by saying that less uranium would have to be mined for the CANDU. Another way was to persuade people that Canada would be playing a peace role by taking this dangerous plutonium away

from the Russians. Unfortunately, at least one either environmental or development group fell for the PR. He did not reveal to me how they voted but did give me a list of the 19 or 14 that responded.

His final results was 7 for and 7 against. When I looked through his list I found Greenpeace which had one vote, and a graduate student from UBC, a retired DND officer, retired AECL director and Polanyi. In other words he was giving one vote to a group representing thousands of voices the same weight as a single individuals. When I found this out, I sent the information out on list serves suggesting that if a single individual could count as one vote then all these other single individuals should have the right to one vote.

Obviously, he did not include the supplemental votes because when he was over in Russian with Chretien in April. he was heard to report that Canadians were evenly divided on the issue.

() THAT in 1996)1996 Conducted a day workshop on International documents as instruments of policy formation and institutional change. International Affairs Caucus meeting, British Columbia Environmental Network (BCEN) Annual General Meeting

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() THAT IN 1996 Greenpeace and firefighters were opposed to the scheme

() THAT in 1996, I received a further update about the CANDU OPTION AND G7

EXHIBIT

A more useful and interesting document for you and your colleagues' perspectives is the "attached" Recommendations for the Moscow Summit, which I think would be more important for your colleagues to consider and evaluate in terms of their support or lack thereof. This package of recommendations, I believe, goes a long way in addressing and meeting with your colleagues concerns and views. As such, please discard the survey that I sent you and the attachment with this document is more far-reaching and more important.

Thank you and best wishes,

Tariq Rauf

NATURAL RESOURCES DEFENSE COUNCIL

CENTER FOR RUSSIAN ENVIRONMENTAL POLICY

DRAFT RECOMMENDATIONS of the TASK FORCE WORKING GROUP arsenals. Ratification of START II by the Russian Duma has stalled, and the U.S. continue to modernize nuclear weapon delivery systems. Both nations [appear] intent on maintaining <bloated> [UNNECESSARILY LARGE] nuclear weapons research and development establishments under the multilateral Comprehensive Test Ban Treaty nearing completion in Geneva.

Moreover, the mounting global inventory of nuclear weapon-usable material both military and civilian, represents a continuing threat to all humankind. Capping down these inventories should be top priority for the G-7 and Russia. In conjunction with START and various unilateral U.S. and Russian initiatives, some 16,000 warheads soon will be dismantled. Neither Russia nor the U.S., however, has made serious proposals for the permanent disposal of fissile materials from these weapons, a large fraction of which will be stored weapon-component form.

Meanwhile, Russia's military and civil reprocessing programs continue to separate weapons-usable plutonium from spent nuclear fuel, and three Russian production reactors continue to produce weapon-grade plutonium [AT LEAST UNTIL THE YEAR 2000] pending provision of replacement power, with nothing stronger than paper declarations to insure against future use of this material in weapons.

Although Presidents Clinton and Yeltsin promised in September 1994 to provide information on U.S. and Russian stockpiles of nuclear weapons and weapon-usable material, this effort has been stalled by the failure to agree on the terms of the legal instrument to permit Russian and the United States to exchange classified data. Likewise, in the past year there has been virtually no progress on verification of warhead dismantlement or on related transportation measures. The U.S. purchase of HEU from Russian weapons (blended to low-enriched uranium as fuel for U.S. power reactors) has been slowed by persistent disagreements over price verification measures.

The worldwide public and official reaction against the resumption of French nuclear weapons testing in the South Pacific illustrates the widespread desire to move forward with the task of nuclear disarmament. The general public, the world over, harbors an instinctive revulsion against nuclear weapons and a continuing concern about the spread of nuclear weapons to unstable regions and governments. The leadership of the G-7 and Russia should build on the political foundation of this global sentiment to launch a series of bold new disarmament and *fissile material security initiatives*.

SUMMIT DECLARATION

The Task Force calls upon the G-7 and Russia to implement the following ten-point Summit program to accelerate nuclear weapon reductions and **halt further production and proliferation of weapon-usable fissile materials and technology**. We urge the G-7 leadership, particularly Presidents Clinton and Yeltsin, and their respective governments as appropriate to:

(1) Jointly and unambiguously declare their intention to fulfill their obligations under the Nuclear Non-Proliferation Treaty by beginning negotiations promptly on a START III agreement **that would make further deep, irreversible reductions in strategic nuclear delivery vehicles and nuclear warhead stockpiles, and to initiate inter-government discussions among all the weapon states on the modalities of eliminating nuclear weapons, [and to establish an annual system of informing the United Nations of progress achieved in the elimination of nuclear weapons];**

(2) [R]atify START II (Russia) and accelerate implementation of the required reductions in operational forces jointly with the U.S. well before the 2003 deadline specified in the treaty;

(3) [D]eclare a policy of **"No First Use" of nuclear weapons without caveats and conditions (U.S., Russia, U.K., and France), and jointly commit to taking all caveats and conditions (U.S., Russia, U.K., and France), and jointly commit to taking all nuclear weapons off "day-to-day" alert status to ensure that no nuclear weapons are poised for immediate launch;**

(4) [J]ointly declare **their intention to cease permanently all field preparations and test site operations connected with underground nuclear tests, and not to exploit advanced nuclear experimental and computer simulation capabilities for the purpose of continuing the development of nuclear weapons under a Comprehensive Test Ban (U.S., Russia, U.K., <and> France [and China]);**

(5) [M]ake prompt public declarations of the overall size and breakdown the nuclear weapon arsenals and fissile material inventories, and commit to updating the nuclear weapon arsenals and fissile material inventories, and commit to updating these declarations periodically;

(6) [I]nitiate a program for developing and demonstrating the operation a monitoring and <safeguards> [verification] regime for nuclear weapon states covering intact nuclear weapons, nuclear weapon components in storage, and weapon-usable material (such a program should begin with the U.S. and Russia, but could be extended whenever appropriate to include other nuclear weapon states);

(7) Halt the chemical separation (reprocessing) of plutonium from both military and civil spent nuclear fuel (Russia, France, U.K., Germany, Japan, U.S.);

(8) [E]nd the use of HEU as a fuel for civil reactors (G-7 plus Russia);

(9) [A]ccelerate the replacement of Russia's plutonium production reactors at Seversk and Zheleznogorsk, and the conversion of the plutonium cities at Ozersk, Seversk, Zheleznogorsk to the production of goods and services [exclusively] for peaceful purposes; and

(10) [E]stablish a G-7/Russian feasibility study to evaluate the relative safety, proliferation resistance, and cost of disposition options for excess stocks of separated weapon-usable fissile materials, such as the mixture of weapons plutonium with uranium to make "mixed-oxide" (MOX) fuel for commercial reactors, or with reprocessing wastes and glass "mixed-oxide" (MOX) fuel for commercial reactors, or with reprocessing wastes and glass (called "vitrification") for direct disposal in a permanent underground repository; and develop vitrification programs to stabilize residues already produced in spent fuel reprocessing.

DISCUSSION

Nuclear Arms Control and Disarmament Initiatives (Points 1-4)

The U.S. and Russia should move forward immediately with bold new initiatives toward the twin goals of ultimately eliminating all nuclear weapons and foreclosing the prospect of further nuclear weapons proliferation. The failure of Russia and the United States to progress beyond what had been agreed as of January 1993, when the START II Treaty was signed, is obstructing completion of other important treaties on the international arms control agenda, such as the multilateral Comprehensive Test Ban and Fissile Material Cutoff. Many countries view these arms control agreements not as ends in themselves, but as part and parcel of the broader nuclear weapon-state obligation under the Non-[P]roliferation

Treaty to proceed down the path toward nuclear disarmament, [as reiterated in the decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," the decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," agreed to as part of the package on the indefinite extension of the NPT at the 1995 NPT Review and Extension Conference]. [It would be useful if the nuclear-weapon states were to establish a formal system of submitting annual reports to the United Nations detailing the types and numbers of nuclear warheads and associated delivery systems dismantled and eliminated over the past year, whether unilaterally or under arms reduction treaties. Such a measure would enhance transparency without compromising the national security of the nuclear-weapon states and serve to strengthen nuclear disarmament and nonproliferation goals.]

The currently operative U.S.-Russian joint statement on the subject of further nuclear arms reductions is a <shamelessly> convoluted formulation <from> [of] the September 28, 1994 summit [statement], in which the two governments announced their intention to "intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices on both sides to the changed international security situation and to the current spirit of U.S.-Russian partnership, including the possibility, after ratification of START II, of further reductions of, and limitations on, nuclear forces." [Since then the two governments have not reductions of, and limitations on, nuclear forces." [Since then, the two governments have not registered any substantive progress on further nuclear arms reduction measures. Rather, both have taken a step back by reinforcing the continuing centrality of nuclear weapons in their respective defense postures--the Nuclear Posture Review of the U.S., and the revised military doctrine of Russia.]

While more than six years have passed since the collapse of the Berlin Wall, [and though both] Russia and the United States [claim to have de-targeted their strategic missiles, both countries] still maintain thousands of nuclear warheads on alert, ready to <strike each other or some other nation>[to be launched] on short notice. While the Comprehensive Test Ban Treaty has been part of the international negotiating agenda for forty years, the nuclear weapon states are still

having difficulty reaching a definitive agreement on the need for eliminating all nuclear explosions, no matter how small their yield or how "peaceful" their avowed purpose. The United States and France have announced <grandiose> [new] plans for experimental programs in nuclear weapon physics <aimed at> [that will have the effect of] blunting the impact of a CTB on their nuclear weapon design capabilities. While <sitting atop> [possessing] the world's largest stockpile of weapon-grade plutonium, the Russian Ministry of Atomic Energy (Minatom) continues to produce more of this material. Meanwhile, the United States continues to spend hundreds of millions of dollars annually to maintain and upgrade its military plutonium separation facilities at the Savannah River and Idaho National Laboratory reprocessing sites-- ostensibly for the very purposes of "waste management" that it encourages other countries to forswear -- even as threshold nuclear weapon states, such as India and Pakistan, are enjoined to agree to an immediate fissile material production cutoff for weapons purposes. The cumulative effect of such foot-dragging, [and] "hedging," <and outright hypocrisy> by the nuclear weapon powers is to deprive them of moral and political leverage on hypocrisy> by the nuclear weapon powers is to deprive them of moral and political leverage on the vital question of preventing further nuclear weapons proliferation.

Russia should immediately ratify START II with <whatever> [the minimum] collateral conditions <are> required to ensure Duma approval, and negotiations should begin promptly on a follow-on treaty, START III, that would reduce the total Russian and U.S. stockpiles of intact nuclear weapons to 1,000 or less on each side, preferably to a level at which there would be a true reduction in the risk of deliberate nuclear attack. From a technical perspective, such a reduction could easily be achieved within the next seven years -- that is, on the same time-scale now envisioned for full implementation of START II. Entry into force of a Russian-U.S. agreement on reductions to this level <would> [could] set the stage for negotiations on multilateral reductions including the other three permanent members of the UN Security Council, none of whose stockpiles exceed 500 weapons. The Summit nations should not await completion of START III to commence multilateral negotiations, but should announce their intentions to initiate discussions as soon as possible among all weapon states on the modalities of

[reducing and] eliminating nuclear weapons. states on the modalities of [reducing and] eliminating nuclear weapons.

An important political step in the process toward global military de-nuclearization is a joint declaration or multilateral convention among nuclear weapon powers extending unqualified assurance of "No First Use" of nuclear weapons to all states, including other nuclear weapon states. While primarily a political step, over time such a declaration or convention would tend to encourage, and be reflected in, a movement away from force employment doctrines and postures that now emphasize maintaining capabilities for early use of nuclear weapons in a conflict, either to thwart a conventional attack or preempt an adversary's nuclear attack. Similarly, a joint commitment to a conventional attack or preempt an adversary's nuclear attack. Similarly, a joint commitment to take all nuclear weapons off "day-to-day" alert would reduce international tensions by ensuring that a sudden, deliberate nuclear attack could not be mounted by any weapon state, and by reducing the risk of accidental or unauthorized launch. Such a de-emphasis and de-legitimization of the role of nuclear weapons in national or alliance defense should serve to strengthen the nuclear nonproliferation regime -- particularly if complemented by robust collective security arrangements that can moderate the national insecurities and ambitions which prompt countries to acquire nuclear weapons.

Verification and Fissile Materials Security (Points 5 and 6) Plutonium of any isotopic composition (except for very high purity Pu-238) and HEU (defined as uranium with >20% U-235) can be used to make nuclear weapons. Weapon-usable plutonium includes plutonium from dismantled warheads (weapon-grade) and plutonium separated from the spent fuel of commercial nuclear reactors (reactor-grade). The Nagasaki weapon was fabricated with 6.2 kg, and similar designs were subsequently fabricated with 15 to 20 kg of HEU (~ 93% U-235). The plutonium cores of some modern boosted fission primaries contain U-235). The plutonium cores of some modern boosted fission primaries contain substantially less plutonium, on the order of 2 to 3 kg. If reactor-grade plutonium is used, then the penalty in performance may be considerable or insignificant depending on the weapon design, but the resulting explosion is not likely to be less than about 1000

tons of chemical high explosive. According to the U.S. Department of Energy, the Clinton Administration has determined that 38.2 tonnes of plutonium and 174.3 tonnes of HEU from U.S. military stocks are now "excess" to U.S. military needs and can be permanently transferred to the civil sector. Russia U.S. military needs and can be permanently transferred to the civil sector. Russia has agreed in principle to sell to the United States up to 500 tonnes of HEU from weapons "blended-down" to low-enriched uranium suitable for use in civil reactor fuel, but has yet to declare that any of its huge stockpile of weapon-grade plutonium (the world's largest at about 150-170 tonnes) is "excess" to its future military needs. Moreover, Russia continues to chemically separate 2 to 3 tonnes of weapons-usable plutonium from military and civilian spent reactor fuel in its reprocessing program.

The G-7 countries and Russia should make prompt public declarations of the size and breakdown of their nuclear weapon arsenals and other fissile material inventories, and commit to updating these declarations periodically. The Summit nations should also announce their support of a joint U.S./Russian or multilateral laboratory project to research, develop, and demonstrate, on a bilateral basis, a monitoring and safeguards regime that covers all nuclear weapons and weapon-usable materials in the weapons states. This would mean an expansion of the U.S./Russian Lab-to-Lab effort to include development and in-plant demonstrations of a safeguards system to improve the physical containment, surveillance, control and accounting of all fissile material in weapon physical containment, surveillance, control and accounting of all fissile material in weapon states. A safeguards regime for the weapons states will become essential as we move into deeper reductions in the global nuclear arsenals. In order to convince other weapons states to reduce their own arsenals significantly, the U.S. and Russia will need to demonstrate that weapons retired under current arms agreements have been dismantled and that all weapon-usable materials are accounted for to the fullest extent practicable.

Reprocessing of Spent Nuclear Fuel (Point 7)

Several countries in Eastern Europe and the former Soviet Union are nearing or have exceeded their spent fuel storage capacity. In order to deal with this critical waste problem, many of these countries are seeking or have already signed reprocessing contracts with Russia. In light of the current and projected worldwide glut of separated plutonium, the proliferation, environmental, health and safety risks associated with separation of plutonium, and the excessive costs of reprocessing in comparison with other forms of spent fuel management, the Summit leaders should call for an indefinite deferral of spent fuel reprocessing worldwide until the existing inventories of separated plutonium have been eliminated and such time as the risks and costs of civil plutonium use have been dramatically reduced.

The U.S. and other G-7 nations should also commit to working with countries operating VVER-440 and VVER-1000 reactors on (i) performing safety analyses of and financing upgrades to existing spent fuel storage facilities, and (ii) developing the capability in these countries for dry cask storage as needed until a long-term disposal or storage concept is developed.

Ending Civil Use of HEU (Point 8)

The Summit nations should call for termination of the use of HEU in naval vessels and in civil applications. While U.S. Government policy is to discourage the use of HEU fuel for nonproliferation reasons, it is currently cooperating in feasibility work on the use of HEU fuel in the core-conversion of the Russian plutonium reactors. In addition, Germany has plans to build a new research reactor (FRM-II) near Munich that is designed to use HEU, and EURATOM reportedly intends to import this HEU from Russia in a deal that would directly undermine U.S. nonproliferation law and policy.

Conversion of the Russian Plutonium Cities (Point 9)

The Summit countries should issue a statement reaffirming the commitment to the conversion/replacement of the Russian plutonium production reactors at Seversk and Zheleznogorsk as soon as possible and no later than the year 2000. The G-7 nations and Russia should commit to the prompt evaluation of all viable replacement power alternatives for these cities, including energy efficiency potential, in order to develop the best assistance package to achieve shutdown of these reactors. (See Recommendations of the Working Group on Sustainable Energy Development). This commitment should include a goal of prompt completion of the joint U.S.-Russian Fossil-Fuel Replacement Options Study.

Because of their potential for proliferation of weapon-usable fissile materials, sensitive technologies and expertise, the plutonium cities must become a focus of international nonproliferation efforts. Economic stabilization and defense conversion are important elements of such an effort. The U.S. should make full use of the conversion potential of the ongoing cooperative activities in the areas of (i) construction of a fissile material storage facility in Ozersk, (ii) HEU blend-down in Seversk, blend-down in Seversk, and (iii) fissile material security and accounting efforts. To achieve the conversion of these military cities to production of goods and services for peaceful purposes, the G-7 nations and Russia should commit to (i) completion of a joint assessment of possibilities for non-military activities for the plutonium cities, (ii) training of managers and establishing commercially viable enterprises, and (iii) creating incentives for Western investors and businesses to cooperate with the plutonium cities. The U.S. and Russia should commit to facilitation of International Scientific Technical Center (ISTC) and Industrial Partnering Program projects in these cities. Technical Center (ISTC) and Industrial Partnering Program projects in these cities.

Options for Long-Term Weapon-Usable Materials Disposition (Point 10)

The G-7 countries and Russia should announce a decision to undertake joint studies to fully evaluate the environmental, health, safety, and nonproliferation implications of politically and economically plausible options for long-term management and disposition of weapon-usable material. Such options include the

mixture of weapons plutonium with uranium to make "mixed-oxide" (MOX) fuel for commercial reactors, or with reprocessing wastes and glass ("vitrification") for direct disposal in permanent underground repositories. Additionally, the Summit nations should ("vitrification") for direct disposal in permanent underground repositories. Additionally, the Summit nations should commit to developing vitrification programs to clean-up non-weapon-usable residues already produced in countries reprocessing spent nuclear fuel.

DRAFT RECOMMENDATIONS
of the
TASK FORCE WORKING GROUP
on
SUSTAINABLE ENERGY DEVELOPMENT

This proposal addresses the development of sustainable energy projects to supplant electricity generated from unsafe nuclear reactors. The Task Force recommends that the G-7 provide capital for energy efficiency, renewable energy and natural gas projects, and conventional power supply transmission and distribution improvements, using a combination of integrated energy planning and market-based strategies to aggressively implement these projects.

INTRODUCTION

This proposal outlines policies to promote sustainable energy in the six countries of Eastern Europe and the former Soviet Union in which Soviet-designed reactors of the types RBMK-1000/1500 and RBMK-1000/1500 and VVER-440/230 are still operating. These countries are Russia, Ukraine, Lithuania, Bulgaria, Armenia, and the Slovak Republic. In addition to these unsafe plants, three plutonium production reactors continue to operate in Russia, supplying electricity and heat from co-generation for the cities of Seversk and Zheleznogorsk.

RBMK and VVER-440/230 plants have inherent design flaws and a demonstrated history of operational difficulties. In addition, economic upheaval in many host countries has left nuclear plant operators owed millions of dollars in unpaid bills, creating conditions which make safe operation operators owed millions of dollars in unpaid bills, creating conditions which make safe operation of these plants difficult.

Nonetheless, power generated from unsafe facilities is, at present, an important part of the electricity generation mix in these countries. These reactors represent nearly 20,000 Megawatts (MW) of generating capacity, generating 10% of the total electricity consumed in the six host countries, and are important sources of revenue and power for certain countries such as Lithuania and Ukraine. (In 1994, over 85% of Lithuania's electricity, but only 5% of Ukraine's electricity, came from dangerous nuclear plants.) dangerous nuclear plants.)

Public safety and environmental quality will be substantially enhanced if the RBMK, VVER-440/230, and plutonium production reactors are retired as quickly as possible. However, any debate on the closure of these facilities is moot without the development and realization of viable alternatives to meet the host countries' energy needs. In some cases, improvements in energy efficiency alone could make up for the output of these plants, although local and regional issues of transmission grid stability and heat supply also must be considered. If there is to be prompt phase-out of unsafe plants, replacement generating capacity will also need to be supplied in most phase-out of unsafe plants, replacement generating capacity will also need to be supplied in most cases.

Thus far, international assistance efforts to increase nuclear safety have in great part been focused on technical safety upgrades to unsafe plants. At their 1992 Summit in Munich, the G-7 created the \$160 million Nuclear Safety Account (NSA) for the development and implementation of safety measures for unsafe nuclear plants. Since 1992, however, the actual expenditure of these funds has been slow. Moreover, it is the opinion of most Western nuclear experts that technical fixes cannot increase the safety of most RBMK and VVER-440/230 reactors to acceptable cannot increase the safety of most RBMK and VVER-440/230 reactors

to acceptable levels. The only safe RBMK or VVER-440/230 reactor is one that is not operating.

There has been even less financial commitment from the West to supply replacement power for these unsafe power plants. The urgent next step is to develop, fund, and implement packages of energy efficiency, renewable energy and conventional power system improvements targeted specifically to regions served by the nuclear facilities in question. Such projects will be the most effective and economic means by which to replace electricity from unsafe nuclear plants.

SUMMIT DECLARATION

The Task Force calls upon the G-7 and Russia to implement the following five-point program to accelerate the development of economic and environmentally-sustainable energy alternatives to RBMK and VVER-440/230 reactors. We urge the G-7 and Russian leadership, and their respective governments to:

(1) [I]dentify, on an urgent basis, power replacement alternatives for each of the six target countries that will best ensure reliable replacement of unsafe nuclear plants; giving priority to conventional efficiency measures, renewable energy and natural gas power generation, and conventional power supply improvements;

(2) [C]apitalize a revolving fund for these sustainable energy projects; (3) [P]rovide support for the development and implementation of appropriate sustainable energy policies and electric power sector regulation in the six target countries;

(4) [U]ndertake an intensive multi-pronged market inter-mediation and development program designed to overcome serious transactional and market barriers to sustainable energy alternatives; and

(5) [E]stablish an integrated electricity brokerage market between the European Community, (5) [E]stablish an integrated electricity brokerage market between the European Community, Eastern Europe, and states of the Former Soviet Union designed with appropriate consumer and environmental safeguards.

DISCUSSION

Since the energy crises of the 1970's, a wealth of new technologies and practices have been developed for more efficient energy consumption and for production of energy from renewables and other environmentally safer sources. The cost of natural gas turbine technology has decreased substantially as its reliability and efficiency has increased. Expanded use of natural gas substantially as its reliability and efficiency has increased. Expanded use of natural gas (particularly in industrial co-generation) is a logical complement to energy efficiency and renewables towards providing replacement power for unsafe plants.

Compared to the projections of the early 70's, current global energy consumption is over 30% lower than forecast. This reduction is due, in large measure, to improved energy efficiency, which has become the largest "new" source of energy on the planet during the last 20 years. The potential for energy efficiency gains in the six target countries is enormous. Most estimates show that energy intensities in these countries could be reduced by 30-50% or more with equipment and management practices being used in Western Europe today. Examples of measures that can be taken include: efficient lighting, efficient appliances and motors, industrial process changes, variable-speed motor drives, automatic controls, better energy accounting and management, and load management to reduce consumption peaks. Energy efficiency improvements are possible through investments to upgrade existing infrastructure and equipment, and through replacement of inefficient equipment, buildings, and industrial processes. Large energy efficiency gains in heating systems (to replace lost heating energy from the Seversk and Zheleznogorsk production reactors, for lost heating energy from the Seversk and Zheleznogorsk production reactors, for example) are possible with better building and pipe insulation, introduction of controls and meters, and improved maintenance.

In many parts of the world, renewable energy technologies, particularly electricity generated from wind and biomass, have become significant contributors to the electricity system. Costs for solar thermal and photo-voltaic electricity technologies

are rapidly becoming competitive for large grid-based applications, and hold distinct cost advantages in off-grid applications and in certain transmission and distribution upgrade circumstances. Indeed, if subsidies to environmentally unfriendly energy sources and market distortions resulting from ignored environmental externalities were eliminated, renewable power generation would be far more prevalent than is currently the case. Favorable wind and biomass resources have been identified in several areas (Lithuania, Kola Peninsula of Russia, Ukraine) where dangerous plants are located. Serious evaluations of these potentials should be undertaken to quantify the contribution these resources can make to a replacement power package.

Despite the performance and promise of sustainable alternatives, their penetration in the six target countries has been slow due to numerous market, financial, structural, and technical barriers.

Identify Replacement Power Alternatives (Point 1)

We urge the G-7 and Russia to commit to identifying, on an urgent basis, packages of alternative energy sources to reliably provide replacement for power generated from unsafe nuclear facilities in the six target countries. These packages would combine efficiency measures and renewable energy with natural gas generation projects, and other conventional power system upgrades.

The most effective approach to developing packages for the six target countries would be one similar to that underway to find replacement power for Chernobyl in the Ukraine. The G-7 sponsored approach to the Ukrainian situation involves looking at ways to reform the entire power sector and recommending legal, regulatory and administrative measures to promote greater economic and energy efficiency in the sector. The Task Force recommends modifying the Ukrainian program to include a higher priority for targeted energy efficiency programs and more incentives to promote renewable energy.

A typical approach would be to identify a target region or country and analyze its energy needs, taking into consideration the requirements of the entire power system. The its energy needs, taking into consideration the requirements of the entire power system. The opportunities to capture energy resources, whether through energy efficiency, renewable energy, transmission and distribution system upgrades, industrial co-generation, natural gas power supply or other improvements to the existing supply system should be thoroughly investigated and evaluated for cost-effectiveness. The lowest- cost measures should be given top priority for financing through the G-7-sponsored fund described below. Emphasis should be placed on using indigenous contractors and materials to create local production infrastructure and expertise to handle future needs.

Capitalize Revolving Sustainable Energy Fund (Point 2)

We call on the Summit nations to establish the Revolving Sustainable Energy Fund (RSEF), capitalized by G-7 members and countries containing dangerous reactors at a level of not less than U.S. \$10 billion, which would give top priority to energy efficiency measures, renewable energy and natural gas projects, and would provide bridging funds for conventional power sector development and improvement projects. This fund would complement the institution-building, integrated planning and market inter-mediation and development activities described below by providing an planning and market inter-mediation and development activities described below by providing an initial pool of readily available capital for appropriate projects. RSEF funds would be disbursed by the EBRD or World Bank to qualified national on-lending intermediaries with appropriately structured guarantee and collateral mechanisms. Repayments to the fund (at concessional rates) could be used for subsequent projects and eventually become self- sustaining. As the RSEF becomes self sustaining, the original donors could recover their initial investment.

The RSEF would act as a fund consolidator and perform due diligence on nationally-based on-lenders. These local on- lending bodies would disburse funds to support sustainable energy project sponsored by a variety of institutions,

including electric utilities, sustainable energy project sponsored by a variety of institutions, including electric utilities, distribution companies or private energy service companies (ESCOs). The responsibility for ensuring the viability of funded projects would rest with the approved national entity. This system will allow for a wider and more timely distribution of funds as well as enhance the development of local capability to identify, manage and implement sustainable energy projects. Promising project implementors could be targeted for intensive intermediation assistance, as discussed below, in preparation for final project investment.

investment.

Another possible source of funding for this account is a minor sliding-scale levy on electricity produced from nuclear reactors world-wide. The sliding scale could be based on a "score" derived from a power plant's safety evaluation, production cost, reliability, and other factors. Higher-scoring plants would have a reduced levy as a reward for safe and economical operation. The larger levy would act as an incentive for problem plants to improve their performance. Safety performance and economy could be certified by the IAEA or an international nuclear regulatory body according to standard criteria. It is unlikely that this levy would exceed 2-3% of the revenues from standard criteria. It is unlikely that this levy would exceed 2-3% of the revenues from nuclear-generated electricity worldwide.

Support Development of Sustainable Energy Policies and Regulation (Point 3)

The sustainable energy packages described above for financing through the RSEF must be developed within an appropriate policy and regulatory context.

Unfortunately, insufficient attention has been given to developing an adequate institutional basis for crafting sustainable energy policies. Current institutional barriers to developing a sustainable energy framework include incomplete or underdeveloped legal and regulatory regimes, monopoly production in many industries, energy underdeveloped legal and regulatory regimes, monopoly production in many industries, energy quotas, and lack of ownership and incentives. Relationships need to be clearly established between government

policy makers, regulators, energy producers and consumers. The responsibilities of each of these actors also needs to be legally established.

The Task Force urges the G-7 to enhance current bilateral and multilateral efforts to develop policy-making and regulatory bodies. Areas of special emphasis include:

- (a) development of contract law and the legal, regulatory and administrative institutions that underlie efficient energy markets;
- (b) requirements for integrated energy assessments that allow comparison of investments in demand-side and supply-side measures; establishment of regulations governing private entrance into power markets and transactions within those markets;
- (c) development of energy performance codes and standards for buildings and certain kinds of energy-using equipment.

Undertake Market Intermediation and Market Development Programs (Point 4)

Many transaction barriers exist that can prevent or limit the implementation of integrated, market-oriented sustainable energy strategies. Market intermediation and development can market-oriented sustainable energy strategies. Market intermediation and development can overcome these barriers and must be a high priority in the implementation of these approaches. This aspect of the Task Force proposal directly addresses ways to overcome transaction barriers.

Financial barriers include high inflation rates, the absence of developed capital markets, and currency conversion problems. Information barriers include a lack of information about technical opportunities and performance, baseline consumption and thus potential energy savings, costs of equipment and installation, and potential business partners and sources of finance. Experiential barriers include a lack of trained personnel who are familiar with sustainable finance. Experiential barriers include a lack of trained personnel who are familiar with sustainable technologies, analytical methodologies, and installation and maintenance.

Technological barriers include the technical character and large sunk investment in some existing infrastructures that can make equipment replacement difficult.

These barriers have in general been seriously underestimated by the architects of new market-based institutional structures proposed for the electricity sector of formerly centrally-planned economies. Consequently, sufficient resources have not been allocated to overcome these barriers. Therefore, we call on the G-7 nations and Russia to urgently implement the following key market intermediation and development efforts in the six target countries:

- (a) institutional development of market intermediaries such as energy service companies, utility companies, electricity market brokers, and information clearinghouses;
- (b) training of key managers and officials in project identification, evaluation, preparation, and finance; development and dissemination of information about consumption patterns and options for meeting those consumption needs efficiently; for meeting those consumption needs efficiently;
- (d) support for joint venture production through assistance in partner identification and evaluation, capitalization, and marketing, including support for the private banking sector to undertake energy efficiency and renewable energy lending.

Institute a Continental Electricity Market and Brokerage (Point 5)

We urge the Summit nations to take steps to establish an integrated continental electricity market and brokerage. The benefits of larger-scale integration of electricity systems have been well demonstrated. Current efforts to establish market-based electricity sectors in countries housing RBMK and VVER- 440/230 reactors could be expanded beyond individual countries to the integration of the West and East European and former Soviet electricity to the integration of the West and East European and former Soviet electricity markets. Although such linkages would likely stop short of full integration and synchronous operation, the spread of time zones could significantly reduce total peak demand, similar to the 10,000 MW reductions achieved by the Russian integrated energy system, and surpluses could be more reliably delivered. Moreover, the establishment of a G-7-

sponsored broker could serve to overcome the political concerns of some nations about reliance on other countries in the region for their energy supplies.

Proper market development and coordination would provide a much broader base for competition and help reduce disparities in access to energy services for countries with lesser developed systems.

Shutting down unsafe reactors would require that existing capacity in Western & Eastern Europe and the former Soviet Union (principally non-nuclear thermal), increase its capacity factor by 5% or less. The expense of providing adequate transmission system interconnection for a continental brokerage could be partially defrayed by the Revolving Sustainable Energy Fund discussed above.

DRAFT RECOMMENDATIONS

of the

TASK FORCE WORKING GROUP on NUCLEAR SAFETY

This paper will address the urgent need to reduce risks associated with the operation of unsafe nuclear power plants worldwide, and will propose structural solutions designed to correct fundamental flaws in current international safety assistance efforts and to achieve safe and permanent shutdown of the most dangerous reactors.

INTRODUCTION

Ten years after the devastating accident at Chernobyl Power Plant, the worst nuclear accident in history, 67 Soviet-designed reactors still operate in Eastern Europe and the former Soviet Union. Western nuclear experts generally agree that at least one-third of these units -- reactors of the models RBMK (Chernobyl-type)

and VVER-440/230 -- present serious safety risks. There are 15 RBMK reactors still operating in Russia, Ukraine, and Lithuania, and eleven VVER-440/230 units operating in Bulgaria, the Slovak Republic, Russia, and Armenia. Even if one of these most dangerous reactors were shut down each year, twenty-six years would pass before they could all be retired -- reactors were shut down each year, twenty-six years would pass before they could all be retired -- a period longer than many of their remaining lifetimes. Meanwhile, there are also serious safety concerns about the newer-model VVER-440/213's and VVER-1000 operating throughout the region. Moreover, economic upheaval in many host countries has created conditions which make safe operation of these plants difficult or impossible.

The G-7 pledged in 1992 to work toward the shutdown of the most dangerous of these reactors by the year 2000. Despite this commitment, however, insufficient capital has been invested in efficiency and replacement power sources to achieve shutdown of these reactors. Most notably, hopes to close reactors at Kozloduy in Bulgaria, Ignalina in Lithuania, and Most notably, hopes to close reactors at Kozloduy in Bulgaria, Ignalina in Lithuania, and Chernobyl in Ukraine have thus far gone unfulfilled. Moreover, in 1995 one of the riskiest reactors in the region -- Armenia's Metsamor 2, which had been shut-down following the disastrous 1988 earthquake in Armenia -- was restarted. This failure has been due, in great part, to the lack of sufficient capital to supplant the electricity produced by these reactors with efficiency and alternative power sources.

Although most G-7 nuclear safety assistance efforts have been focused on the region of Eastern Europe and the former Soviet Union, the problem of nuclear reactor safety is, of course, not limited to that region. In the United States, for example, serious concerns are limited to that region. In the United States, for example, serious concerns are growing about the effect that the present trend towards deregulation of the electric utility industry is likely to have on nuclear safety. Most recently, the Monju reactor accident in Japan has raised awareness in that country and worldwide about the risk of nuclear accidents.

The International Convention on Nuclear Safety, the result of three years of international negotiations, is a weak agreement that will not remove the roadblocks to safety. The Convention does not require phase-out of nuclear plants with the highest accident risks, it does not establish substantive technical or procedural standards by which nuclear installations should be evaluated, substantive technical or procedural standards by which nuclear installations should be evaluated, and it does not provide a framework for independent third-party oversight of nuclear facilities. It therefore represents a political victory for the U.S., France, Japan, and other states fearful of prescriptive obligations and international regulation. International safety assistance efforts -- the G-7 Nuclear Safety Account, for example -- have focused primarily on technical assistance for upgrades to existing plants. This approach, when taken alone, does not address the root problems of reactors that cannot be upgraded to acceptable levels of safety, or of the inefficient energy economies and lack of indigenous power supplies with which to replace old, unsafe plants. Without sufficient financial commitment with which to replace old, unsafe plants. Without sufficient financial commitment to decommission unsafe reactors and provide replacement power, the present institutional nuclear safety assistance mechanisms will only continue to be largely ineffective in reducing the risk of accidents. The World Bank, International [Atomic] Energy Agency [IAEA], and the European Bank for Reconstruction and Development (EBRD), charged by the G-7 to study means of using alternative energy sources to replace the most unsafe plants, concluded in June 1993 that it would be technically feasible to meet electricity demand in Eastern Europe and the former Soviet Union while closing the higher-risk plants (RBMK's and VVER-440/230's) by the mid-1990's. While the price-tag to higher-risk plants (RBMK's and VVER-440/230's) by the mid-1990's. While the price-tag to replace these plants will be substantial in the short-run, prevention of future accidents will be well worth the investment.

SUMMIT DECLARATION

To meet the challenge of reducing the risk of nuclear accidents, the Task Force calls upon the G-7 countries and Russia take the lead by implementing the following two-point Summit program. This program, in conjunction with our Recommendations on Sustainable Energy Development, will best Development, will best facilitate the prompt shutdown of the most [potentially] unsafe reactors. We urge the leaders at the Summit to announce intentions to: (1) <prioritize> [identify] the top fifty <most dangerous> nuclear reactors for [priority] shutdown, and in doing so prioritize countries for the receipt of international assistance for improvements in end-use efficiency and for replacement power, and; (2) commit to providing sufficient capital and technical assistance for the permanent and safe decommissioning of the <most dangerous> reactors [for priority shutdown], including all RBMK and VVER-440/230 model Soviet-designed reactors within ten years (see also all RBMK and VVER-440/230 model Soviet-designed reactors within ten years (see also Summit Point 2 in the Task Force Recommendations on Sustainable Energy Development).

DISCUSSION

Prioritization of Reactors for Shutdown (Point 1)

The G-7 and Russia should announce their intention to prioritize, by no later than the end of 1996, the most [potentially] dangerous reactors for safe and permanent shutdown. This priority list would This priority list would be used to determine how international assistance for replacement power will be distributed most effectively.

The G-24 Nuclear Safety Working Group, established after the 1992 G-7 Summit, should be charged with evaluating the safety of individual reactors and ranking them for shutdown. Thus far the Nuclear Safety Working Group has served to coordinate individual countries reactor upgrading assistance efforts, and is familiar with the risks associated with particular reactors. Its function should now be expanded to include coordination of efforts to replace these unsafe units.

This <"Most Dangerous Reactors" list> [List of Reactors for Priority Shutdown]
This <"Most Dangerous Reactors" list> [List of Reactors for Priority Shutdown] should include at least the top fifty most [potentially] dangerous reactors worldwide. This list should include those Soviet-designed reactors commonly placed in the higher-risk category by safety experts -- reactors of the types RBMK and VVER-440/230. RBMK's, of the ill-fated Chernobyl design, use a graphite moderator which can burn, lack a Western- style sealable secondary containment system and adequate fire protection mechanisms, and suffer from less stable nuclear chain reactions when cooling water is lost. The VVER-440/230 also has inadequate containment and lacks an emergency core-cooling mechanism and adequate instrumentation and control systems. Later Soviet models -- the VVER-440/213 and the VVER-1000 -- also have serious design deficiencies such as inadequate instrumentation and control systems and fire-protection mechanisms.

Capital for Replacement and Decommissioning (Point 2)

The G-7 and Russia should announce their commitment to providing sufficient capital for the shutdown and decommissioning of the most dangerous reactors, including Soviet-designed reactors of the types RBMK and VVER-440/230, within ten years. Upon completion of this "Most Dangerous Reactors" list, bilateral and multilateral negotiations should commence immediately. Bilateral and multilateral negotiations should commence immediately between the G-7, Russia, and countries operating the most unsafe reactors in order to develop assistance packages for prompt replacement of these units. Progress in these negotiations should be reviewed at least biannually by the Nuclear Safety Working Group. A timeline for closure of at least two to three reactors per year (on average) for ten years should be strictly adhered to.

Such a multilateral effort is already underway between the G-7 and Ukraine for closure of Chernobyl Units 1 and 3. Although progress has been slow, in December 1995 a G-7/Ukraine Memorandum of Understanding was signed for

closure of Chernobyl by 2000, with the Memorandum of Understanding was signed for closure of Chernobyl by 2000, with the condition that \$2.3 billion in Western funds be provided for replacement power and decommissioning. If this agreement is implemented in such a way as to guarantee that maximal use is made of Ukraine's massive potential for energy efficiency, and that any replacement power sources will be as safe and sustainable as possible, this assistance package and cooperative effort could serve as a prototype for other multilateral negotiation efforts.

These bi- and multilateral efforts will require heavy capital investments. The Task Force has proposed a Revolving Sustainable Energy Fund (RSEF), to be capitalized at a initial level of no proposed a Revolving Sustainable Energy Fund (RSEF), to be capitalized at a initial level of no less than U.S. \$10 billion, for development and funding of sustainable energy projects to supplant electricity from unsafe reactors. (See Task Force Recommendations on Sustainable Energy Development.) Repayments to this fund (at concessional rates) could be used for subsequent projects and could eventually become self sustaining.

? DRAFT RECOMMENDATIONS of the TASK FORCE WORKING GROUP on NUCLEAR DEMOCRACY

This paper addresses the need for the disclosure of nuclear information and for public This paper addresses the need for the disclosure of nuclear information and for public participation in the nuclear decision- making process. The Summit leaders should recognize the public's right to environmental, health, and safety information, and should develop standards on openness accordingly.

INTRODUCTION

Since the dawn of the atomic age, information regarding nuclear issues has typically been subject to a great degree of secrecy. Since the end of the Cold War, the U.S., Russia, and other countries have made significant strides towards opening the doors to their government secrets.

Recent events, however, have reminded us that all countries -- especially the weapons states -- have far to go towards achieving true freedom of information for their citizens. The recent arrest for espionage of retired Russian naval officer Alexander Nikitin, working with the Bellona Foundation on radioactive contamination on the Kola Peninsula, is a striking example of how secrecy can overstep its bounds. Secrecy surrounding the recent Monju reactor accident in Japan clearly had a negative effect on the Japanese public trust.

To most citizens living democratic societies, it is axiomatic that government openness is a necessary cornerstone of a successfully functioning society. The free flow of government information is absolutely essential for citizens to make informed policy decisions, to choose government leaders, and to hold them accountable.

While all governments must keep some secrets in the interest of national security, there are instances when the public is denied information for reasons other than compelling public interests. In the United States, for example, the recently uncovered story of radiation experiments performed on humans during the Cold War has shown that national security was sometimes invoked in the past to justify classification of information for public relations -- not national security -- considerations.

Freedom of environmental, health, and safety information is an instance where the public's right to this information usually outweighs any national security considerations. When a government places its citizens at risk, those citizens should expect to be informed, both in advance of the exposure to risk and afterwards about the consequences of that exposure. This important public interest should always be weighed against the temptation of government entities to automatically classify all nuclear-related information.

Unnecessary secrecy does not always end once clear and fair classification guidelines are in place. In the absence of a legal requirement for public access to government information -- such as the Freedom of Information Act (FOIA) enacted in the U.S. in 1966 -- even unclassified information can, for all practical purposes, be out of the public's reach. Moreover, even in countries with such legal requirements, administrative secrecy often prevents the public from gaining access to unclassified information.

In addition to freedom of environmental, health, and safety information, public participation in decision-making on nuclear issues is absolutely essential to the democratic process. Citizens in a democratic society must have the right to take part in the decisions that will most affect their lives. Unfortunately, the citizens who will be most affected by the siting or construction of a nuclear plant or a waste storage facility are often intentionally isolated from the decision-making process.

SUMMIT DECLARATION

The Task Force urges the G-7 and Russia to adopt the following five-point Summit program to The Task Force urges the G-7 and Russia to adopt the following five-point Summit program to best ensure the free flow of nuclear information and ample public participation in the decision-making process on nuclear issues, [and to encourage all other countries with operational research and power reactors to join in this transparency measure]. We call upon the G-7 and Russian leaders, and their respective governments as appropriate to:

(1) jointly declare their intention to promptly declassify all environmental, health, and safety information with few or no exceptions, and establish systematic declassification reviews for existing documents containing environmental, health, and safety declassification reviews for existing documents containing environmental, health, and safety information;

(2) promptly publish in the open press the rules establishing categories of classified information, and ensure that these classification guidelines explicitly prohibit classification of environmental, health, and safety information with few or no exceptions;

(3) establish public information law requiring that government entities supply the public with environmental, health, and safety information upon request, with few exceptions;

(4) establish a framework for ample citizen participation in and contribution to environmental impact reviews and decision-making on siting, licensing, and contribution to environmental impact reviews and decision-making on siting, licensing, and construction of nuclear installations, radiation sources, and storage sites; (5) institute a regulatory framework for civilian inspection of all nuclear facilities, including military installations.

DISCUSSION

Declassification and Accessibility of Environmental, Health and Safety Information (Point 1)

The G-7 and Russia should announce their intention to promptly declassify all environmental, The G-7 and Russia should announce their intention to promptly declassify all environmental, health and safety (EH&S) information with few or no exceptions, [and to work toward achieving an international convention on nuclear transparency]. Declassification of EH&S information is an instance where the public interest most clearly outweighs any national security interest in keeping the information classified. Information about the storage and handling of radioactive waste and spent nuclear fuel from power plants, or about radiation releases from power plants, is clearly unconnected with military secrets and should never be withheld from the public.

Recent guidelines established by U.S. Secretary of Energy Hazel O'Leary on the classification of new documents containing environmental, health, and safety information provide classification of new documents containing environmental, health, and safety information provide a good starting model for ensuring that this type of information is accessible to the public. In a June 1993 departmental memorandum, Secretary O'Leary called for the following guidelines to be observed in the creation of "any document or database containing information related to the

environment, health, and safety of departmental employees and contractors, or the public":

- "1. Classification or other dissemination restrictions will be used only when the document clearly contains information that we are required by law or regulation to protect.
2. If the essential information in the document can be conveyed without including specific, classified or otherwise restricted information, do not include classified information.
3. In cases where classified information is essential to communicating or supporting the thesis of the document, whenever possible keep the primary document unclassified and include the necessary classified information in an attachment, appendix, or supporting documentation.
4. In cases where classified information must be an integral part of the document, consider also creating an unclassified version if significant environmental, safety, or health information can be coherently communicated." The memorandum goes on to urge not only that the information be made available using the above guidelines but that it be made accessible to the general public by the use of diagrams, maps, photographs, and other tools to aid in comprehension.

The Summit nations, particularly the U.S. and Russia, should commit to amending their respective atomic energy laws to include requirements for the availability of EH&S information such as those outlined above. Moreover, the Summit nations that have not already done so should promptly establish systems for declassification review of existing documents containing EH&S information. EH&S information.

Publication of Categories of Classified Information (Point 2)

The Task Force calls on the Summit nations that have not already done so to require their government agencies to immediately publish their classification guidelines in the open literature, and to keep debate on new information control policies open to the public. The guidelines for dissemination of EH&S information

proposed above can only be useful if the public can be assured that EH&S information is not improperly classified.

The State Secret Law of the Russian Federation (1993), much like the current U.S. Executive Order 12958 that defines "national security information," defines three levels of classification and types of information that might be classified. This law explicitly prohibits classification of information pertaining to public health and the environment, and requires that a list of approved topics of classification be published in the open press.

In November 1995, President Yeltsin signed edict Number 1203, "Approving the List of Information Classified as Secrets." This "list" was subsequently published. Unfortunately, this edict apparently allows unlimited classification of "information on the design, installation, apparently allows unlimited classification of "information on the design, installation, operation, or security support of facilities of the nuclear complex" (paragraph 10), as well as classification of "information on the choice or assignment of parcels of land, underground areas, or bodies of water for the construction of [operations] facilities..." (paragraph 15).

The Task Force believes that this edict or its implementing directives should be amended to specifically acknowledge the legitimate public interest in EH&S information, in accordance with the principles cited above. Without such an [acknowledgment], the edict is in direct conflict with the law on State Secrets. In Russia and in all the G-7 nations, this important public interest in EH&S law on State Secrets. In Russia and in all the G-7 nations, this important public interest in EH&S information must always be weighed against the temptation to automatically classify all nuclear-related information.

Moreover, discussion about new information control policies should be open to the public, with ample opportunity for public input. These decisions should not be limited to government officials within the agencies establishing the guidelines.

Laws Governing Freedom of Information (Point 3)

The Task Force urges the Summit nations to immediately establish an affirmative legal requirement that the government must provide the public with access to unclassified information. Without such a legal requirement, citizens have no guarantee that they will have access even to unrestricted information.

Freedom of information law should limit exemptions only to matters of national security and other compelling public interests such as preserving personal privacy or the integrity of ongoing law enforcement investigations. Every attempt should be made to provide citizens with unclassified EH&S information, even when it is contained in a classified document (by document abstraction, segregation of classified information, etc.). Russia and G-7 nations that do not recognize a segregation of classified information, etc.). Russia and G-7 nations that do not recognize a legally-enforceable public right to government information should immediately establish such a law.

Public Participation in the Environmental Review Process (Point 4)

We urge the G-7 nations and Russia to commit to the principle of full public participation in the environmental review and decision-making process, and to immediately implement mechanisms to ensure this participation. Summit nations have already written into law requirements for public participation in environmental impact studies (EIS) for the siting of nuclear installations, radiation sources, and waste storage sites. However, structural mechanisms to ensure radiation sources, and waste storage sites. However, structural mechanisms to ensure compliance with the law -- and to ensure that state decisions will be made with a view to the concerns of public organizations and citizens -- are not yet in place in all Summit countries. Such structural mechanisms could include: public hearings on facility construction or licensing procedures; mechanisms for citizens to become formal parties in the facility licensing process; judicial review of final decisions; and citizen enforcement suits against facilities in violation of safety regulations.

The new Russian Atomic Energy Law (1995) lays a solid framework for such public participation. It requires that government agencies "conduct discussions of questions participation. It requires that government agencies "conduct discussions of questions connected with the location, design, and structure of facilities using nuclear energy, with the participation of organizations, including public organizations (or associations), and citizens, if these nuclear installations, radiation sources, or storage sites are to be located within their territory." In reality, however, citizens still have little opportunity to provide input into the decision-making process in Russia, as few mechanisms for public participation are yet in place. And although many such mechanisms are in place in the U.S., citizens are often provided with insufficient information to give informed input to the environmental review process, and the rights of disadvantaged or give informed input to the environmental review process, and the rights of disadvantaged or under-represented citizens are often overlooked in the siting, licensing, and construction of facilities located in their territory.

In addition to a formal structure for public participation in environmental review, the Summit nations should commit to the principle that independent organizations must be allowed free access (consistent with legitimate security concerns) to gather information about radioactive contamination and the safety of nuclear installations. Otherwise, there will be no guarantee that public discussion that public discussion about the risks of accidents or contamination will be honest and unbiased.

Civilian Inspection of All Nuclear Facilities (Point 5)

The G-7 countries and Russia should announce their intention to immediately establish regulatory frameworks within which independent civilian regulatory bodies have power of inspection over all nuclear installations and waste storage facilities, including military sites. Unbiased review of the safety of military installations cannot be ensured under the jurisdiction of a military body. An inherent conflict of interest arises when the body charged with promotional responsibilities is also responsibilities is also charged with regulatory duties.

Russian Executive Order 350 (July 1995) removed power to inspect military nuclear facilities from the hands of the civilian regulatory body, Gosatomnadzor (GAN), and placed it under the control of the Russian Defense Ministry. This regulatory power should be reinstated to GAN. The U.S. and Russia must set a clear precedent for the rest of the weapons states, which should all allow for civilian inspection of military facilities. The Summit nations should also declare their support for international independent regulatory oversight of civilian nuclear facilities (see Recommendations of the Working Group on Nuclear Safety).

() **THAT in 1996** I made an 'Ideagraph'- a large diagram displaying the complexity and interdependence of issues—on the linking of the civil nuclear energy cycle and the development of nuclear arms

EXHIBIT DIAGRAM IDEAGRAPH

() **THAT in 1996 I continued to follow the OUTCOME OF THE CANDU OPTION**

Comment

How little we have learned from the lessons of Chernoybl. From April 19 to 20, the G7 leaders met in Moscow to consider, among other issues, a number of proposals related to the disposal of weapons-grade plutonium from dismantled Russian nuclear armaments. There was a proposal on the table described as , the "CANDU option", an option strongly advocated by the Canadian Government, and other Canadian nuclear proponents. The CANDU option involves the transfer of weapons-grade plutonium from dismantled nuclear armaments in Russia in the form of MOX (mixed oxide fuel) to be used in CANDU reactors in Canada. The promoters of this option have developed what they refer to as a "communications strategy" which entails a public promotional campaign claiming that the CANDU option will transfer "Megatons into megawatts" or "Swords into Plowshares" to "enhance public acceptability and support" (R. Tariq).

Dr Fred Knelman, in responding to the CANDU option, has countered that : " Plutonium should not be used as a fuel for current or future nuclear power reactors. Aside from the fact that such use would tend to perpetuate and support

an expansion of civil nuclear power, it would also not solve the problem because some further plutonium would be produced in the process, There would be increased traffic in plutonium either as the mixed oxide fuel (MOX) or en route to and from the mixing plant. A diversion of MOX would permit the separation of weapons grade plutonium”.

Although we do not have CANDU reactors on Vancouver Island, the nuclear issue is of vital importance to residents of Vancouver Island . Victoria has had over the years approximately 160 day visits a year of nuclear powered and nuclear arms-capable vessels in the urban ports of Esquimalt and Victoria. Nuclear powered vessels are floating nuclear plants, and await potential disaster. The Canadian government had been requested to fulfill its responsibility to the protection of the population and carry out a public non-Department of Defence (DND) environmental assessment review of the these visits. Bob Moore Stewart, lawyer for the Vancouver Island Peace Society, revealed that “in 1991, the Federal Cabinet bypassed the process and issued an order in council to permit the continued visits without a public environmental assessment review, relying on an in-house DND assessment that suggests against all common sense that there is no appreciable risk to harbouring these nuclear vessels in our urban harbours”.

Norm Abbey from the Nanoose Conversion Campaign, and Vancouver Island Peace Society, has raised the question:“What if we were to look at Chernobyl ten years BEFORE the disaster. Would it not look remarkably similar to “Whiskey Golf” at Nanoose Bay?

() THAT IN 2022, I tried to find out about the CANDU option, did it ever happen?
So I wrote to Gordon Edwards I

<https://www.cbc.ca/news/canada/greenpeace-firefighters-oppose-plutonium-shipment-1.187435> I contacted **Gordon Edwards** and asked him *DID*

CANADA EVER USE PLUTONIUM FROM DISMANTLED SOVIET NUCEAR

SITES IN CANDU REACTORS AS RAUF TARIQ PROPOSED AND CHRETIAN AGREED TO?

RESPONSE

He responded: "No.

But USA tried to, built a beautiful plutonium fuel fabrication plant at Savannah River site, spent hundreds of millions on it, and then canceled it without ever finishing it.

Canada imported a small amount of plutonium from Russian that went to Chalk River for testing but went no further.
Also also imported a very small amount from the USA, equivalent to about three AAA batteries, also to Chalk River.

Gordon Edwards
ccnr@web.ca

() THAT in 1996, I wrote: **THE LESSONS OF CHERNOBYL: NOT LEARNED BUT IGNORED**

CIVIL NUCLEAR REACTORS ARE NEITHER THE SOLUTION NOR AN OPTION

1996 April 26 10th Anniversary of Chernoybl
piece published in the Times Colonist

THE LESSONS OF CHERNOBYL: NOT LEARNED BUT IGNORED

April 26 will be the 10th Anniversary of the Chernobyl disaster. Tens of 1000s have died as a result of the disaster. over 6,000 of Chernobyl's cleanup veterans: the liquidators have reportedly died. Thousands of children and adults in Ukraine and Belarus experienced symptoms of acute radiation sickness. Over 4.5 million hectares of productive agricultural land was contaminated. Over 130,000 residents were permanently evacuated in a 30 Km radius around Chernobyl, while more than 1.2. million still live on lands contaminated by 'low-level' radiation. In addition, centuries of future unanticipated consequences from the Chernobyl disaster could lie ahead.

Many thought that the Chernobyl accident would sound the death knell for the civil nuclear industry, and would lead to a global endorsement of the precautionary principle of science and ethics which embraces the notion that we do not have to wait until there is scientific certainty that human and environmental disasters would occur for the global community to act to prevent the potential disasters—such as those that could occur with the further development and use of civil nuclear reactors. Dr. David Marples of the University of Alberta, a specialist in the social impacts of the disaster in Chernobyl noted on April 18, at a public symposium at the University of Victoria, that “the Chernobyl disaster should have forced us to look at alternatives to civil nuclear reactors.” Dr. Fred Knelman—who initiated a Nobel Laureate Declaration in which there was the call to phase out nuclear energy, concurred, “surely the Chernobyl lesson should have been to phase out nuclear power and develop alternative energy sources”.

Yet since that time the nuclear energy proponents along with sympathetic administrations and regulatory agencies such as the International Atomic Energy Agency (IAEA), are actively promoting the use of nuclear energy as the solution to the problem of climate change and growing world energy consumption even though the future ecological consequences have not been effectively addressed or admitted. Canada has, through its Prime Minister and nuclear promoters, become an active apologist and vendor of CANDU reactors. Dr. David Marples, at the April 18 Symposium, decried the folly of Canada’s having sold and continuing to sell civil nuclear reactors to Eastern Europe“. Dr. Marples expressed alarm about the CANDU reactor sales in Romania, and described the sale as a “shameful exercise”, and added that “nuclear power has never justified, the expenditures spent on it” Dr. Walter Saimani who also participated at the April 18 symposium expanded on Dr. Marples remark and added that the purported “benefits of civil nuclear reactors do not outweigh the risks”.

Dr Joan E. Russow

Director, Vancouver Island Peace Society

How little we have learned from the lessons of Chernoybl.

Brackets ususally used to oppose what needs to be done

Dr Joan E. Russow

A director, Vancouver Island Peace Society

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POST- 50

() THAT **52/1 Proclamation of the International Year of Global Compliance**

The General Assembly

Whereas 1999 is the culmination of the decade devoted to the furtherance of International law

Whereas the General Assembly has decided unanimously to proclaim solemnly, on the Fifty-second Anniversary of the United Nations, 1999 to be the International Year of Global Compliance

Whereas 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 have created expectations through General Assembly Resolutions, declarations and Conference action statements.,

Whereas, if these 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 these year 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, and the fulfilling of these expectations

Whereas the Fifty-second 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 incurred through the Charter, Covenants, Conventions, and to fulfill previous expectations created through Declarations, General Assembly Resolutions, and Conference Action statements.

Now, therefore,

The General Assembly, and its member states

Solemnly proclaim 1999 the International Year 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 discharge obligations undertaken through the Charter, Conventions, Treaties, and Covenants, and to fulfill expectations created through Declarations, General Assembly Resolutions and conference Action statements;
- to sign and ratify what they have not yet signed and ratified, to enact the necessary legislation and enforcement measures to ensure the discharging of these obligations
- to fulfill additional expectations created through globally adopted UN Conference action plans, and programs of action.

7.2.4. MANDATE TO CHANGE CONSUMPTIVE PATTERNS OF DEVELOPMENT AND TO ADDRESS INEQUALITY

" Programs should: 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 - refugees and people under occupation. The groups will include poor smallholders, pastoralists, artisans, fishing communities, landless people, indigenous communities,

" Establishing, expanding and managing, as appropriate to each national context, protected area systems, which includes systems of conservation units for their environmental, social and spiritual functions and values, including conservation of forests in representative ecological systems and landscapes, primary old-growth forests, conservation and management of wildlife, nomination of world Heritage Sites under the World Heritage Conventions, as appropriate, conservation of genetic resources, involving in situ and ex situ measures and undertaking supportive measures to ensure sustainable utilization of biological resources and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities; (11.15 b., Deforestation)

" to promote income-generating activities, such as sustainable tourism,... in particular to protect the livelihood of local communities and indigenous people(13.15. b, fragile ecosystems)

" 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.a Fragile ecosystem)

" 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. (15.5 f, Biological diversity)

In chapter 36 of Agenda 21, 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 l

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)

13. RIGHTS OF INDIGENOUS PEOPLES

UNCED Documents Sections from Agenda 21

Indigenous people 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 concerned traditionally occupy. Indigenous people 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 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 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 and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities. (Agenda 21, 16.1)

In full partnership with indigenous people and their communities, Governments and, where appropriate, intergovernmental organizations should aim at fulfilling the following objectives: (Agenda 21, 16.3)

(a) Establishment of a process to empower indigenous people and their communities through measures that include:

(i) Adoption or strengthening of appropriate policies and/or legal instruments at the national level;

(ii) 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;

(iii) Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;

UNCED Documents: Rio Declaration

Indigenous people 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 recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development. (Rio Declaration, Principle 22)

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, Principle 14)

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. 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, Principle 15)

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.(Rio Declaration, Principle 16)

14.RESPECT FOR CULTURAL INTEGRITY AND INDIGENOUS PRACTICES

13.1. RESPECT FOR CULTURAL INTEGRITY AND RIGHTS OF INDIGENOUS PEOPLE

" respecting the cultural integrity and the rights of indigenous people [PEOPLES, EDITORIAL ADDITION] and their communities (3.7. b)

14.2. RESPECTS FOR TRADITIONAL AND INDIGENOUS PRACTICES

"Promote development in accordance with indigenous practices and adopt technologies appropriate to local conditions (7.42 c)

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 Biodiversity)

" 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.a Fragile ecosystem)

" 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)

" Governments ...should ... Recognize and foster the traditional methods and the knowledge of indigenous people 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 (15.4, g Biodiversity)

" Take effective economic, social and other appropriate incentive measures to encourage the conservation of biological diversity and the sustainable use of biological resources, including 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)

" Take effective economic, social and other appropriate incentive measures to encourage the conservation of biological diversity and the sustainable use of biological resources, including 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)

" Take action where necessary for the conservation of biological diversity through the in situ conservation of ecosystems and natural habitats, as well as primitive cultivars and their wild relatives, and the maintenance and recover of viable populations of species in their natural surrounding ...(15.6 g. Biodiversity)

Governments... consistent with the requirements of international law should, 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)

"promotion of collaborative research programmes... fostering of traditional methods and knowledge of such groups (local and indigenous) in connection with these activities. (16.7 b Biotechnology)

States shall cooperate with a view to the conservation of marine mammals and, in the case of cetaceans, shall in particular work through the appropriate international organizations for their conservation, management and study (17.50 Marine)

“Environmentally preferable goods.

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on an equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children

fundamental principles derived from the obligations incurred in the United Nation Conventions, Treaties, Covenants and from the expectations created in the United Nations Declarations, Conference action plans and General Assembly Resolutions shall establish the basis for socially equitable and environmentally sound development. The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires the establishment of mandatory international normative standards-and-technical regulations (MINS) that will drive the corporations, including transnationals, and funding agencies such as the development banks to ensure socially equitable and environmentally sound development.** Currently the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry will there be the needed shift towards a real cooperation based on the highest tenable principles. This shift from aid to trade clearly points to the need for **global mandatory regulations and standards to drive corporations including transnationals private sector to participate in socially equitable and environmentally sound development.** *participation in the shaping of international cooperation.* The international community, including multilateral financial institutions, **has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical -regulations (MINS) based on principles established over the past 50 years in international instruments.** In section

167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, states undertook to ensure that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.”. In addition the lending institutions shall not support the “clean-up environment industries” which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best environmentally sound technology that *environmental to ensure that additional resources to reinforce national efforts to foster an enabling environment to and achieve the objectives of adequate shelter for all and the socially equitable and environmentally sound sustainable development* of human settlements.

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);

shall establish the basis for socially equitable and environmentally sound development.

fundamental principles derived from

... Art. 148 and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on a equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children

The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires ensuring compliance of private sector**

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure,

health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies

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

(23)

PRINCIPLE OF JUSTIFIABLE INTERVENTION

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

(24)

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

(27)

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.

DRAFTED FOR 1997 52 ANNIVERSARY

52/1 Proclamation of the International Year of Global Compliance

The General Assembly

Whereas 1999 is the culmination of the decade devoted to the furtherance of International law

Whereas the General Assembly has decided unanimously to proclaim solemnly, on the Fifty-second Anniversary of the United Nations, 1999 to be the International Year of Global Compliance

Whereas 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 have created expectations through General Assembly Resolutions, declarations and Conference action statements.,

Whereas, if these 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 these year 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, and the fulfilling of these expectations

Whereas the Fifty-second 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 incurred through the Charter, Covenants, Conventions, and to fulfill previous expectations created through Declarations, General Assembly Resolutions, and Conference Action statements.

Now therefore,

The General Assembly, and its member states

Solemnly proclaim 1999 the International Year 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 discharge obligations undertaken through the Charter, Conventions, Treaties, and Covenants, and to fulfill expectations created through Declarations, General Assembly Resolutions and conference Action statements;
- to sign and ratify what they have not yet signed and ratified, to enact the necessary legislation and enforcement measures to ensure the discharging of these obligations
- to fulfill additional expectations created through globally adopted UN Conference action plans, and programs of action.

MOVE MOVE MOVE 1997

52nd plenary meeting 24, October, 1996

()THAT in 1996, in October, I circulated the following petition:

EXHIBIT

PETITION FOR THE ESTABLISHMENT OF AN INTERNATIONAL COURT OF COMPLIANCE

RECOGNIZING that, for fifty years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby if a government holds itself out to do something even if not legal 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 these obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

• 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)

ADDITIONAL PRINCIPLES THAT SHOULD BE INCORPORATED INTO INTERNATIONAL STANDARDS

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

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

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

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

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] 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 person**

(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 BECAUSE 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)

Reducing environmental health hazards

* 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

(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)

(9)

PRINCIPLE OF EXTRA-TERRITORIALITY

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

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

(10)

HUMANITARIAN PRINCIPLE

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

(11)

EQUALITY PRINCIPLE

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

(12)

PRINCIPLE OF NON-PRESUMPTION

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

(13)

LIMITS-TO GROWTH PRINCIPLE

LIVING WITHIN THE CARRYING CAPACITY OF THE ECOSYSTEM

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

* [Find: Quote from Club of Rome]

(14)

INHERENT WORTH PRINCIPLE

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

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

(15)

PRECAUTIONARY PRINCIPLE

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

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

15.4. Reverse onus principle

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

(16)

PRINCIPLE OF NON-DISPLACEMENT

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

(17)

PRINCIPLE OF SOLUTION BEING BETTER THAN THE PROBLEM PRINCIPLE

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

(18)

TRANSBOUNDARY PRINCIPLE

This principle holds that States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution

arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention. (Art. 194. 2., Law of the Seas, 1982)

(19)

PRINCIPLE OF JUSTIFIABLE INTERVENTION

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

(20)

PRINCIPLE OF MORAL IMPERATIVE

PRINCIPLE OF WARRANTED INTERVENTION

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

(21)

PRINCIPLE OF RIGHT TO OBJECT

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

(22)

ARMS LENGTH RESEARCH PRINCIPLE

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

(23)

REGULATOR MUST NOT 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]

PRINCIPLES OF ENVIRONMENTAL COMPLIANCE

This was prepared for submission to the B.C. Government's Working Committee on Criteria for Discharge Emissions by the ERA Ecological Rights Association. It is proposed as a set of principles appropriate for bioregionalism

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 and preservation, and the attainment of peace. These components are interdependent facets of a potentially viable solutions. It no longer seems possible to consider "problems" in isolation (such as threats and impacts of war; the exponential growth of population; continued urbanization; 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.)

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. All discharges, no matter where they are located in a region, will be equally affected by the criteria. Ensuring consistent protection also means that governments will not transfer its pollution problems onto other jurisdictions or bioregions, nor should governments relax standards in order to attract industry. Criteria must ensure acceptable ambient environmental conditions all across states and bioregions.

PRINCIPLE 4: [ENABLING] SOCIALLY EQUITABLE AND ENVIRONMENTALLY-SOUND DEVELOPMENT

“socially equitable and environmentally-sound development” is a basis of bioregional planning. (Preamble, 1.2., International Conference on Population and Development, 1994)

PRINCIPLE 5: ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER

Pollution prevention is complete prevention instead of displacement of problem and not the transferring pollution from one medium to another (for example from water to air).

PRINCIPLE 6: AFFIRMING THE LIMITS OF GROWTH

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

PRINCIPLE 7: ENDORSING THE ANTICIPATORY PRINCIPLE

The anticipatory principle is a pro-active measure to ensure that substances, processes and activities which are harmful to the environment are prevented from entering the environment, and to ensure that costly subsequent means of restoration are avoided, and that irreversible environmental degradation are avoided. Adverse effects include, but are not limited to: toxicity, bioaccumulation, 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 electromagnetic 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) Proof of 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 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 within and throughout bioregions.

PRINCIPLE 12: REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)

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.

PRINCIPLE 13 CREATING INDIGENOUS PLANT RESERVES AND HOME AND COMMUNITY MARKET GARDENS

Maintaining lawns requires a drain on local water supplies. Governments should pass regulations which encourage the replacement of grass lawns with indigenous plant reserves consistent with the fauna of the bioregion and home/community market gardens

PRINCIPLE 14: 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 by-products 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: 15 GLOBAL COMPLIANCE

The most stringent environmental provisions shall be adopted complying with all international, national, bilateral and bioregional 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: ENSURING INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES

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: UNDERTAKING TO NOT RELAX STANDARDS RELATED TO SOCIALLY EQUITABLE AND ENVIRONMENTAL SOUND DEVELOPMENT

Governments shall undertake 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: 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 into a specific bioregion [see principle enunciated in NAFTA. (re: relaxation of standards to attract industry)]

PRINCIPLE 19: 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 (e.g. chlorine). It also applies when a substance will generate persistent or bio-accumulative toxic by-products or breakdown products during its productions, use or disposal (Zero Toxics Alliance Statement of Principles)

PRINCIPLE 20: 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 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: 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)

PRINCIPLE 18: 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 18: 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

Joan Russow PhD

Sessional Lecturer in Global Issues

Coordinator, Global Compliance research Project

- 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)

7.2.4. MANDATE TO CHANGE CONSUMPTIVE PATTERNS OF DEVELOPMENT AND TO ADDRESS INEQUALITY

" Programs should: 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 - refugees and people under occupation. The groups will include poor smallholders, pastoralists, artisans, fishing communities, landless people, indigenous communities,

" Establishing, expanding and managing, as appropriate to each national context, protected area systems, which includes systems of conservation units for their environmental, social and spiritual functions and values, including conservation of forests in representative ecological systems and landscapes, primary old-growth forests, conservation and management of

wildlife, nomination of world Heritage Sites under the World Heritage Conventions, as appropriate, conservation of genetic resources, involving in situ and ex situ measures and undertaking supportive measures to ensure sustainable utilization of biological resources and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities; (11.15 b., Deforestation)

" to promote income-generating activities, such as sustainable tourism,... in particular to protect the livelihood of local communities and indigenous people(13.15. b, fragile ecosystems)

" 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.a Fragile ecosystem)

" 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. (15.5 f, Biological diversity)

In chapter 36 of Agenda 21, 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)

13. RIGHTS OF INDIGENOUS PEOPLES

UNCED Documents Sections from Agenda 21

Indigenous people 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 concerned traditionally occupy. Indigenous people 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 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 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 and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities. (Agenda 21, 16.1)

In full partnership with indigenous people and their communities, Governments and, where appropriate, intergovernmental organizations should aim at fulfilling the following objectives: (Agenda 21, 16.3)

(a) Establishment of a process to empower indigenous people and their communities through measures that include:

(i) Adoption or strengthening of appropriate policies and/or legal instruments at the national level;

(ii) 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;

(iii) Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;

UNCED Documents: Rio Declaration

Indigenous people 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 recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development. (Rio Declaration, Principle 22)

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, Principle 14)

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. 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, Principle 15)

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.(Rio Declaration, Principle 16)

14.RESPECT FOR CULTURAL INTEGRITY AND INDIGENOUS PRACTICES

13.1. RESPECT FOR CULTURAL INTEGRITY AND RIGHTS OF INDIGENOUS PEOPLE

" respecting the cultural integrity and the rights of indigenous people [PEOPLES, EDITORIAL ADDITION] and their communities (3.7. b)

14.2. RESPECTS FOR TRADITIONAL AND INDIGENOUS PRACTICES

"Promote development in accordance with indigenous practices and adopt technologies appropriate to local conditions (7.42 c)

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 Biodiversity)

" 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.a Fragile ecosystem)

" 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)

" Governments ...should ... Recognize and foster the traditional methods and the knowledge of indigenous people 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 (15.4, g Biodiversity)

" Take effective economic, social and other appropriate incentive measures to encourage the conservation of biological diversity and the sustainable use of biological resources, including 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)

" Take effective economic, social and other appropriate incentive measures to encourage the conservation of biological diversity and the sustainable use of biological resources, including 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)

" Take action where necessary for the conservation of biological diversity through the in situ conservation of ecosystems and natural habitats, as well as primitive cultivars and their wild relatives, and the maintenance and recover of viable populations of species in their natural surrounding ...(15.6 g. Biodiversity)

Governments... consistent with the requirements of international law should, 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)

"promotion of collaborative research programmes... fostering of traditional methods and knowledge of such groups (local and indigenous) in connection with these activities. (16.7 b Biotechnology)

States shall cooperate with a view to the conservation of marine mammals and, in the case of cetaceans, shall in particular work through the appropriate international organizations for their conservation, management and study (17.50 Marine)

“Environmentally preferable goods.

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on an equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children

fundamental principles derived from the obligations incurred in the United Nation Conventions, Treaties, Covenants and from the expectations created in the United Nations Declarations, Conference action plans and General Assembly Resolutions shall establish the basis for socially equitable and environmentally sound development. The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires the establishment of mandatory international normative standards-and-technical regulations (MINS) that will drive the corporations, including transnationals, and funding agencies such as the development banks to ensure socially equitable and environmentally sound development.** Currently the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting **BEST (Best Environmentally Sound Traditions) practices from the outset.** Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry will there be the needed shift towards a real

cooperation based on the highest tenable principles. This shift from aid to trade clearly points to the need for **global mandatory regulations and standards to drive corporations including transnationals** *private sector to participate in socially equitable and environmentally sound development.* *participation in the shaping of international cooperation.* The international community, including multilateral financial institutions, **has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical -regulations (MINS) based on principles established over the past 50 years in international instruments.** In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, states undertook to ensure that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.”. In addition the lending institutions shall not support the “clean-up environment industries” which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best environmentally sound technology that *environmental to ensure that additional resources to reinforce national efforts to foster an enabling environment to and achieve the objectives of adequate shelter for all and the socially equitable and environmentally sound, sustainable development of human settlements.*

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);

shall establish the basis for socially equitable and environmentally sound development.

fundamental principles derived from

... Art. 148 and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on an equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children

The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires ensuring compliance of private sector**

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies

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

(23)

PRINCIPLE OF JUSTIFIABLE INTERVENTION

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

(24)

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

(27)

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.

32

Reducing environmental health hazards

(Article * 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

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60S HAS BEEN**HOCKS GADDES WEST****71 EMERGING FIGURE**

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(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

() THAT in 1996 march 29-30, I attended International Environmental Law: Evolution and enforcement. Conference

Evening Presentation; by Judge Ulf Panzer Judges Blockade, Hamburg

Delia Burford: Wishes by and For the Children

Peter McAllister: Slideshow

Joan Russow Global Compliance Project need to establish an International Court of Compliance where citizens could take evidence of state and government noncompliance with international law.

() in 1996, I was particularly interested in Judge Ulf Presentation on the defense of necessity

Comment: Ulf Panzer, used the Nuremberg principle to justify his protesting Nuclear site

EXHIBIT

NECESSITY DEFENCE fact. But that is for a jury to say, not the court.' 8
Reasonableness is an essential concept in the necessity principle. Did the defendant reasonably believe a greater harm was about to occur? Were there no reasonable alternatives? Was the action reasonably thought necessary to prevent the harm? The greater the harm, the more reasonable it is to do something about it, even if the likelihood of success is small. As the Berrigan court said: The fallacy in the trial court's and the dissent's reasoning is to equate "reasonableness" with "success:" If by breaking the law you did not succeed in gaining your objective, you may not plead justification. But reasonableness is a function of the actor's situation. If the peril to the town was slight, it may indeed have been unreasonable of me to make a firebreak by destroying my neighbor's house but if the peril was great, my action may be seen in a very different light, and my plea of justification may prevail, even in the face of proof that the fire swept across the space I had cleared, and burned down the town.

() THAT, in 1996 , I gave a presentation at International Environmental Law: Evolution and enforcement. Conference

Global Compliance Project need to establish an International Court of Compliance where citizens could take evidence of state and government non-compliance with international law.

EXHIBIT

PETITION CALLING FOR AN INTERNATIONAL COURT OF COMPLIANCE
submission by the Global Compliance Caucus

Recognizing that for fifty-one years since the inception of the United Nations, member states have incurred obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, and General Assembly resolutions,

NOTING that obligations and expectations are reflected in international instruments undertaking to guarantee the respect of human rights, to preserve, protect and conserve the environment, to prevent conflict and war, and to achieve socially equitable and environmentally sound development

REMINDED of the General Assembly resolution establishing a decade of international law from 1990-1999

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. ii Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all forms of Racial Discrimination (1965) International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979);; Convention on the Control of trans-boundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby 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 fulfil this expectation, and convinced of the applicability of this Doctrine to declarations, conference action plans and General Assembly Resolutions.

AWARE that the relevance of the United Nations will be furthered through the demonstration of the political will to ensure the discharging of obligations and the fulfilling of expectations

() THAT IN 1996 I PRESENTED A SUMMARY OF THE PRESENTATION AT THE UN

EXHIBIT

PETITION FOR THE ESTABLISHMENT OF AN INTERNATIONAL COURT OF COMPLIANCE

RECOGNIZING that for fifty years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby if a government holds itself out to do something even if not legal 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 these obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

- 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)

ADDITIONAL PRINCIPLES THAT SHOULD BE INCORPORATED INTO INTERNATIONAL STANDARDS

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

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

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

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 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)

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

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] 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 BECAUSE 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)

Reducing environmental health hazards

* 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

(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)

(9)

PRINCIPLE OF EXTRA-TERRITORIALITY

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

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

(10)

HUMANITARIAN PRINCIPLE

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

(11)

EQUALITY PRINCIPLE

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

(12)

PRINCIPLE OF NON-PRESUMPTION

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

(13)

LIMITS-TO GROWTH PRINCIPLE

LIVING WITHIN THE CARRYING CAPACITY OF THE ECOSYSTEM

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

* [Find: Quote from Club of Rome]

(14)

INHERENT WORTH PRINCIPLE

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

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

(15)

PRECAUTIONARY PRINCIPLE

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

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

15.4. Reverse onus principle

(i) The onus of proof shall shift from the opponent of an intervention having to demonstrate harm, to the proponent of an intervention into the Ecosystem, having to demonstrate safety. Every proponent of an intervention into the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound

wastes, and be prepared to submit data for a full-scale life cycle analysis, and environmental cost analysis of the product and activities.

(16)

PRINCIPLE OF NON-DISPLACEMENT

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

(17)

PRINCIPLE OF SOLUTION BEING BETTER THAN THE PROBLEM PRINCIPLE

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

(18)

TRANSBOUNDARY PRINCIPLE

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

(19)

PRINCIPLE OF JUSTIFIABLE INTERVENTION

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

(20)

PRINCIPLE OF MORAL IMPERATIVE

PRINCIPLE OF WARRANTED INTERVENTION

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

(21)

PRINCIPLE OF RIGHT TO OBJECT

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

(22)

ARMS LENGTH RESEARCH PRINCIPLE

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

(23)

REGULATOR MUST NOT PROMOTER BE PRINCIPLE

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

(24)

PRINCIPLE OF PROPORTIONAL RESPONSE

This principle holds that the response in conflict must be proportional in kind, extent, nature to that of the original attack

(25)

PRINCIPLE OF DISCRIMINATION

This principle requires the discrimination between military and non-military competence and non competence

PRINCIPLES OF ENVIRONMENTAL COMPLIANCE

This was prepared for submission to the B.C. Government's Working Committee on Criteria for Discharge Emissions by the ERA Ecological Rights Association. It is proposed as a set of principles appropriate for bioregionalism

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 and preservation, and the attainment of peace. These components are interdependent facets of a potentially viable solutions. It no longer seems possible to consider "problems" in isolation (such as threats and impacts of war; the exponential growth of population; continued urbanization; 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.)

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. All discharges, no matter where they are located in a region, will be equally affected by the criteria. Ensuring consistent protection also means that governments will not transfer its pollution problems onto other jurisdictions or bioregions, nor should governments relax standards in order to attract industry. Criteria must ensure acceptable ambient environmental conditions all across states and bioregions.

PRINCIPLE 4: [ENABLING] SOCIALLY EQUITABLE AND ENVIRONMENTALLY-SOUND DEVELOPMENT

“socially equitable and environmentally-sound development” is a basis of bioregional planning. (Preamble, 1.2., International Conference on Population and Development, 1994)

PRINCIPLE 5: ENSURING THAT POLLUTING SUBSTANCES ARE NOT TRANSFERRED FROM ONE MEDIA TO ANOTHER

Pollution prevention is complete prevention instead of displacement of problem and not the transferring pollution from one medium to another (for example from water to air).

PRINCIPLE 6: AFFIRMING THE LIMITS OF GROWTH

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

PRINCIPLE 7: ENDORSING THE ANTICIPATORY PRINCIPLE

The anticipatory principle is a pro-active measure to ensure that substances, processes and activities which are harmful to the environment are prevented from entering the environment, and to ensure that costly subsequent means of restoration are avoided, and that irreversible environmental degradation are avoided. Adverse effects include, but are not limited to: toxicity, bioaccumulation, 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 electromagnetic 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) Proof of 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 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 within and throughout bioregions.

PRINCIPLE 12: REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)

It is important to support and promote the development of and the use of BEST (Best Ecologically Sound Techniques). In the event that there is no BEST technology which can prevent the release of persistent or bioaccumulative toxics then the extractive or productive activities which produce the product or substance process should be changed; the activities and product phased out/outlawed, or the demand for the product reduced through public education. In this case, the industry involved shall be assisted in the conversion to alternative processes or products.

PRINCIPLE 13 CREATING INDIGENOUS PLANT RESERVES AND HOME AND COMMUNITY MARKET GARDENS

Maintaining lawns requires a drain on local water supplies. Governments should pass regulations which encourage the replacement of grass lawns with indigenous plant reserves consistent with the fauna of the bioregion and home/community market gardens

PRINCIPLE 14: 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 by-products 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: 15 GLOBAL COMPLIANCE

The most stringent environmental provisions shall be adopted complying with all international, national, bilateral and bioregional 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: ENSURING INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES

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: UNDERTAKING TO NOT RELAX STANDARDS RELATED TO SOCIALLY EQUITABLE AND ENVIRONMENTAL SOUND DEVELOPMENT

Governments shall undertake 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: 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 into a specific bioregion [see principle enunciated in NAFTA. (re: relaxation of standards to attract industry)]

PRINCIPLE 19: 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 (e.g. chlorine). It also applies when a substance will generate persistent or bio-accumulative toxic by-products or breakdown products during its productions, use or disposal (Zero Toxics Alliance Statement of Principles)

PRINCIPLE 20: 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 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: 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)

PRINCIPLE 18: 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 18: 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

Joan Russow PhD

Sessional Lecturer in Global Issues

Coordinator, Global Compliance research Project

- 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)

SATURDAY MARCH 30

() THAT in 1996 I had the opportunity of Talking with Professor Ted McWhinney, about my using of international law in my case against the injunction.He encouraged me to continue using international law in the case

SETTING THE STAGE LAW OF THE SEA CLIMATE CONVENTION BIODIVERSITY, FORESTS

ALAN BEESLEY FORMER AMBASSADOR TO LAW OF THE SEA CONFERENCE

BRUCE TORRIE SKIES ABOVE FOUNDATION

PAUL GEORGE WCWC

MISTY MACDUFFE

MODERATOR RON MCISSACC

10 RESPONSIBILITY OF FEDERAL PROVINCIAL AND FIRST NATION

GOVERNMENT TO ENFORCEE INTERNATIONAL ENVIRONEMNTAL LAW

KAREN KRAFT SLOAN PAR. SEC TO MNISTER OF ENVIROMENT

NATIONA CHIEF OVIDE MERCEDI ASSEMBLY OF FIRST NATIONS

PAUL KIBEL COUNSEL PACIFIC ENVIORNMENT AND RESOURCES CENTE

Afternoon Workshops 1-2: 245

Nuclear Weapons and the Law

Judge Ulf Panzer

Professor Ted McWhinnie

Dorthey O'Donnell Lawyers of Social Responsibility

facilitator Bill Pearce

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Afternoon Workshops 1-2: 245
 Nuclear Weapons and the Law
 Judge Ulf Panzer
 Professor Ted McWhinnie
 Dorthey O'Donnell Lawyers of Social Responsibility
 facilitator Bill Pearce

NEW CODE FOR COMPROMISE: "NOW I AM REASONABLE"

() THAT in 1996, I went to a meeting with JAG Maini

SPECIAL MEETING OVER IN VANCOUVER WITH JAG MAINI. PATRICK MOORE
 . SUTTON FROM NEW ZEALAND

COMMENT

I introduced myself as coming from the University of Victoria. I had been asked by Rod Dobell to attend. When Patrick Moore introduced himself, he inserted in the introduction that he was NOW"reasonable", another member obviously a colleague of Moore also described himself as a former environmentalist but now he was reasonable. being reasonable was obviously a code word for willingness to compromise. Jag Maini started out saying: This is like old times when we all met before Rio. I do not remember meeting with Maini. [I do however, remember his speaking to the Royal Society meeting on Brazil in 1991 where he was catering to a different audience. Here we were with the movers and shakers of the BC forest industry. I raised numerous issues related to the non compliance with commitments made at Rio and about the flaws in the forest principles document.

Inbox



() **THAT in April 1996** I had been contacted by Dr. Jack Littlepage, during the summer of 1995 when the Brazilians gave a presentation at the university. He asked me then if I would assist him in preparing the next stage of his CIDA grant. On completing my doctorate, I helped him place his grant in the context of international agreements related to environment and gender issues; It was my understanding that in exchange for my work I would be hired to teach a course in Brazil.

() **THAT** in 1996, I applied for a grant to develop a project on Interdisciplinarity at the University

EXHIBIT

Proposal: Innovative Teaching Projects

Joan Russow, former Sessional Lecturer, Environmental Studies

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Instruction for Interdisciplinarity (Complexity and Uncertainty)¹

In recent years there has been increased interest in the problem of understanding, expressing and communicating complexity and uncertainty. Often interdisciplinarity has been proposed as a solution to this problem; yet the concept of interdisciplinarity has often been narrowly interpreted as being simply the linking of disciplines.

¹ This proposal is based on the instruction construct "Principle-based education" which was introduced in 1985 in Russow, J. "A Method of teaching issues;" and expanded in Russow, J and D White. Global/local Issues through principle-based education

Academics often call for the need to integrate disciplines, to grasp the interdependence of aspects, to explore the complexity of a topic, to make connections, etc. However, rather than facilitating the expression and communication of the resultant complexity and interdisciplinarity, academics often discourage interdisciplinarity and complexity by requiring interdisciplinarity to adhere to traditional models of thinking, of composition, expression, evaluation, and academic rigour, and in particular, instruction.

Interdisciplinarity could be conceived as accommodating significant connections among disciplines around an entity — all units that you write about: existing things, phenomena, objects, concepts, themes etc. Connections that may arise, out of necessity, from thinking, composing, expressing and interacting within an entity-field— the shifting universe of discourse. Interdisciplinarity encompasses a different mode of thinking, of composing of expressing, of interacting, as well as of displaying academic rigour.

Disciplines are often juxtaposed out of convenience— the application of existing disciplinary models to the entity-field examined rather than by necessity— the entity-field demanding the contribution of disciplinary thought. There still appears to be a well-entrenched belief that going beyond disciplinary boundaries and traditional models with no grounding in one discipline is a non-academic dilettante pursuit devoid of academic rigour. There does not yet appear to be general recognition that there is a form of interdisciplinarity that is beyond all disciplinary boundaries, and traditional models, and that there could be a different concept of academic rigour displayed through the deepening of understanding and knowledge of an interdependence of aspects within an entity field — the locus of all possibilities, shifting universes of discourse about an entity.

There does not yet appear to be general recognition that the full acceptance of interdisciplinarity, is dependent upon the acceptance of a principle that will guide alternative modes of thinking, of composing of expressing, of interacting, of displaying academic rigour, and of instructing. This acceptance could mean

moving beyond the current practice of requiring adherence to traditional preconceived academic models.

Interdisciplinarity may require a different mode of thinking, expressing, interacting as well as a different mode of instructing, and mode of conceiving of academic rigour. For full acceptance of interdisciplinarity to occur there must be a concomitant acceptance of additional or supplemental concepts of thinking, of composing of expressing, of interacting, of academic rigour and of instruction.

The proposal for “innovative instruction” is related to this alternative vision of “interdisciplinarity.” The purpose of the instruction project is to broaden concept of interdisciplinarity through what has been described as Endigmatic thinking, expressing, interacting and instructing.

This mode of instruction is based on a presumption that the exploration of the complexity and uncertainty of thought vacillates between momentary static patterns and principles, and dynamic processes.

Processes in Endigmatic mode of instruction

Students are encouraged to examine, to explore and to appreciate the full complexity, interdependence and uncertainty of an entity-field through engaging in the following analytical and reflective processes:

- Extraction of principles and processes from a wide range of disciplines
- Clustering of principles, patterns and processes into patterns
- Preparing an ideograph— a complex diagram displaying the principles and processes (Ideograph of interdisciplinary principles, patterns and processes)
- Discerning of interdependence of the clusters of principles, patterns and processes
- Discerning significant distinctions among disciplinary approaches to apparently similar principles, processes and patterns
- Location of new principles, patterns and processes within nearest cluster in the Ideagraph

- Assimilating or distinguishing aspect from cluster
- Connect principle with other processes within the diagram for wider analogy
- Exploring principles, patterns and processes
- Drafting of new principles, patterns or processes from the interdisciplinary complex if no principle, pattern or process exists
- Clarifying concepts and terms through ordinary language analysis
- Determining criteria for examining the of applicability of principle
- Establishing criteria for selecting entities to be examined
- Determining of issues emerging within principle, patterns and processes
- Selection of examples to illustrate principles, patterns or processes

Phase 1 of the project would involve further consultation with academics in different disciplines about principles, patterns and processes that could be included in the series of ideagraphs that would be expanded.

Phase 2 would be the determining of significant connections and points of distinctions and subtle variations among the different principles, patterns and processes.

Phase 3 would be the determining of disciplinary idiosyncrasies.

Phase 4 would be carrying out workshops on the mode of instruction arising from an expansion of this complex of principles, patterns and processes.

() **THAT in 1996**, I applied for a follow-up grant proposal, **Synthesis of Obligations Incurred and Expectations Created.: Knowledge of International Agreements as an Instrument of Change**, from CIDA

EXHIBIT
FOLLOW-UP PROPOSAL TO CIDA

1996 Synthesis of **Obligations Incurred and Expectations Created.:**
Knowledge of International Agreements as an Instrument of Change

BACKGROUND:

For over fifty years, member states of the United Nations have incurred obligations and created expectations.

If these fifty years of obligations had been discharged, and if these fifty years of expectations fulfilled, 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. In international agreements member states of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

Relevant sections in the Law reform Commission

More recent version of the Law Reform Commission was not in Law Library.
Relevant sections in the 1988 Law Reform Commission Book:

19 (1) Disastrous Damage to the Environment. Everyone commits a crime who recklessly causes disastrous damage to the environment
comment: although most environmental offences are covered by the Canadian Environmental Protection Act, S.C 1988, chapter 22, the Commission felt that protecting the environment was an important value which should, in addition be protected by criminal law. Therefore, the above-mentioned provision underlines the value of respect for the environment itself and stigmatizes behaviour causing disastrous damage with long- term loss of natural resources.

Principles of Liability

2 (1) principle of legality. No one is liable except for conduct defined at the time of its occurrence as a crime by this Code or by some other Act of the Parliament of Canada

2 (4) General Requirements as to level of culpability. Unless otherwise provided:

(1) where the definition of a crime requires purpose, no one is liable unless he acts

A. purposely as to the conduct specified by that definition

B purposely as to the consequences, if any, so specified and

(c) knowingly or recklessly as to the circumstances, if any, so specified.

ii) where the definition of a crime requires recklessness, no one is liable unless as concerns its elements he acts

a. purposely as to the conduct specified by that definition

b. recklessly as to the consequences, if any so specified and

c. recklessly as to the circumstances, whether specified or not.

Definitions

Purposely

1. a person acts purposely as to conduct if he means to engage in such conduct, and in the case of an omission, if he also knows the circumstances giving rise to the duty to act or is reckless as to their existence.

ii a person acts purposely as to a consequence if he acts in order to effect: A that consequence; or

B. another consequence which he knows involves that consequences

"recklessly." A person is reckless as to consequences or circumstances if, in acting as he does, he is conscious that such consequences will probably result or that such circumstances probably obtain.

Alternative; (p. 40) Recklessly." a person is reckless as to consequences or circumstances if, in acting as he does, he consciously takes a risk, which in the circumstances known to him is highly unreasonable to take, that such consequences may result or that such circumstances may obtain

2 (6)

Causation. Everyone causes a result when his conduct substantially contribute to its occurrence and no other unforeseen and unforeseeable cause supersedes it.

Defences: absence of conduct or state of mind necessary for culpability

3 (2) Lack of knowledge

(b) exception: recklessness and negligence. This clause shall not apply as a defence to crimes that can be committed by recklessness or negligence where the lack of knowledge is due to the defendant's recklessness or negligence as case may be.

" The problem is that harm arising from a violation may be harm not to any individual but to the public as a whole, or even harm to the environment in which it is difficult to "prove" any human interest. The diffuseness of such harm makes it difficult to establish the gravity of the offence, a key consideration in sentencing. "
(Swaigen, p. 2)

The government has erred because it has not taken into consideration "intangible values" (p. 3) "mental distress, spiritual or aesthetic interests" (p.3) -- psychological (quality of life) that could result in the violation of the right of future generations to their environmental heritage

Children have the right to experience nature as it was -- untouched "the timelessness of existing independent of human control ... being in touch with infinity.... entering into a state of transition between what is and what could have been."

EXHIBIT DIAGRAM

() THAT in 1996, I worked with local peace groups on drafting a resolution related to re-allocating the military budget

EXHIBIT

Attention: Hon. David Anderson

Re: Military Budget breakdown

I am involved in working with others on a letter that was endorsed by a recent meeting "Translating Concern into Action" in Victoria, and for the letter we need the following information immediately:

- breakdown of expenses 1995 defence budget

Thank you for your assistance

Dr. Joan E. Russow
FAX/TEL 604 598-0071

() THAT I sent a request, about the breakdown of the military budget, to David Anderson EXHIBIT

Attention: Hon. David Anderson

Re: Military Budget breakdown

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- breakdown of expenses 1995 defence budget

Thank you for your assistance

Dr. Joan E. Russow

FAX/TEL 604 598-0071

() THAT i 1996 , David White and I and I were contacted by the federal Green Party and asked if we would work on the draft platform in international affairs and environment (Joan) and environment (David) for the platform for the federal election in 1997.

EXHIBIT DRAFT INTERNATIONAL AFFAIRS SUBMISSION BY Joan Russow

The international affairs platform has been divided into different Chapters that correspond somewhat to the divisions of the United Nations Plan of Action. It has been divided in this way to assist Green Party candidates in the upcoming election to use this document as a lobbying document, and to be able to link the issues in with those being discussed at the Earth Summit II in 1997; The follow-up which will be getting a lot of press.

**EXHIBIT
INTERNATIONAL AFFAIRS**

[[To ensure that the protection from discrimination. the platform should be inclusive of additional grounds that have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration, there were listed a series of grounds concluding with the expression "Other status" which indicated the intention to include other grounds as they arose. Through various

human rights instruments, states have recognized the following grounds of discrimination: race, sex, gender, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, different forms of the family, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents "sexual orientation" has also been included, but remained bracketed. In keeping with the intention of 'other status' in the Universal Declaration of Human Rights, the Canadian government should include this ground. in all Canadian human rights documents, and lobby for its inclusion in all international human rights documents

From 1992 Agenda 21:

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 (Preamble Agenda 21, UNCED, 1992).

Here is a revision

THE INTERNATIONAL AFFAIRS PLATFORM STATE AND CORPORATE COMPLIANCE WITH OBLIGATIONS, EXPECTATIONS AND COMMITMENTS.FOR THE GREEN PARTY OF CANADA PLATFORM

The Green party government in Canada supports a strong United Nations, and mandatory international standards and regulations drawn from International principles; it would also advocate that these standards and regulations be harmonized continually upwards to correspond to the highest state principles, standards and regulations. .

For fifty two years through international agreements, the member states of the United Nations have undertaken:

- (i) to promote and fully guarantee respect for human rights;
- (ii) to ensure the preservation and protection of the environment;
- (iii) to create a global structure that respects the rule of law;
- (iv) to achieve a state of peace; justice and security, and
- (v) to enable socially equitable and environmentally sound development.

International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; expectations created through the United Nations Declarations, and General Assembly Resolutions; and commitments made through UN Conference Action Plans.

If these years of obligations had been discharged, if these fifty years of expectations had been fulfilled, and if years of commitments had been 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.

In June 1997, the Earth Summit II meeting of government leaders will take place in New York. At this meeting they will be endorsing a document related to the follow-up to the United Nations Conference on the Environment and Development (UNCED),

The Green party of Canada supports the following proposal:

The Earth Summit II is important primarily for citizens to reveal that years of obligations incurred through the Charter of the United Nations, conventions, treaties and covenants; of expectations created through General Assembly

resolutions, and of commitments made through conference action plans have not been undertaken, and that most of the obligations, expectations and commitments have neither been discharged, fulfilled, nor acted upon, and that it is time for compliance through action.

A Green party government in Canada would support the following actions for Earth Summit II in June, 1997 — the fifth anniversary of the United Nations conference on Environment and Development (UNCED)

1. At the Earth Summit II, the member states of the United Nations undertake to sign and ratify international agreements that they have not yet signed and ratified, and to enact the necessary legislation to ensure compliance and enforcement. In addition they undertake to fulfill expectations created through General Assembly resolutions and declarations, and to act upon commitments arising from conference action plans.

2. At the Earth Summit II, the member states of the United Nations undertake to act upon the commitment in the Platform of Action in the UN Conference on Women: Equality, Development and Peace and in the Habitat II Agenda “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”.

To act upon this commitment, a Green party government in Canada would propose the following measures:

(i) the establishment mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards. MINS will then drive industry to BEST (best equitable/environmentally sound traditions) practices.

(ii) the revoking of licenses and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

(iii) the institution of an International Court of Compliance where citizens can take evidence of state and corporate non-compliance.

3. At the Earth Summit II, member states of the United Nations undertake to act upon the Malaysian General Assembly resolution which affirmed that “the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on earth (Dec,10 1996 response to the International Court of Justice decision on the use or threat to use nuclear weapons being against international humanitarian law).

To act upon the resolution member states of the United Nations will embark immediately and conclude before the year 2000 negotiations on a nuclear weapons abolition convention that requires the phased elimination of all nuclear weapons within a time bound framework with provisions for effective verification and enforcement

In order to achieve a permanent elimination of nuclear weapons, and because of the fatal link between civil and military nuclear power, member states of the United Nations must also endorse an international uranium suffocation program, a moratorium on further nuclear plants, and a time-bound phase-out of existing nuclear plants

In addition, the member states of the United Nations undertake to ensure that all circulation and berthing of nuclear powered and nuclear armed vessels discontinue.

4. At the Earth Summit II, the member states would undertake immediately to reduce the military budget by 50% and transfer the savings (i) into guaranteeing the right to food, 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, (ii) into socially equitable and environmentally sound work, and (iii) into strengthening the United Nations. Currently the global community spends 850 billion on the military. It should be noted that in 1981 there was a General Assembly resolution to reduce the military budget and transfer the savings into social programs particularly in the developing countries. In 1981 the military budget was less than 50% of what it is now.

5. At the Earth Summit II, the member states of the United Nations will demand and ensure compensation and reparation will be sought from corporations and sympathetic administrations for the environmental degradation and human rights violation in developing countries, on lands of indigenous peoples and in the communities of the marginalized citizens in both developing and developed countries. The so-called debt of the developing countries is not a debt to be forgiven but rather an obligation of the developed states to redress, compensate and restore. Debt implies benefit and little benefit was derived from the years of corporate, along with sympathetic administration exploitation of developing countries, indigenous peoples, and marginalized citizens. It is a time for redress, compensation and restoration.

In order to prevent further environmental degradation and human rights violation, we the member states of the United Nations will fully act upon our commitment under principle 14 of the Rio Declaration which calls for the prevention of the transfer to other states of substances or activities that cause environmental degradation or that are harmful to human health. We also acknowledge that this

principle includes toxic, hazardous, and atomic substances and wastes and associated activities, and that prior informed consent by the receiving country does not absolve us from the commitment to transfer these substances. In addition we will extend this principle to include transfer within states to lands of indigenous peoples, or to communities of marginalized citizens.

6. At the Earth Summit II, the member states of the United Nations will undertake to act upon a commitment in recent UN Conferences to move away from the over-consumptive model of development and reject the notion that economic growth will solve the urgency of the global situation. To achieve the moving away from the current over-consumptive model of development the A Green party government would propose the following measures be taken in the following areas
[[reference to the rest of the program]]

-
-

7. At the Earth Summit II, the member states of the United Nations will undertake to invoke the precautionary principle (Rio Declaration, Convention on Biological Diversity, and Framework convention on Climate Change Convention) and not wait until there is scientific certainty that environmental degradation, loss or reduction of biodiversity, or climate change will occur for current practices causing environmental degradation, loss or reduction of biodiversity, or climate change to be banned, discontinued, or phased out..

In addition member states of the United Nations will adhere to the prevention of disasters principle as enunciated in the Habitat II Agenda, and ban, discontinue and phase out the use of substances and activities that could potentially cause disasters. For all future activities and substances, states will undertake to endorse the reverse onus principle which requires the proponent of an intervention into the ecosystem to have to demonstrate the safety of the intervention rather than the opponent having to demonstrate harm.

ACTION FOR COMPLIANCE

Citizens must be aware that the United Nations through years of international meetings has already drafted the blueprint for the actions that are necessary to address the urgency of the global situation. International public policy already exists in the complex of United Nations documents, and that member states of the United Nations have failed either to comply with this international public policy, or to determine what would constitute compliance. What is needed now, immediately, is compliance with the existing body of obligations, expectations. and commitments

A Green party government in Canada will ensure that citizens of Canada will be aware of international instruments, and encourage the use of international instruments in Canada including ensuring that citizens receive standing in the courts of Canada to bring to the attention of the courts Canada's non-compliance with international law. In addition a Green party government in Canada will lobby internationally to ensure state and corporate compliance with international obligations, expectations and commitments.

The Green party of Canada would work continually towards the

For fifty two years through international agreements, the member states of the United Nations have undertaken:

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- (iv) to achieve a state of peace; justice and security , and
- (v) to enable socially equitable and environmentally sound development.

International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; expectations created through the United Nations Declarations, and General Assembly Resolutions; and commitments made through UN Conference Action Plans.

If these years of obligations had been discharged, if these years of expectations had been fulfilled, and if years of commitments had been 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.

STATE AND CORPORATE COMPLIANCE WITH OBLIGATIONS, EXPECTATIONS AND COMMITMENTS.

For fifty two years through international agreements, the member states of the United Nations have undertaken:

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International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; expectations created through the United Nations Declarations, and General Assembly Resolutions; and commitments made through UN Conference Action Plans.

If these years of obligations had been discharged, if these fifty years of expectations had been fulfilled, and if years of commitments had been 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.

In June 1997, the Earth Summit II meeting of government leaders will take place in New York. At this meeting they will be endorsing a document related to the follow-up to the United Nations Conference on the Environment and Development (UNCED),

“A MODEST PROPOSAL”

The Earth Summit II is important primarily for citizens to reveal that years of obligations incurred through the Charter of the United Nations, conventions, treaties and covenants; of expectations created through General Assembly resolutions, and of commitments made through conference action plans have not been undertaken, and that most of the obligations, expectations and commitments have neither been discharged, fulfilled, nor acted upon, and that it is time for compliance through action.

Suggested actions for Earth Summit II in June, 1997

1. (a) On June 23, 1997 at the fifth anniversary of the United Nations conference on Environment and Development, we the member states of the United Nations undertake to sign and ratify international agreements that we have not yet signed and ratified, and to enact the necessary legislation to ensure compliance and enforcement. In addition we undertake to fulfill expectations created through General Assembly resolutions and declarations, and to act upon commitments arising from conference action plans.

- Establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards. MINS will then drive industry to BEST (best equitable/environmentally sound traditions) practices.

1(b) In addition, we reaffirm the undertaking in the Platform of Action in the UN Conference on Women: Equality, Development and Peace and in the Habitat II Agenda “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”.

- revoke licenses and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

1 (c) Further, we undertake to establish an International Court of Compliance where citizens can take evidence of state and corporate non-compliance.

2. (a) On June 24, 1997. we the member states of the United Nations undertake to embark immediately and conclude before the year 2000 negotiations on a nuclear weapons abolition convention that requires the phased elimination of all nuclear weapons within a time bound framework with provisions for effective verification and enforcement

We undertake immediately to reduce the military budget by 50% and transfer the savings (i) into guaranteeing the right to food, 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, (ii) into socially equitable and environmentally sound work, and (iii) into strengthening the United Nations.

Currently the global community spends 850 billion on the military. It should be noted that in 1981 there was a General Assembly resolution to reduce the military budget and transfer the savings into social programs particularly in the developing countries. In 1981 the military budget was less than 50% of what it is now.

3. On June 25 1997. we the member states of the United Nations will demand and ensure compensation and reparation will be sought from corporations and sympathetic administrations for the environmental degradation and human rights violation in developing countries, on lands of indigenous peoples and in the communities of the marginalized citizens in both developing and developed countries. The so-called debt of the developing countries is not a debt to be forgiven but rather an obligation of the developed states to redress, compensate and restore. . Debt implies benefit and little benefit was derived from the years of corporate, along with sympathetic administration exploitation of developing countries, indigenous peoples, and marginalized citizens. It is a time for redress, compensation and restoration.

Through international agreements nation states have undertaken (i) to guarantee human rights including the right to be free from discrimination, the right to shelter, the right to food, the right to social security (international human rights instruments); (ii) to protect the cultural and natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972) ; (iii) to eliminate weapons of mass destruction (UNCHE, 1972); (iv) to 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); (v) to declare that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity (Resolutions 1961, 1978, 1979, 1980, 1981); (vi) to reduce the 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) and 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); (vii) to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); (viii) to secure nature from degradation caused by warfare or other hostilities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982); (ix) to declare that the preservation of the right of peoples to peace is 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); (x) to demand that policies of states be directed towards elimination of the threat of war, particularly nuclear war (3. Declaration on the Right of Peoples to Peace; approved by General Assembly resolution 39/11 of 12 November 1984); (xi) 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, 1983);(xii) to prevent the 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); (xiii) to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); (xiv) to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); (xv) to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity); (xvi) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: (xvii) to reduce the ecological footprint (Art. 27 b); (ix) to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i); (xx) to prevent environmental damage through knowledge of eco-cycles (Art. 135). and so forth.

A key concept that has significant policy implications is that of international customary law. Simply put, where a principle of international law has been a long standing part of that law, it may be held to be a part of international customary law and deemed applicable as part of national law. For example, the principle of intergenerational equity i.e. the rights of future generations to a safe environment may be argued as falling within international customary law since it is found in a number of international documents beginning with the UN Conference on Humans

and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change).

SYSTEMIC CONSTRAINTS PREVENTING CHANGE

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that solutions do not lie in the recipes of the past.

The urgency of the global situation has been acknowledged throughout the United Nations documents: the continuing violation of human rights, the continuing destruction of the environment- ozone depletion, climate change, desertification, species extinction, deforestation, toxic hazardous, atomic waste production, the continuing escalation of war and conflict, and production of arms including weapons of mass destruction , and continuing human misery - many dwellers live in absolute poverty, lacking adequate access to housing, to potable water and sanitation in overcrowded cities.

Yet when called upon to seriously address the urgency by rejecting old recipes, many states lack the necessary resolve.

Systemic Constraints Preventing Change

The lack of the necessary resolve is reflected in the perpetuation of the following systemic constraints:

The lack of political will of states to discharge obligations incurred through treaties, conventions, and covenants, and the lack of political will to fulfill expectations created through General Assembly resolutions, Conference Action Plans and Declarations.

The failure of states to sign instruments, to sign instruments without ratifying them, to ratify instruments without enacting the necessary legislation to ensure compliance, or to enact the necessary legislation without enforcing the legislation.

The failure of states to establish mandatory international standards based on long-standing principles established by the UN to guarantee human rights of citizens, to preserve, protect and conserve the environment, to prevent war and conflict and to enable social equity, equality and justice; and the reluctance of states to revoke the charters of corporations for failing to adhere to these standards.

The failure on the part of states to accept the authority of international bodies reflected particularly in the lack of willingness to appear before the International Court of Justice and being willing to disregard the rulings of the International Court of Justice.

The lack of vision to go beyond existing obligations and expectations, and to undertake new commitments that will fundamentally change the recipes of the past.

The final systemic constraint is that those who are in a power to bring about change are those that benefit most from the perpetuation of the recipes of the past.

CHAPTER 2 EQUITABLE AND ENVIRONMENTALLY SOUND FINANCIAL PROVISIONS

ENVIRONMENT, TRADE HUMAN RIGHTS AND REGULATIONS

“to prevent the 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)

- ENSURING THAT WORLD TRADE AGREEMENT AND NAFTA ARE UNDER THE CONTROL OF INTERNATIONAL LAW, AND THAT INTERNATIONAL LAW INCLUDING TREATIES, CONVENTIONS, COVENANTS, GENERAL ASSEMBLY RESOLUTIONS, CONFERENCE ACTIONS PLANS AND DECLARATION TAKE PRECEDENCE OVER TRADE AGREEMENTS
- LOBBYING STRONGLY FOR ALL STATES TO SIGN AND RATIFY INTERNATIONAL AGREEMENTS, AND TO ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE
- CO-ORDINATING SANCTIONS AGAINST THOSE COUNTRIES WHO ARE NOT COMPLYING WITH UNITED NATIONS OBLIGATIONS INCURRED FROM CONVENTIONS, TREATIES, AND COVENANTS, AND EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS, CONFERENCE ACTION PLANS, AND DECLARATIONS
- ESTABLISHING REGULATIONS TO ALLOW STATES TO PLACE TARIFFS UPON, OR REFUSE ENTRY OF, PRODUCTS MADE WITH CHILD AND SLAVE LABOUR, OR THAT ARE ENVIRONMENTALLY UNSOUND, CULTURALLY INAPPROPRIATE OR HARMFUL TO HEALTH ;

- INSISTING THAT NO HAZARDOUS OR TOXIC WASTE BE DUMPED IN THIRD WORLD COUNTRIES AND/OR RURAL COMMUNITIES, OR ON INDIGENOUS LANDS; (INCLUDING THE SALE OF CANDU REACTORS AND ALL NUCLEAR TECHNOLOGY).

- ENSURING FAIR TRADE NOT FREE TRADE

EQUITABLE AND ENVIRONMENTALLY
SOUND FINANCE

“united determination to work urgently for the establishment of a new international Economic order based on equity,...interdependence, common interest and cooperation with systems which shall correct inequalities and address existing injustices... and to ensure steadily social development and peace and justice for present and future generations (Preamble, Declaration on the Establishment of a New International Economic Order, 1974).

- INSTITUTING AN ECONOMIC SYSTEM BASED ON EQUITY

- DEVELOPING A COMPREHENSIVE SET OF CRITERIA FOR ETHICAL INVESTMENTS

- CANCELING DEBT/DEBT FORGIVENESS AND REPARATION

- ENSURING THAT .7% OF GNP IS TRANSFERRED TO DEVELOPING COUNTRIES; AND INCREASING IT TO AT LEAST 1%

- FORGIVING DEBT TO DEVELOPING COUNTRIES AND RESTRICTING CORPORATE PROFIT AND WEALTH TRANSFER FROM POOR TO RICH COUNTRIES;

- FAIRLY COMPENSATING DEVELOPING COUNTRIES FOR THE SALE OF THEIR COMMODITIES AND FOR PREVIOUS ACTIVITIES THAT HAVE CONTRIBUTED TO ENVIRONMENTAL DEGRADATION OR THAT HAVE BEEN HARMFUL TO HUMAN HEALTH

- DEVELOPING A COMPREHENSIVE SET OF CRITERIA FOR ETHICAL INVESTMENTS

- CONVERTING VESTED ECONOMIC INTEREST GATT TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND AGREEMENTS BASED ON PRINCIPLES DRAWN FROM INTERNATIONAL INSTRUMENTS

- INSTITUTING AN ECONOMIC SYSTEM BASED ON EQUITY AND INTERDEPENDENCY, COMMON INTEREST AND COOPERATION WHICH RECTIFIES EXISTING INJUSTICES

- REQUIRING ADHERENCE TO THE TRANSBOUNDARY PRINCIPLE BY PREVENTING THE ENGAGING IN ENVIRONMENTALLY UNSOUND ACTIVITIES, AND THE PRODUCING OF ENVIRONMENTALLY UNSOUND SUBSTANCES

- REQUIRING OF CONDITIONAL FUNDING BASED ON THE GUARANTEEING OF HUMAN RIGHTS, ON ENSURING ENVIRONMENTAL PROTECTION AND PRESERVATION, AND ON PROMOTION OF PEACE

- ENDING WORLD HUNGER AND POVERTY THROUGH CHANGING PRIORITIES OF INTERNATIONAL FINANCE, COMMERCE, AND DEVELOPMENT ASSISTANCE

- DISCONTINUING SUBSIDIES FOR SOCIALLY INEQUITABLE AND ENVIRONMENTALLY HARMFUL ACTIVITIES

- CONDEMNING THE CONTINUED “FOREIGN-AID” (TRADE) POLICY DIRECTION OF STATE AND BUSINESS SELF-INTEREST COMPETITION, AND PROMOTING INTERNATIONAL COOPERATION AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

- SUPPORTING LOCAL MARKETS, LAND REFORM, AND SELF-RELIANCE RATHER THAN CASH CROPS FOR EXPORT;

- IMPLEMENTING OR MAINTAINING TRADE SANCTIONS ON COUNTRIES WITH HUMAN RIGHTS VIOLATIONS

- DISCONTINUING ALL FOREIGN AID ASSISTANCE TO ALL EXISTING NUCLEAR, FOSSIL FUEL AND LARGE HYDRO-ELECTRIC RELATED PROJECTS, EXCEPT TO ASSIST WITH DE-COMMISSIONING OR ENVIRONMENTAL RESTORATION;

- AWARDING ENERGY-RELATED FOREIGN AID TO COMMUNITY PROJECTS WHICH PROMOTE USE OF RENEWABLE ENERGY AND EFFICIENT USE OF RESOURCES.

- LIMITING FOREIGN AID TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND PROJECTS

- PREVENTING THE EXPORT OF PRODUCTS BANNED IN THE COUNTRY OF ORIGIN
- CREATING JOBS IN COMMUNITIES BY REINVESTING PROFITS THROUGH REVOLVING COMMUNITY LOANS AND THROUGH USE OF LOCAL RESOURCES;
- ESTABLISH A COMMUNITY INVENTORY OF PRODUCTS NEEDED THAT WOULD ENSURE EVERY CITIZEN A REASONABLE STANDARD OF LIVING AND QUALITY OF LIFE.
- ENCOURAGING CITIZEN OWNERSHIP AND CONTROL OF RESOURCES WITHIN A FRAMEWORK OF OVERARCHING EQUITABLE AND ECOLOGICALLY SOUND PRINCIPLES
- INCREASING THE AMOUNT OF PUBLIC DEBT FINANCED BY THE BANK OF CANADA AT LOW OR NO INTEREST;
- REDUCING YEARLY DEFICITS BY GETTING RID OF SUBSIDIES TO ECOLOGICALLY UNSUSTAINABLE INDUSTRIES (EG. NUCLEAR POWER, PETROCHEMICAL AND HIGH-TECH ARMS MANUFACTURERS);
- ENDING CORPORATE SUBSIDIES AND TAX DEFERRALS, EXCEPT FOR GREEN INDUSTRIES
- CREATING JOINT CO-OPERATIVE MANAGEMENT THAT WOULD ENSURE ELIMINATION OF OVERLAP BETWEEN PROVINCIAL AND FEDERAL GOVERNMENT DEPARTMENTS IN FORESTRY, AGRICULTURE, EDUCATION, SOCIAL PROGRAMS, HEALTH AND TRANSPORTATION, ETC., WITHOUT LOWERING STANDARDS OF LIVING AND/OR QUALITY OF LIFE.
- PROMOTING A FINANCIAL TRANSACTION TAX (FTT) TREATY AND LEGISLATION WHICH COVERS ALL INTERNATIONAL INVESTMENT AND CURRENCY TRADING. SUCH A TAX COULD FUND THE VARIOUS UNITED NATIONS AND NON-GOVERNMENTAL AID AGENCIES.
- PROMOTING AN INTERNATIONAL TREATY THAT WOULD ENSURE CITIZENS AND GOVERNMENTS THE RIGHT TO KEEP NATURAL AND MONETARY CAPITAL WITHIN THEIR COUNTRIES' BORDERS;

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- PROVIDING LOW- OR NO-INTEREST LOAN PROGRAM LEGISLATION. PROGRAM FUNDS WOULD BE DEPOSITED WITH THE NATIONAL BANKS BY CHARTERED BANKS, OTHER FINANCIAL INSTITUTIONS AND CORPORATIONS WITH ASSETS EXCEEDING \$100 MILLION. 5% OF THEIR CAPITAL ASSETS WOULD BE DEPOSITED TO ACT AS LIABILITY INSURANCE, SUBJECT TO LEGAL CONFISCATION AND LOSS OF CORPORATE CHARTER, IN THE EVENT THAT ANY OF THESE CORPORATIONS CAUSE ECOSYSTEM DAMAGE AND/OR PREVENTABLE SOCIAL DISLOCATION TO CITIZENS AND OTHER SPECIES.

CHAPTER 3

SOCIAL JUSTICE, EQUITY AND SECURITY ASSURANCES- BASIC NEEDS, FOOD SECURITY, AGRICULTURE, HEALTH, SHELTER PROVISIONS

SOCIAL JUSTICE, AND EQUITY AND SECURITY

“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)”

- ENSURING THE RIGHT TO SAFE AND HEALTHY FOOD, SHELTER, HEALTH CARE, AND THE PROVISION FOR A GUARANTEED ANNUAL INCOME, FAIR PENSION AND SOCIAL SECURITY
- REDUCING POVERTY THROUGH FULFILLING BASIC NEEDS, PROVIDING EQUITABLE DISTRIBUTION OF RESOURCES, GUARANTEEING HUMAN RIGHTS, PRESERVING AND PROTECTING THE ENVIRONMENT, AND PREVENTING WAR AND CONFLICT
- ENSURING THE RIGHT TO SAFE DRINKING WATER, AND SANITATION TO PRECLUDE BOTH MICROBIAL AND CHEMICAL CONTAMINATION;
- GUARANTEEING THE RIGHT TO UNIVERSAL HEALTH CARE PROVIDED THROUGH PUBLIC FUNDS WITH FAIR AND EQUAL ACCESS
- ENSURING THE RIGHT TO SHELTER THAT IS AFFORDABLE, ACCESSIBLE, ENVIRONMENTALLY-SOUND AND WITH TENURE SECURITY
- PROVIDING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND EMPLOYMENT WITH A SHORTER WORK WEEK WITH FULL BENEFITS FOR

PART TIME WORKERS, AND WITH EQUAL PAY FOR WORK OF EQUAL VALUE

- GUARANTEEING ECOLOGICAL RIGHTS TO A SAFE ENVIRONMENT (CLEAN AND UNPOLLUTED AIR, WATER, AND LAND); AND TO AN ECOLOGICAL HERITAGE FOR FUTURE GENERATIONS

FOOD SECURITY

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)

- GUARANTEEING THE RIGHT TO FOOD (THE RIGHT TO NON GENETICALLY ENGINEERED OR RADIATED FOOD, NUTRITIOUS ORGANICALLY GROWN FOOD)
- GUARANTEEING CONSERVATION OF FERTILE AREAS FOR GROWING FOOD
- REFOCUSING PRIORITIES TO SUPPORT DEVELOPMENT OF SELF-RELIANT FAMILY AND COMMUNITY FARMS THAT USE ECOLOGICALLY SENSITIVE METHODS OF FARMING.
- PROMOTING ORGANIC AGRICULTURE THROUGH REGULATIONS AND EDUCATION, AND THROUGH PHASING OUT THE USE OF CHEMICAL PESTICIDES
- REVISING THE CODEX ALIMENTARIOUS AND NATIONAL FOOD GUIDES SUCH AS THE CANADA FOOD GUIDE TO PRESENT LEGUMES, VEGETABLES, FRUITS AND GRAINS (WHICH CAN MEET ALL NUTRITIONAL NEEDS, WHILE REDUCING RELATED HEALTH PROBLEMS) AS A COMPLETE ALTERNATIVE TO A MEAT-BASED DIET.
- BANNING GENETICALLY ENGINEERED FOOD, AND IRRADIATED FOOD

HEALTH , RIGHTS AND ETHICS

- DEVELOPING EQUITABLE AND ETHICAL CRITERIA FOR DETERMINING MEDICAL CHOICES
- ESTABLISHING GUIDELINES FOR REPRODUCTIVE TECHNOLOGIES LIKE SURROGATE MOTHERHOOD
- ENSURING THE RIGHT OF ACCESS TO REPRODUCTIVE CHOICE: RESPECTING THE WOMAN'S RIGHT TO CHOSE, AND ACKNOWLEDGING THAT THE GOVERNMENT HAS NO ROLE IN THIS DECISION.
- CONDEMNING THE PRACTICE OF SEX SELECTION
- PROMOTING THE AVAILABILITY OF GENERIC OVER PATENTED DRUGS
- DECRIMINALIZING DOCTOR ASSISTED SUICIDE, AND EUTHANASIA
- BANNING GENETICALLY MODIFIED ORGANISM AND THE PATENTING OF HUMAN GENES
- LIMITING AND CONTROLLING BIOTECHNOLOGY
- ENSURING THE ETHICAL TREATMENT OF ANIMALS, PHASING OUT THE USE OF ANIMALS IN RESEARCH
- DISCONTINUING THE PRACTICE OF PRESCRIBING ANTIBIOTICS FOR VIRAL INFECTIONS, AND FOR NON-LIFE THREATENING BACTERIAL INFECTIONS
- LEGISLATING MIDWIFERY LOCALLY, NATIONALLY AND INTERNATIONALLY
- ENSURING EXTENDED MATERNITY AND PATERNITY LEAVE.
- ENDORSING AND SUPPORTING BREAST FEEDING AS THE BEST WAY TO FEED AN INFANT.
- CONDEMNING THE ADVERTISING AND PROMOTION OF ARTIFICIAL INFANT FORMULA TO THE PUBLIC.
- ENSURING HIGHER SAFETY STANDARDS IN THE PRODUCTION OF MEDICAL PRODUCTS

- DISCONTINUING THE PRACTICE OF PRESCRIBING ANTIBIOTICS FOR VIRAL INFECTIONS, AND FOR NON-LIFE THREATENING BACTERIAL INFECTIONS

CHAPTER 4 OVERCONSUMPTION REDUCTION AND EQUITABLE DISTRIBUTION OF RESOURCES

ENVIRONMENTALLY SOUND PRACTICES THROUGH REGULATIONS AND REDUCTION OF OVERCONSUMPTION

“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, UNCED)

- PHASING OUT THE CURRENT UNSUSTAINABLE PATTERN OF CONSUMPTION THROUGH REGULATIONS AND EDUCATION
- REQUIRING ENVIRONMENTAL SOUND PRACTICES DRIVEN BY FORCED COMPLIANCE WITH REGULATIONS (PRINCIPLE DRIVING INDUSTRY RATHER THAN INDUSTRY COMPROMISING PRINCIPLE)
- ENSURING BEST (BEST ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES
- ENSURING INTERNATIONAL STANDARDS DRAWN FROM PRINCIPLES FROM INTERNATIONAL INSTRUMENTS (MANDATORY INTERNATIONAL NORMATIVE STANDARDS -MINS)
- STRENGTHENING AND PROMOTING TRADITIONAL ENVIRONMENTALLY SOUND PRACTICES
- REQUIRING MANUFACTURERS TO ASSUME THE FULL RECYCLING, COMPOSTING AND OTHER DISPOSAL COSTS OF THEIR PRODUCTS IN AN ECOLOGICALLY SOUND MANNER.
- ENACTING THE FULL LIFE-CYCLE ANALYSIS OF ANY PRODUCT OR ACTIVITY THAT HAS POTENTIALLY HARMFUL ENVIRONMENTAL EFFECTS: THIS LIFE CYCLE ANALYSIS SHALL INCLUDE THE FULL LIFE CYCLE OF THE PRODUCT BY AN INDEPENDENT BODY

- INTRODUCING LEGISLATION TO PROMOTE THE REUSE OR REPLACEMENT OF MINERALS IN INDUSTRIAL PRODUCTION WITH RENEWABLE ALTERNATIVES.

CHAPTER 5

CHAPTER 6

HEALTH, RIGHTS AND ETHICS ASSURANCES ENVIRONMENT-INDUCED DISEASE PREVENTION, AND BIOTECHNOLOGY ASSESSMENT

HEALTH AND ENVIRONMENT

“the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease”. (93 Habitat II)

- IMPROVING PEOPLE'S QUALITY OF LIFE THROUGH PREVENTION OF DISEASE AND ILLNESS
 - INCREASING FUNDING AND PROMOTING RESEARCH INTO ENVIRONMENTALLY-INDUCED DISEASES
 - PROMOTING RESEARCH WHICH ADDRESSES THE LINKS SUPPRESSION OF OUR IMMUNE SYSTEM TO OZONE DEPLETION, PETROCHEMICAL POLLUTION AND BIOACCUMULATION OF PERSISTENT TOXINS INDICATES THAT PUBLIC HEALTH IS BEING ENDANGERED BY A DETERIORATING ENVIRONMENT.
 - ENSURING THAT HEALTH RESEARCH AND SERVICES RESPOND TO THE NEEDS OF WOMEN, FIRST NATIONS AND MINORITIES;
 - SIGNIFICANTLY INCREASING RESEARCH FUNDING INTO ALTERNATIVE HEALTH CARE METHODS WHICH COMPLEMENT OR REPLACE MORE EXPENSIVE CONVENTIONAL DRUGS AND SURGERY;
 - SUPPORTING INITIATIVES TO EDUCATE THE PUBLIC AROUND LIFESTYLE CHANGES AND CHOICES THAT WOULD CONTRIBUTE TO BOTH PERSONAL HEALTH AND PROTECTION OF THE ENVIRONMENT

- ENSURING THAT HEALTH ADMINISTRATIONS ACCEPT AND PROMOTE THE USE OF NATURALLY OCCURRING MEDICINES AND HERBS WHILE PROVIDING A STRINGENT REVIEW PROCESS FOR NEW AND EXISTING HUMAN-MADE CHEMICALS, TECHNOLOGIES, AND ELECTROMAGNETIC DISRUPTION.

- ELIMINATING, PREVENTING AND REDUCING OF HEALTH AND ENVIRONMENT HAZARDS

- DISCONTINUING PHARMACEUTICAL COMPANY FUNDING TO AND DIRECTION OF HEALTH RESEARCH IN UNIVERSITIES

CHAPTER 7

ENVIRONMENTALLY SOUND TRANSPORTATION SUPPORT AND PROMOTION

-RIGHT TO SHELTER, AND ENVIRONMENTALLY SOUND TECHNOLOGY INCLUDING ENERGY, TRANSPORTATION AND PRACTICES ASSURANCES

ENVIRONMENT, TRANSPORTATION AND ENERGY

to encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures (Article 104 c, Habitat II Agenda)

- DETERMINING AND REVEALING THE FULL SUBSIDY FOR THE INFRASTRUCTURE FOR THE AUTOMOBILE AND ELIMINATING ALL FUTURE SUBSIDIES

- REESTABLISHING A VIABLE RAIL AND LIGHT RAPID TRANSIT SYSTEMS

- PROMOTING THE USE OF RAIL FOR FREIGHT AND PASSENGER TRANSPORT, AND EXTEND THE RAIL NETWORK TO SERVE ALL URBAN AND RURAL LOCATIONS CONVENIENTLY;

- ESTABLISHING REGULATIONS THAT REDUCE CAR-DEPENDENCY

- DEVELOPING INFRASTRUCTURE FOR ENVIRONMENTALLY SOUND ENERGY AND TRANSPORTATION

- PROMOTING PEDESTRIAN COMMUNITIES AND RAIL AND OTHER ENVIRONMENTALLY SOUND PRACTICES -

- PROMOTING AND ENSURING ENVIRONMENTALLY-SOUND TRANSPORTATION

CHAPTER 8
PRINCIPLE-BASED RATHER THAN VESTED-INTERESTED DECISION MAKING
PRINCIPLE-BASED DECISION MAKING AND
PUBLIC ACCESS TO INFORMATION

Providing full, timely and comprehensible information, without undue financial burden to the applicant; 133(c) UNCED

- IMPLEMENTING PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING TO PRINCIPLE-BASED DECISION MAKING
- ENSURING GENUINE COMMUNITY PARTICIPATION AND INVOLVEMENT WITHIN A FRAMEWORK OF OVERARCHING PRINCIPLES DRAWN FROM INTERNATIONAL OBLIGATIONS AND EXPECTATIONS

CHAPTER 9
ENVIRONMENTALLY SOUND RENEWABLE ENERGY SUPPORT AND PROMOTION

GREENHOUSE GAS EMISSION AND OZONE-DEPLETING SUBSTANCES REDUCTION AND ELIMINATION

ENVIRONMENTALLY SOUND RENEWABLE ENERGY SUPPORT AND PROMOTION

Encourage and research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy (101 d, Habitat II)
Identifying and developing new sources of energy and promoting more efficient use of energy resources, for example through innovative approaches in design ... and although financial and other incentives for energy conservation and through disincentives for wasteful consumption (Recommendation C. 5 ii (Habitat I, 1976)

- REQUIRING AND DEVELOPING ENVIRONMENTALLY SOUND ENERGY
- PROVIDING FOR ENVIRONMENTALLY-SOUND ENERGY SOURCES BY 1999, AND CONCURRENTLY PHASING OUT ENVIRONMENTALLY-UN SOUND ENERGY

- REQUIRING THE CONSERVATION OF ENERGY
- REQUIRING ALL ENERGY SOURCES TO BE USED IN WAYS THAT RESPECT THE ATMOSPHERE, HUMAN HEALTH AND THE ENVIRONMENT AS A WHOLE
- *• MOVING THROUGH THE TRANSITION FROM THE PRESENT INTERNATIONAL ECONOMY BASED PRIMARILY ON HYDROCARBONS TO ONE BASED INCREASINGLY ON NEW AND RENEWABLE SOURCES OF ENERGY
- TRANSFERRING FUNDING FOR FOSSIL FUEL AND NUCLEAR INTO ENVIRONMENTALLY SOUND ENERGY
- REQUIRING DEVELOPMENT OF NEW AND RENEWABLE SOURCES OF ENERGY
- CEASING ENVIRONMENTALLY DEGRADING AND WASTEFUL USE OF NON-RENEWABLE ENERGY RESOURCES
- INSTITUTING A MORATORIUM ON THE MANUFACTURE AND SALE OF ALL NUCLEAR REACTORS AND THE RAPID PHASE-OUT OF EXISTING PLANTS.
- - PROMOTING RESEARCH FOR THE STORAGE AND HANDLING OF EXISTING NUCLEAR WASTE WHILE PHASING OUT CIVIL NUCLEAR ENERGY, AND THE GENERATION OF NUCLEAR WASTES
- PHASING OUT THE USE OF CIVIL NUCLEAR ENERGY AND THE TRANSFER OF FUNDS INTO THE DEVELOPMENT OF ENVIRONMENTALLY SOUND RENEWABLE ENERGY
- CONDEMNING AND BAN THE PROPOSAL TO USE WEAPONS-GRADE PLUTONIUM FROM DISMANTLED RUSSIAN AND US WEAPONS (IN THE FORM OF MOX) IN CANDU REACTORS.
- ELIMINATING OF SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY
- SUBJECTING ALL WEAPONS-USABLE RADIOACTIVE MATERIALS AND NUCLEAR FACILITIES IN ALL STATES TO INTERNATIONAL ACCOUNTING, MONITORING AND SAFEGUARDS AND ESTABLISHING A PUBLIC INTERNATIONAL REGISTRY OF ALL WEAPONS-USABLE RADIOACTIVE MATERIALS (ABOLITION 2000)

- PROHIBITING NUCLEAR WEAPONS RESEARCH, DESIGN, DEVELOPMENT AND TESTING THROUGH LABORATORY EXPERIMENTS INCLUDING BUT NOT LIMITED TO NON-NUCLEAR HYDRODYNAMIC EXPLOSIONS AND COMPUTER SIMULATIONS, SUBJECT ALL NUCLEAR WEAPONS LABORATORIES TO INTERNATIONAL MONITORING AND CLOSING ALL NUCLEAR TEST SITES (ABOLITION 2000)

GREENHOUSE GAS EMISSIONS AND OZONE-DEPLETING SUBSTANCES REDUCTION AND ELIMINATION

Stabilizing the atmospheric concentrations of CO₂ is an imperative goal. It is currently estimated to require reductions of more than 50% from present emission levels. Energy research and development budgets must be massively directed to energy options which would eliminate or greatly reduce CO₂ emissions and to studies undertaken to further refine the target reductions (CHANGING ATMOSPHERE CONFERENCE, 1988).

- ADDRESSING CLIMATE CHANGE THROUGH REDUCING AND PHASING OUT OF GREENHOUSE GASES, PROVIDING ENVIRONMENTALLY SOUND ENERGY AND TRANSPORTATION, AND MOVING AWAY FROM CAR-DEPENDENCY.

- ADDRESSING CLIMATE CHANGE: PROTECTING CARBON SINKS AND REDUCING EMISSIONS WAY BEYOND WHAT WAS REQUIRED IN THE FRAMEWORK CONVENTION ON CLIMATE CHANGE 1992. (TO AT LEAST FULFILL THE RECOMMENDATION MADE IN 1988 “CHANGING ATMOSPHERE”)

- CONDEMNING THE MYTH THAT NUCLEAR ENERGY IS THE SOLUTION TO CLIMATE CHANGE

- ACKNOWLEDGING THE CONCERN BY INSURANCE COMPANIES OF THE IMPLICATIONS OF CLIMATE CHANGE

- ELIMINATING OF THE PRODUCTION AND CONSUMPTION OF OZONE-DEPLETING SUBSTANCES

- BANNING THE PRODUCTION, SALE, CONSUMPTION AND DISTRIBUTION OF OZONE DEPLETING CHEMICALS, SUCH AS METHYL BROMIDE, HALONS, CHLOROFLUOROCARBONS, HYDROCHLORFLUOROCARBONS, CARBON TETRACHLORIDE AND OTHER COMPOUNDS CAPABLE OF BEARING CHLORINE TO THE STRATOSPHERE.

- ENSURING THAT THE RECYCLING OF THESE SUBSTANCES NOT BE USED AS A JUSTIFICATION FOR THE CONTINUED PRODUCTION AND CONSUMPTION

CHAPTER 11, 13, 15 BIODIVERSITY, MOUNTAINS AND FOREST CONSERVATION

CONSERVATION, BIODIVERSITY AND FORESTS

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

- GUARANTEEING THE PRESERVATION, CONSERVATION AND PROTECTION OF BIODIVERSITY IN LAND, AIR AND WATER SYSTEMS
- PRESERVING, PROTECTING AND CONSERVING BIODIVERSITY IN FORESTS THROUGH FOREST PROTOCOLS LINKED WITH EXISTING CONVENTIONS SUCH AS THE BIODIVERSITY CONVENTIONS, THE FRAMEWORK CONVENTION ON CLIMATE CHANGE, CONVENTION ON COMBATING DESERTIFICATION, THE VIENNA CONVENTION ADDRESSING OZONE DEPLETION; ENVIRONMENTAL IMPACT ASSESSMENT OF TRANSBOUNDARY POLLUTION ETC.
- IDENTIFYING BIODIVERSITY, AND CARRYING OUT AN ENVIRONMENTAL ASSESSMENT OF ACTIVITIES THAT COULD CONTRIBUTE TO LOSS OR REDUCTION OF BIODIVERSITY
- ENSURING THAT ALL BIOSPHERE RESERVES HAVE AN EXTENDED CORE AREA WITH CONSERVATION CORRIDORS WHERE NO COMMERCIAL INTRUSION CAN TAKE PLACE, AND HAVE ALL PRACTICES IN BUFFER AND TRANSITION ZONES LINKED TO THE CONVENTION ON BIOLOGICAL DIVERSITY

ENSURING THAT THE BIODIVERSITY CONVENTION TRANSCEND JURISDICTIONAL AND PROPRIETORIAL BARRIERS

- IDENTIFYING AND CONSERVING BIODIVERSITY THROUGH PRESERVING REMAINING OLD GROWTH FORESTS
- BANNING CLEARCUTTING AND OTHER ENVIRONMENTALLY UNSOUND PRACTICES THROUGH ENACTING LEGISLATION TO CONFORM WITH THE

CONVENTION ON BIOLOGICAL DIVERSITY, AND WITH THE FRAMEWORK CONVENTION ON CLIMATE CHANGE

- BANNING THE EXPORT OF RAW LOGS
- REGULATING MINING PRACTICES, AND PREVENTING THE TRANSFER OF SUBSTANCES OR ACTIVITIES THAT COULD CONTRIBUTE TO ENVIRONMENTAL DEGRADATION
- DISCONTINUING THE DUMPING OF ENVIRONMENTALLY UNSOUND EMISSIONS INTO LAND, AIR AND WATER SYSTEMS

GREEN SPACES, PARKS, PRESERVATION AND CONSERVATION

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 [humankind] as a whole (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972).

- PRESERVING AND PROTECTING OF GREEN SPACES
- PROMOTING THE CONSERVATION AND SUSTAINABLE USE OF URBAN AND PERI-URBAN BIODIVERSITY, INCLUDING FORESTS, LOCAL HABITATS AND SPECIES BIODIVERSITY; THE PROTECTION OF BIODIVERSITY
- PROTECTING ENDANGERED SPECIES AND HABITATS THROUGH LEGISLATION THAT WOULD PROTECT HABITATS AND CONSERVATION CORRIDORS
- DISCONTINUING THE PRACTICE OF PRIVATIZATION OF PARKS SERVICES
- >• PREVENTING INDUSTRIAL ACTIVITIES SUCH AS FORESTRY AND MINING IN PARKS

NATURE, ENVIRONMENT AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

Every form of life is unique, warranting respect regardless of its worth to man [human] , and to accord other organisms such recognition's, man [must be guided by a moral code of action. (a, UN General Assembly Resolution 1982)

- RESPECTING THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE

- REDUCING THE ECOLOGICAL FOOTPRINT PRINCIPLE
- RESPECTING THE CARRYING CAPACITY OF THE ECOSYSTEM (ENSURING THAT THIS IS NOT USED TO JUSTIFY INTRUSION INTO PRISTINE AREAS)
- ENSURING THE ADHERENCE TO THE PRECAUTIONARY PRINCIPLE , AND APPLYING IT TO ALL ENVIRONMENTALLY UNSOUND EXISTING PRACTICES
- ENSURING THE INSTITUTION OF THE ANTICIPATORY PRINCIPLE, AND APPLYING IT TO PROPOSED NEWLY INTRODUCED PRACTICES
- ENFORCING OF THE PREVENTION PRINCIPLE AND REVERSE ONUS PRINCIPLE (WHERE THE PROPONENTS OF AN INTERVENTION INTO THE ECOSYSTEM HAVE TO DEMONSTRATE THE SAFETY OF THE INTERVENTIONS RATHER THAN THE OPPONENTS HAVING TO DEMONSTRATE HARM)
- INSTITUTING LEGITIMATE AND INDEPENDENT ENVIRONMENTAL ASSESSMENT REVIEWS : COMPLYING WITH THE ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE
- ENSURING THAT ALL CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH ALL NATIONAL CODES, SOCIAL SECURITY AND INTERNATIONAL LAW, INCLUDING INTERNATIONAL ENVIRONMENTAL LAW (AS AGREED IN HABITAT II)

CHAPTER 12

DESERTIFICATION AND DROUGHT PREVENTION

- CALLING UPON MEMBER STATES FROM THE UNITED NATIONS TO SIGN AND RATIFY THE CONVENTION ON DESERTIFICATION, AND ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT

CHAPTER 17 AND 18

MARINE, AND FRESH WATER PROTECTION AND CONSERVATION

MARINE, AND FRESH WATER PROTECTION AND CONSERVATION

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)

- PROTECTING WILD FISH STOCKS
- MAINTAINING A MORATORIUM ON ADDITIONAL SALMON FISH FARMING because of Risks of disease transfer from netcage fish to wild stocks; Risks of introduction of exotic diseases from the continued importation of offsite species;
 - Pollution from fish sewage, contamination of shellfish, and loss of habitat
 - Death, wounding, and harassment of mammal and bird populations due to shootings, net entanglements, and acoustic deterrent devices
 - Loss of access to traditional fisheries for indigenous peoples with increased risks to their health from exposure to drug residues from food collected near netcage operations
 - Competition for spawning beds and genetic interaction between wild and escaped salmon in fresh and salt water
 - Decline of wild stocks Losses of wild fish, such as herring and juvenile salmon, consumed by netcage fish
 - Endangered human health from the increased use of antibiotics and other drugs, which have already led to the spread of fish diseases that are fully resistant to three types of antibiotics
- REGULATING EXISTING MARICULTURE AND AQUACULTURE
- PHASING OUT LARGE SCALE INDUSTRIAL FISHING SUCH AS THAT DONE WITH TRAWLERS AND SEINERS
- RATIFYING THE LAW OF THE SEAS, AND OTHER RELATED CONVENTIONS, AND ENACTING THE NECESSARY LEGISLATION FOR COMPLIANCE AND ENFORCEMENT
- ENFORCING MEASURES IN LEGISLATION RELATED TO THE DEPOSIT OF DELETERIOUS SUBSTANCES THAT COULD DESTROY FISH HABITAT
- ESTABLISHING MARINE PROTECTED AREAS FREE FROM FOSSIL FUEL AND HUMAN WASTE POLLUTION
- ENSURING INTERCONNECTING CONSERVATION CORRIDORS AMONG MARINE PROTECTED AREAS
- REQUIRING MANDATORY WATER CONSERVATION
- PREVENTING TRANSBOUNDARY POLLUTION (ENFORCING WHILE MOVING BEYOND BASEL CONVENTION)
- PREVENTING ENVIRONMENTALLY UNSOUND DISCHARGES INTO WATER BODIES

- PHASING OUT LARGE SCALE INDUSTRIAL FISHING SUCH AS TRAWLERS AND SEINERS.

CHAPTER 19, 20, 21, 22

TOXIC, HAZARDOUS, AND RADIOACTIVE EMISSIONS AND WASTE PREVENTION AND ELIMINATION

-SOLID WASTE REDUCTION AND ELIMINATION

TOXIC, HAZARDOUS, AND RADIOACTIVE EMISSIONS AND WASTE PREVENTION AND ELIMINATION
EXTRACTION REDUCTION AND CONTROL

“ Zero use, production , and release of persistent and /or bioaccumulative 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 TOXIC ALLIANCE, 1994) “

- ENSURING ZERO EMISSIONS OF CHEMICALS THAT ARE TOXIC OR BIOACCUMULATE, INCLUDING ENDOCRINE-DISRUPTING CHEMICALS WHICH HAVE BEEN LINKED TO REPRODUCTIVE DISORDERS
- MONITORING AND MAKING PUBLIC THE EXTENT OF THE HARMFUL CHEMICAL PRODUCTION, AND OF THE HARMFUL WASTES FROM CHEMICAL PRODUCTION
- BANNING OF PERSISTENT ORGANIC POLLUTANTS
- ENDING THE PRODUCTION OF ENDOCRINE-DISRUPTING CHEMICALS
- ELIMINATING OF TOXIC, HAZARDOUS AND NUCLEAR WASTES
- INSTITUTING PROGRAMS FOR TREATING WASTE AS A RESOURCE
- CONDEMNING THE ENORMOUS ENVIRONMENTAL AND SOCIAL IMPACT CAUSED BY MINERAL AND PETROLEUM DEVELOPMENT
- SUPPORTING THE RIGHTS OF COMMUNITIES TO OPPOSE MINING OPERATIONS AND DEFINE THE USE OF THEIR RESOURCES ARE RESPECTED, AS IS RECOMMENDED IN ART. 15 OF AGREEMENT 169 OF THE INTERNATIONAL LABOUR ORGANIZATION FOR INDIGENOUS COMMUNITIES.

- RESPECTING THE WATER USE RIGHTS OF COMMUNITIES ABOVE OTHER ACTIVITIES THAT LIE OUTSIDE THE PRIORITIES THAT THEY HAVE THEMSELVES DEFINED.
- STOPPING THE EXPANSION OF MINING AND PETROLEUM FRONTIERS
- INITIATING ACTIONS TOWARDS REDUCING THE CONSUMPTION OF MINERALS AT A WORLD LEVEL.
- PREVENTING THE IMPORTING, EXPORTING, AND TRANSPORTING OF TOXIC MINING WASTES UNDER ALL CONDITIONS.
- SUPPORTING THE RESTORATION OF DAMAGE CAUSED BY MINING ACTIVITY BE ASSURED WITHOUT FINANCIAL LIMIT.

HUMAN-INDUCED DISASTER PREVENTION

“The need for ensuring adequate regulatory and other measures to prevent disasters including technological disasters, and to avoid their occurrence and to reduce the impacts of natural disasters and other emergencies on human settlements (Habitat II)”

- PREVENTING DISASTERS INCLUDING NA-TECHS NATURAL AND TECHNOLOGICAL DISASTERS, INCLUDING ACTIVITIES THAT PRODUCE TOXIC, HAZARDOUS AND ATOMIC PRODUCTS AND WASTES
- PREVENTING THE TRANSFERENCE TO OTHER STATES OF SUBSTANCES OR ACTIVITIES THAT CAUSE ENVIRONMENTAL DEGRADATION, INCLUDING TOXIC, HAZARDOUS AND ATOMIC PRODUCTS AND WASTE
- CONDEMNING THE CONTINUED CIRCULATION AND BERTHING OF NUCLEAR POWERED OR NUCLEAR ARMED VESSELS, THE TESTING OF NUCLEAR WEAPONS, AND PERMITTING OF LOW-LEVEL TEST FLIGHTS
- INCLUDING INDUCING CLIMATE CHANGE AND OZONE-REDUCTION UNDER THE CATEGORY OF DISASTERS
- PROHIBITING THE PRODUCTION OF ALL CHEMICAL AND BACTERIOLOGICAL WEAPONS
- REDUCING AND CONTROLLING THE PRODUCTION OF CONVENTIONAL WEAPONS

- REQUIRING THE REGULAR REPORTING TO THE UN REGISTER OF CONVENTIONAL WEAPONS (ADAPTED FROM PEACE CAUCUS CSD)

- RESTRAINING AND PREVENTING WEAPONS PROLIFERATION

- REQUIRING THE DAILY PUBLICATION OF THE NAMES OF THE COMPANIES AND COUNTRIES THAT PRODUCE WEAPONS, AMOUNT AND TYPE OF WEAPONS SOLD, AND THE NAMES OF THE PURCHASER AND THE NAME AND THE NATIONALITY OF THE PURCHASER AND THE PURPOSE FOR WHICH THE ARMS ARE TO BE USED

- INSTITUTING REGULATIONS FOR REDUCTION OF THE PRODUCTION OF GUNS AND FOR GUN CONTROL

BANNING IMMEDIATELY THE PRODUCTION, USE, SALE AND TRANSFER OF ANITPERSONNEL LAND MINES (PEACE CAUCUS)

MILITARY CONVERSION AND TRANSFER FUNDS TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

(i) reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget.

(ii) Recognized that the military budget constituted a heavy burden for the economies of all nations, and have extremely harmful consequences on international peace and security.

(iii) undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.

(iv) Reiterated 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 (General Assembly, 1981)

- REDUCING AND TRANSFERRING THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

- REDUCING AND TRANSFERRING OF THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

- PROTECTING THE RIGHT TO DEDUCT AND PROVIDING FOR A PROPORTION OF THE TAXES COMPARABLE TO THE PERCENTAGE REPRESENTED BY THE MILITARY BUDGET TO BE PUT INTO A PEACE FUND
- PROTECTING AND SUPPORTING CONSCIENTIOUS OBJECTORS
- SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE
- PROMOTING CIVILIAN RULE
- PREVENTING THE CAUSES OF CONFLICT THROUGH GUARANTEEING HUMAN RIGHTS, INCLUDING ENSURING SOCIAL JUSTICE AND THE SATISFYING OF BASIC NEEDS
- ELIMINATING URANIUM MINING AND THUS PREVENTING THE CONTRIBUTION TO NUCLEAR WEAPONS
- ALLOCATING FUNDS AND TECHNOLOGY FOR REMOVAL OF THE MORE THAN 100 MILLION ANTIPERSONNEL LAND MINES ALREADY PLANTED IN 64 COUNTRIES (PEACE CAUCUS)

MILITARY, WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL ARMS ELIMINATION AND REDUCTION

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)

- IMPLEMENTING THE DECLARATION OF PEOPLE'S RIGHT TO PEACE
- MOVING FROM A CULTURE OF VIOLENCE TO A CULTURE OF PEACE (UNESCO)
- PROMOTING AN INTERNATIONAL VOLUNTARY MILITARY FORCE UNDER CHAPTER 7 OF THE UNITED NATIONS CHARTER TO BE USED WHEN ABSOLUTELY NECESSARY AND PROMOTING NON-VIOLENT RESOLUTION TO CONFLICT (PEACE CAUCUS)
- ENSURING EARLY INVOLVEMENT IN POTENTIALLY VIOLENT AREAS TO ALLEVIATE THE NEED FOR MILITARY SOLUTIONS AND THE RESULTING

ENVIRONMENTAL DEGRADATION (ADAPTED FROM THE PEACE CAUCUS CSD)

- RESTRUCTURING ECONOMIES AWAY FROM DEPENDENCE ON THE MILITARY (PEACE CAUCUS CSD)
- CONVERTING MILITARY MANUFACTURING CAPACITY TO ENGAGING IN PRACTICES, AND GENERATING SUBSTANCES AND PRODUCTS THAT ARE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND
- SHIFTING RESEARCH AND DEVELOPMENT FROM DEFENCE-BASED INDUSTRIES TO EQUITABLE DEVELOPMENT AND SOCIALLY RESPONSIBLE PRODUCTION TO RECTIFY ENVIRONMENTAL DEGRADATION (PEACE CAUCUS CSD)
- DEALING WITH AND DISPOSING OF ALL TOXIC MILITARY WASTE IN THE BEST ENVIRONMENTALLY SOUND WAY RECOGNIZING THAT THERE IS NO ENVIRONMENTALLY SOUND MEANS OF DISPOSING OF MOST OF THE WASTE AND THE BEST PRACTICE IS TO PREVENT THE PRODUCTION OF MILITARY WASTES.
- ACKNOWLEDGING AND ACTING UPON THE EVIDENCE OF THE SERIOUS AND IRREVERSIBLE CONSEQUENCES OF NUCLEAR TECHNOLOGY ON HUMAN HEALTH AND ON THE ECOSYSTEM
- ACTING IMMEDIATELY ON THE JUDGMENT OF THE WORLD COURT THAT NUCLEAR WEAPONS ARE AGAINST INTERNATIONAL HUMANITARIAN LAW
- ELIMINATING THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION INCLUDING NUCLEAR, CHEMICAL AND BIOLOGICAL
- PREVENTING NUCLEAR CATASTROPHE THROUGH THE ELIMINATION OF NUCLEAR WEAPONS
- REMOVING THE THREAT OF NUCLEAR WAR AND CONDEMNING NUCLEAR WAR
- MAKING AN IMMEDIATE PLEDGE NOT TO USE OR THREATEN TO USE NUCLEAR WEAPONS (ABOLITION 2000)
- DECLARING THE GLOBAL COMMONS A NUCLEAR FREE ZONE ON JUNE 21, 1997 {CREATING ADDITIONAL NUCLEAR WEAPONS FREE ZONES, SUCH AS THOSE ESTABLISHED BY THE TREATIES OF TLATELOLCO AND RAROTONGA (ABOLITION 2000)}

- ELIMINATING IMMEDIATELY ALL FURTHER PRODUCING OF NUCLEAR WEAPONS AND INITIATING IMMEDIATELY (1997) A TIME-BOUND CONVENTION FOR THE COMPLETE ELIMINATION AND DESTRUCTION OF NUCLEAR WEAPONS BY THE YEAR 2000
- [AT A MINIMUM] INITIATING AND CONCLUDING BY THE YEAR [1999] 2000 NEGOTIATIONS ON A NUCLEAR WEAPONS ABOLITION CONVENTION THAT REQUIRES THE PHASED ELIMINATION OF ALL NUCLEAR WEAPONS WITHIN A TIME BOUND FRAMEWORK WITH PROVISIONS FOR EFFECTIVE VERIFICATION AND ENFORCEMENT (ABOLITION 2000)
- ELIMINATING OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, INCLUDING NUCLEAR WEAPONS BY THE YEAR 1999
- IMPLEMENTING THE WORLD COURT DECISION ON THE ILLEGALITY OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS
- BANNING THE TESTING OF NUCLEAR WEAPONS
- RECOGNIZING THE FATAL LINK BETWEEN CIVIL AND MILITARY NUCLEAR TECHNOLOGY
- PROHIBITING THE MILITARY AND COMMERCIAL PRODUCTION AND REPROCESSING OF ALL WEAPONS-USABLE RADIOACTIVE MATERIALS (ABOLITION 2000)
- PROHIBITING THE USE OF WEAPONS-GRADE PLUTONIUM FROM DISMANTLED NUCLEAR WEAPONS IN CIVIL NUCLEAR REACTORS
- BANNING THE PRODUCTION, MOVEMENT AND BERTHING OF NUCLEAR ARMED, AND NUCLEAR-POWERED VESSELS (SEE RESOLUTION RELATED TO DISASTERS)
- PREVENTING THE TESTING OF ALL WEAPONS INCLUDING THOSE IN CANADA (NANOOSE BAY AND LOW-FLYING FLIGHTS IN INNU TERRITORY)
- PROHIBITING THE PRODUCTION OF ALL CHEMICAL AND BACTERIOLOGICAL WEAPONS
- REDUCING AND CONTROLLING THE PRODUCTION OF CONVENTIONAL WEAPONS

- HALTING LOW-LEVEL FLIGHT TRAINING IN LABRADOR AND END NUCLEAR SUBMARINE TESTING AT NANOOSE BAY, AND THE CIRCULATING AND BERTHING OF NUCLEAR POWERED OR NUCLEAR ARMED VESSELS ;
- WITHDRAWING FROM MILITARY ORGANIZATIONS SUCH AS NATO, AND ALL OTHER BI- AND MULTILATERAL DEFENCE ARRANGEMENTS WITH INDIVIDUAL COUNTRIES AND REGIONS.
- PROHIBITING THE DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES
- ENSURING THAT THE ENVIRONMENT IS NOT ALTERED FOR MILITARY PURPOSES
- CONVERTING MILITARY MANUFACTURING CAPACITY TO MAKING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND PRODUCTS
- INSTITUTING REGULATIONS FOR REDUCTION OF THE PRODUCTION OF GUNS AND FOR GUN CONTROL

CHAPTER 34
 TRANSFER OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND
 TECHNOLOGY
 MANDATORY INTERNATIONAL NORMATIVE STANDARDS TO DRIVE
 INDUSTRY TO BEST PRACTICES

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 CHAPTER 35
 SCIENCE FOR PEACE AND THE BENEFITS OF HUMANITY

CHAPTER 36
 COMMUNICATION AND EDUCATION PROMOTION AND FACILITATION
 ENVIRONMENTAL EDUCATION WITHOUT INDUSTRY INTRUSION
 MEDIA AND SOCIAL CONSCIENCE
 ARTS AND CULTURE SUPPORT AND PROMOTION 8
 COMMUNICATION AND EDUCATION
 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. (Agenda 21, Chapter 36.5 | UNCED)

EDUCATION AND COMMUNICATION

- ENSURING THE RIGHT TO AN EDUCATION WHICH IS EQUITABLE, COLLABORATIVE, AND MEANINGFUL
- STIMULATING AWARENESS OF HUMAN RIGHTS, ENVIRONMENT, AND PEACE ISSUES THROUGH EDUCATION
- REQUIRING CORPORATIONS TO PAY INCREASED TAXES, AND REDIRECTING OF CORPORATE FUNDING FOR EDUCATIONAL MATERIALS INTO GENERAL REVENUE THROUGH TAXES
- GUARANTEEING THE RIGHT TO FREE EDUCATION AT ALL LEVELS, AND INCREASING RESEARCH GRANTS AT THE UNIVERSITY LEVELS
- LINKING STUDENT LOAN PAYMENT TO SALARY, AND ALLOWING FOR COMMUNITY SERVICE AS REPAYMENT
- PROMOTING AND SUPPORTING INCREASED FUNDING FOR LITERACY
- ENSURING THAT SPECIAL NEEDS CHILDREN HAVE A RANGE OF OPTIONS WITHIN THE EDUCATIONAL SYSTEM
- PROVIDING FREE UNIVERSITY EDUCATION THROUGH INCOME SUPPLEMENT PLAN TO ASSIST STUDENTS
- ELIMINATING ALL CORPORATE DETERMINING OF PHILOSOPHICAL UNDERPINNINGS OF EDUCATION
- ELIMINATING OF ALL CORPORATE INVOLVEMENT IN THE DIRECTION OF UNIVERSITY
 - AVOIDING COMPROMISE THROUGH PROHIBITING INDUSTRY-FUNDED UNIVERSITY RESEARCH
- REQUIRING ARMS LENGTH RESEARCH FROM INDUSTRY TO AVOID CONFLICT OF INTEREST

- REQUIRING SCIENTISTS TO ABIDE BY THE “DECLARATION ON THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE AND FOR THE BENEFIT OF HUMANITY”
- DENYING DEGREE-GRANTING STATUS TO NON-SECULAR SCHOOLS, COLLEGES AND UNIVERSITIES
- DISCONTINUING ALL PUBLIC FUNDING FOR ALL-NON-SECULAR PRIVATE SCHOOLS (NOT PROVIDED FOR UNDER THE CONSTITUTION)

ARTS AND CULTURE

- ENSURING AND INCREASING SUPPORT AND FUNDING FOR THE ARTS AND CULTURE THROUGH GENERAL REVENUE
- CLOSING CORPORATE TAX LOOPHOLES, TAX DEFERRALS, AND INCREASE CORPORATE TAXES TO AT LEAST OECD STANDARDS, AND TRANSFERRING FUNDS INTO GENERAL REVENUE
- ENCOURAGING ARTS ORGANIZATIONS TO NOT SEEK FUNDING FROM CORPORATIONS BUT FROM A DEDICATED FUNDING SOURCE IN GENERAL REVENUES
- PROVIDING ADDITIONAL FINANCIAL SUPPORT TO PUBLIC RADIO, SUCH AS CBC, AND TELEVISION

MEDIA AND COMMUNICATION

- STRENGTHENING THE MEDIA AS AN INSTRUMENT OF PUBLIC TRUST AS HAS BEEN AGREED TO THROUGH VARIOUS MEDIA CODES

The year 1999 ends the decade dedicated to the respect and furtherance of international law. This respect and furtherance can only be realized if member states of the United Nations discharge obligations and fulfill expectations through signing and ratifying what they have not yet signed and ratified; and through enacting the necessary legislation to ensure the discharging of obligations; and the fulfilling of expectations.

I wrote I think that we need an inclusive “green book” of as many pages as is necessary to convey the actions that need to be taken to achieve a socially equitable and environmentally sound society
 i had been invited to have input into the international affairs section of the platform

MAY MAY 1996

() THAT in 1996, when I was asked to have input into a draft for the Green Party Platform- I was shocked when I received a ready-made Green Party platform in which there was the following affirmation:

“we are in strong agreement with Carolyn Linden who urges us to ground ourselves in reality if we want to increase the number of votes we receive.”

() THAT in 1996,
 I responded to the ready-made platform

COMMENT

Please take my name of the platform

Also, I have however specific concerns about the FINAL draft platform
 I would like to express some initial concerns about the current final platform: the first concern is about the vision statement. if we are to have a real vision, we must completely move away from the compromising position suggested in the following comment:

“we are in strong agreement with Carolyn Linden who urges us to ground ourselves in reality if we want to increase the number of votes we receive.”

I added:” I am sure you are all aware of the corporate assessment of activists as being radicals, opportunists, idealists and realists. the recommended corporate strategy has been to marginalize the radicals, ...and turn the idealists into realists.”

[THIS SHOULD HAVE BEEN A WARNING TO ME TO NOT RUN AS LEADER]

() IN 1996 MAY THAT FRED KNELMAN AND I APPLIED FOR A TEACHING POSITION AT ROYAL RHODES

May 1996
EXHIBIT

Dr. Stephen Grundy
Coordinator
Environmental Programs
Royal Roads University

Dear Dr. Grundy,

This is to follow-up on our phone conversation. As I mentioned to you, I am leaving tomorrow for a conference in Vancouver, so I have quickly put together a recent resume. I have discussed our phone conversation with Dr Knelman and he is very interested in your program. He will be sending you a resume separately. We would be interested in co-teaching a course and also in having input into the graduate program.

Yours sincerely

Joan Russow

EXHIBIT
RECENT RESUME

Dr Joan E. Russow
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
Tel/Fax (604) 598-0071

EDUCATION

I received a doctorate in interdisciplinary studies culminating years of studying a range of disciplines from common law, architecture, and indigenous art to mathematics, philosophy and Bacteriology. My doctoral dissertation was in Interdisciplinary studies analyzing complexity and the alternative modes of thought, expression and interaction. My Masters degree was in Curriculum Development where I developed a method of teaching human rights within a context of environmental, ethical and peace framework.

COURSE INSTRUCTION

For the past 4 years, Dr. Fred Knelman and I have taught a course in Global Issues in the environmental studies program at the University of Victoria. This course integrated scientific knowledge and environmental law within an interdisciplinary intellectual framework. The central theme of this course is the anatomy of global change and its multiple relationships to the environment. 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. Numerous international instruments have attempted to examine this tension. 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 an attempt will be made to analyze the multiple complex relationships among the above issues. Finally, the course attempts 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. An essential part of the course has been to make students aware of both current

issues that are being discussed internationally and of key international documents that are being negotiated.

COURSE DEVELOPMENT

I developed a course on teaching global issues through principle-based education, examining issues within the context of interdependence of peace, environment, equity, ethics, and human rights, drawing upon globally adopted principles.

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. This complex of globally adopted principles has become the foundation for a program called "Principle-based" 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.

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. Principle-based education, is a means of fostering critical thinking and of examining difficult, complex and controversial issues within a principle-based framework.

PROJECTS

1996 Reviewing and proposing changes in the bracketed sections of the "Habitat II Agenda" for the United Nations Habitat II Conference to be held in June in Istanbul; contributing to the Canada-wide consultation process and making submissions to the external affairs representative negotiating on environmental issues.

1994 Initiated (and have continued as Coordinator) of a CIDA funded project (1995) called the Global Compliance Research Project. The purpose of the project has been to carry out a content analysis of international instruments related to peace, human rights, environment, ethics and social equity/equality issues, and compiled a "Charter of Obligations". This project involves representatives from over 60 different countries.

1995. Initiated a project for the International Affairs Caucus (BCEN) on the Integration and Interdependence of issues. I received EDSP (Environment Development Support Program) funding for an exploratory phase which was

successfully completed. A further proposal for \$75,000 is being drafted to set up an Institute of Global Interdependence, linked with three projects in Brazil. The ERA as the lead group, and is linked with Ecotropic, a group of academic activists, and the Intertribal Council, the principal organizing organization for the indigenous peoples meeting at Karaoke at UNCED.

1992-94 Assisted Dr. Rod Dobell, in carrying out researching for the Social Learning Project—an International project, housed in the Kennedy School of Public Policy at Harvard. The project examined social learning related to "climate change," "Ozone depletion," and "Acid rain" in seven different countries.

PRESENTATIONS AT WORKSHOPS CONFERENCES

June 1996. Proposed presentation at the NGO forum on Habitat at Istanbul.

March 1996. Presentation on the panel of the open plenary of the International Environmental Law Conference.

January 1996. Presentation on the Global Compliance Research Project. Praxis/Nexis Conference

October 2 1995 Panel presentation on the enforcement of International Environmental law, Faculty of Law, University of Victoria

October 25 1995. Presentation at the United Nations celebration of the 50th Anniversary of the United Nations organized by the United Nations Association of Victoria.

October, 1995. 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.

September.1995. Presentation at the NGO Forum in Beijing. "Translating the Conventions to the Grassroots" and "Global Compliance Research the Charter of Obligations"

June, 1995. Presentation to the plenary of the International Conference "We the Peoples Conference" on the Global Compliance Resolution. San Francisco

March 1995: Presentation to the plenary of the United Nations Congress of Public International Law in New York at the General Assembly

March 1995: Presentation to the United Nations Commission on the Status of Women on the Global Compliance Research Project

November 1994. Presentation. "International Instruments as Instruments of Change" to the International Law Caucus, and Environmental Law Caucus of the Bar Association.

April, 1994. Presentation. "Beyond the precautionary principle" at an international conference on Ozone Depletion and Ultraviolet radiation

March, 1994. Presentation. "Climate Change: international principles as instruments of change at the Public Policy and Environmental Law, Eugene, Oregon

January 1994. Presentation a paper on "Principle-based" education to the Commission on Education and Communication at the IUCN (World Conservation Union, January, 1994)

March 1993. Participant on an international panel on NAFTA. Public Policy and Environmental Law Conference

PARTICIPATION IN POLICY FORMATION AND GOVERNMENT LEGISLATION REVIEW PROCESS

International

Assisted in drafting an Alternative Declaration at the UN conference on Women: Equality, Development and Peace

Submitted revisions to the "Covenant" prepared by the Commission on Environmental Law, IUCN

Assisted in drafting an Alternative Declaration at the UN conference on Women: Equality, Development and Peace

Assisted in the Drafting of the Alternative Earth Charter, at UNCED

Canada

Selected by the CEN to participate in a briefing in Toronto on ISO standards (May11, 12)

Submitted a set of criteria for an Environmental Assessment Review of CIDA projects

Submitted “principles of sustainability” to Round-table on Pulp and Paper. o

British Columbia

Participated in the Western Caucus of CSA examining ISO standards

Reviewed provincial documents such as CORE Charter, B.C., drafted a proposal for a revision to the Land Use Charter, Environmental Bill of Rights, the B.C. Prevention Act, the Forest Practices Code; B.C. Standards for Pollution Prevention, Bill of environmental rights

January 1995, Participated in the BCEN review of the Environmental Assessment Review

December 1994. Participated in BCEN Forest Caucus analysis of the Forest Practice Code

March 1994 to March 1995, selected by the BCEN to participate in the Working Group on developing Standards for Discharge Emissions

PUBLICATIONS

Russow, J. (1996). The Habitat Agenda within the context of previous obligations. (in progress) prepared for the UN Habitat II Conference, 1996

Russow J. (1995) Charter of Obligations. in preparation a 350-page content analysis, entitled, Charter of Obligations. Officially distributed to delegates at the UN Conference on Women: Equality, Development and Peace, in September, 1995.

Russow J (1995) Principle-based Education: an instrument of socio-political global change. Global Compliance Research Project

Russow J (1994) Beyond the precautionary principle. Publication of the Proceedings on Conference on Ozone Depletion and Ultraviolet Radiation. Skies Above Foundation.

Russow J. (1994) Prepared a 150-page leave to Appeal book, examining the applicability of international environmental law in the courts of B.C.

Russow J. (1994) “Canadian Obligations under the Climate Change Convention. BCEN Report

Dobell, R and J. Russow. papers submitted to the Social Learning projects on an examination of the history of learning related to climate change in Canada, on the role of the Science Council in the development of policy related to Climate Change, and on climate change and forests

ORGANIZATIONAL AFFILIATION:

1994-1996. Reappointed to the IUCN (World Conservation Union) Commission on Education and Communication.

1995. Chair, International Affairs Caucus BCEN
Co-founder of the ERA Ecological Rights Association, and the Global Compliance Research Project. Director of the Vancouver Island Peace Society, Director of the Council of Canadians, member of the United Nations Association and the Voice of Women.

- Submitted a proposal for “Option 6” — a proposed programme for addressing obligations under the Framework Convention on Climate Change
- 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.
- 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
- 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

Personal Background

For years I have been concerned about the complexity and interdependence of issues. Preventing the destruction of the environment, the escalation of war, the violation of human rights the disregard for social justice and the perpetuation of inequity. At the same time that I have been addressing common security issues, I

have been examining, through my academic work, the fragmentation of thought and the imposition of models on the complexity of thought.

() in 1996 David White wrote the following comment about the platform process

I thought I'd summarize what was sent to me, and which I have opened. I have

1. Long version - Part 2 1/2
2. Long version - Part 2 2/2
3. Long version - Part 3
4. Re: Long version of platform - ASCII 1/2
5. Re: Long version of Platform - ASCII 2/2

Was there more? (not that I necessarily WANT more; it seems quite enough already!)

() I also received the two parts of the Shadow Cabinet Platform Drafts. I was surprised to see that only a small portion of the Environment Policy which I submitted was included. I'm sure it was an oversight, so I am sending it to the others on the list and asking that it be included. I've posted it below. Did you ever see it?

David White

DRAFT ENVIRONMENT PLATFORM - GREEN PARTY OF CANADA 1997 by David White

The federal government has responsibilities over many aspects of Canadian life and has enormous responsibilities pertaining to the environment. As can be anticipated, a Green Government will act quickly to reverse the unprecedented slide towards ecological chaos which current federal policies are contributing to AIR

a) climate change

A Green government will comply with Canada's international commitment to stabilize greenhouse emissions to 1990's level by the end of this decade. To achieve this commitment:

- The Green government will work with provincial governments to build infrastructures which address pollution arising from the use of the automobile. (promotion of the automobile).

- A Green government will honour Canadian commitments to move away from auto-dependency. Given that a carbon tax, implemented within Canada but not in the USA, is impractical, a Green government will impose a similar tax on the sale

of new and used automobiles, automobile advertising, and at the well-head production

- An elected Green government will fund research into alternatives to wood use. The decline of our forest reserves constitutes a significant proportion of the world's carbon sink. A Green government will reduce forest exploitation to sustainable levels, prohibit forest exploitation in old growth, and ban clear-cutting. Importation of wood products which do not conform to Canadian standards will not be allowed.

b) Ozone Depletion

Ozone depletion caused by CFC's and their replacements such as HCFC's constitutes another serious threat to humanity. Methyl bromide and similar constituents of fertilizers pose similar threats. An elected Green government will legislate an immediate ban on production, sale, and distribution of ozone depleting chemicals in Canada, where alternatives to their consumption exist.

WATER

Throughout Canada, many existing municipal water supply systems are aging and need to be replaced. An elected Green Government will undertake the important work on water supply infrastructure. The Green Party also recognizes the many threats which exist to domestic water supplies across the country, and propose to protect sources of domestic water supply through a Domestic Water Supply Act

Sewage

Many Canadian municipalities continue to dump their raw sewage directly into the oceans. The Federal government has a constitutional responsibility to protect these waters, and under a Green Government will use its resources to ensure the sewage is treated and any resource resulting from the treatment is recycled.

Oil Transport

A Green Government will pass legislation which ensures the double hulling of all vessels carrying petroleum products in Canadian waters.

LAND

A Green Government will revitalize the Canadian parks system and reverse the trend towards privatization of the national system. In addition, a Green Government will take the following initiatives:

a) Endangered Habitats Act - The Green Party recognizes that the essence of species protection is protection of species habitat. A Green Government will work to protect a system of connected untouched wilderness corridors of high biodiversity throughout Canada. Old growth original forests throughout Canada

make up less than 5% of the landbase; these forests should become the focus for this network of endangered habitats. Such connected corridors will ensure Canada's parks don't become dwindling pools of genetic conformity.

A Green Government will ensure that similar connected reserves are developed for marine ecosystems. .

b) Mining

Canada's corporate dirty secret is the appalling worldwide human rights and environmental record of many Canadian mining companies. The Green Party recognizes that while mining is necessary to replenish existing mineral stocks, it is also a completely unsustainable activity. A Green government will introduce legislation which promote the reuse or replacement of minerals in industrial production. A Green government will ban the use of cyanide leaching process for mineral extraction.

c) Forests

The federal government has an important role to play in the development of vibrant and diverse forests through the development of standards and the judicious use of export taxes.

A Green Government will use its influence to move the provinces towards alternatives to ecologically degrading forest practices.. Timber cut from clearcuts will be clearly labeled, and will be subject to substantially higher export duties. Timber taken from forests which are sustainably managed will be promoted internationally by a Green Government, and be subject to substantially reduced tariffs.

To keep employment local Greens would discourage the export of logs, pulp and plain sawed boards and encourage the export of finished products only. The Green Party program of taxing resources and reducing income taxes will increase employment in the wood products industry as well as encourage conservation.

Paper products can be recycled up to 10 times and then used for insulation or cattle bedding. To ensure all paper products are recycled, a variety of measures are required including quotas on recycled content for newspapers, taxes on virgin paper, deposits on paper purchases.

Greens advocate the complete reuse and recycling of existing lumber including reuse of building materials. Greens encourage research and development of alternate fibre sources. Hemp and straw provide fibre at much higher rates than trees. Steel frame houses are recyclable, stronger, and more fire resistant.

Greens demand that forestry move toward harvesting systems that take wood fibre while leaving forest ecosystems viable and intact. Modified cutting methods which are tailored to the species~for example, strip-cuts for black and white spruce, and uniform shelter wood cut for white and red pine. Where the soil base or topography is not adequate to withstand logging or support forest re-growth, harvesting must not be permitted.

*FIRE

a) Environment and Energy

The linkage between air quality and energy consumption is well-documented. An elected Green government will place the attainment of higher energy efficiency as a priority. The development of solar, biomass, wind, hydro, hydrogen and geothermal technologies cannot be advanced without a strong and sustained investment in research, development, and demonstration (RD&D). Such a industrial strategy will be undertaken by a Green Party government.

To encourage conservation, reduce pollution, and support RD&D, a Green will levy taxes at the well head (and the mine head for coal). Well head taxation have many advantages over "end of the pipe" and other consumer taxes on emissions.

b) Military

The General Assembly of the United Nations has called upon nation states to reduce the military budget and transfer the funds to socially equitable and environmentally sound development. An elected Green government will support non-military solutions to conflicts. Transferring the military budget to education, health and social equity is a priority of an elected Green government.

The Green Party speaks strongly for consensus and non-violent solutions to conflict. A Green government will renew no agreement with states wishing to use Canadian lands, water or air for military purposes

The World Court recently decided that the use or threat of nuclear weapons is illegal. A Green government will renew no agreement with any government which allows for the visitation of nuclear vessels into Canadian waters or the flight of nuclear-equipped aircraft through Canadian airspace. International training exercises with offensive purposes on Canadian soil will be terminated by a Green Government. This includes low-level flying exercises in Goose Bay, Labrador, cruise missile testing in Cold Lake, Alberta and submarine training in Nanoose Bay, British Columbia.

Canada is the 8th largest military producer in the world producing \$3 billion worth of military goods annually. Of the 55 countries receiving military hardware from

Canada, about 50% engage in gross violations of humans rights and/or are involved in wars with neighbouring states. This manufacturing capacity should be converted to sustainable and useful production.

ENVIRONMENT AND HEALTH

Environmental Bill of Rights

Green Party policy recognizes the direct linkage between a healthy environment and a healthy citizenry. A Green Government will undertake the following initiatives when elected:

a) Chlorine

Chlorine and chlorine-based compounds have been scientifically demonstrated to pose serious threats to health. The American government has called for a chlorine phase-out. A Green government will take similar steps to ensure that chlorine-based industry isn't displaced into Canada

b) Labeling of Foods

A Green government will introduce legislation to ensure that if a pesticide is used in the growing of the food product, the name and chemical composition of the pesticide shall appear on the food product label. Similarly, any genetically altered material or hormone used in any product or in any phase of the production of a consumable will be labeled.

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 (); 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, lack of full scientific certainty 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 inter-connectedness 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 Environmental 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 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]

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 area to disadvantaged or indigenous area 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.

() in 1996 **ASK NOT WHETHER BUT HOW**

- 1996 David White and I made a submission, "Salmon Aquaculture and the Precautionary Principle", to the Aquaculture review.

EXHIBIT

ASK NOT WHETHER BUT HOW: QUESTIONABLE ENVIRONMENTAL IMPACT ASSESSMENT OF SALMON AQUACULTURE

Dr. Sheila Wynn reported on the radio today that they were not asked to determine in the Salmon Aquaculture Review "whether but how". A genuine environmental impact assessment of a proposal, an activity or a project has to also determine whether the project under review should proceed.

An important distinction has to be made between a "genuine environmental impact assessment" and "a project review". A "genuine environmental impact assessment is precautionary/harm preventive based on principles. A precautionary assessment attempts to prevent environmental degradation and to determine whether the project should be allowed to proceed; thus the outcome of a precautionary assessment could be a decision to prevent the project from proceeding. On the other hand a "project review" is harm-mitigative based on an arena of competing interests. A project review attempts to "balance" different competing interests and to mitigate environmental impacts; thus, the outcome of a project review, tends to be that the project will be permitted with mitigative measures to address potential environmental impacts.

Under the Convention on Biological Diversity, Canada and BC are required to carry out an environmental impact assessment of projects which are likely to have adverse effects on biodiversity (Article 14, Convention on Biological Diversity);

If the review has only examined how rather than whether Article 14 of the Convention on Biological Diversity has been contravened.

In addition Canada and BC have undertaken to invoke the precautionary principle. This principle affirms that in cases where there is sufficient scientific evidence that potential environmental degradation could occur, lack of scientific certainty shall not be used as a reason for postponing measures that would prevent the degradation.

It would appear that even though there is sufficient scientific evidence to justify not proceeding with additional salmon Aquaculture. Dr. Wynn has reversed the precautionary principle and concluded that there is always scientific uncertainty, therefore we should proceed with the project and balance the risks.

In not carrying out a genuine environmental impact assessment the BC Government has misled the public, contravened international law, and permitted further environmental degradation.

Contact.
Joan Russow (PhD)

David White Green Party candidate

() in 1996 I was asked by the BCEN ,TO participate as part of ISO Western Caucus and I prepared
A document, "Mandatory International Normative Standards not Voluntary Compliance"

COMMENT:
MAY 26 1996
ATTENTION
Larry Futers

FAX 416 747-2473

Dear Larry

Here are my notes from the meeting, including my alternative proposal for the terms of reference for the Western Caucus; my reservations about the sections we discussed, and a comment on “ sustainable development”

DRAFT NOTES AFTER THE WESTERN CAUCUS MEETING OF MAY 24

**ALTERNATIVE PROPOSAL FOR THE TERMS OF REFERENCE FOR THE WESTERN CAUCUS OF THE CANADIAN ENVIRONMENTAL COUNCIL
submitted by Dr. Joan E. Russow
Global Compliance Research Project**

The Western Caucus recognizes that state governments have incurred obligations through Conventions, Treaties, and Covenants and have created expectations through Declarations, General Assembly Resolutions and through Conference Action Plans, and that compliance with the principles enunciated in these obligations and expectations shall form the basis for international standards. (See attached set of Compliance principles for MINS 1997)

PURPOSES/STRATEGY

The Western Caucus of the Canadian Environmental Council is a Canadian Environmental Council recognized entity mandated to

- **promote compliance by corporations, including transnationals, with all international, national and regional standards, law, and codes so as to enable states to fulfill the following expectation from the Platform of Action:**

“ensure that corporations including transnationals comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment” as agreed in Art 167 of the Platform of Action, United Nations Convention on women: Equality, Development and Peace.

and extend the obligation for compliance to all institutions and individuals.

- **promote and inform the public about the need for Mandatory International Normative Standards (MINS) for 1997— the culmination of the decade dedicated to the promoting and furthering of International Law.**
- **encourage Western Canadians to participate in international, national and regional socially equitable and environmentally-sound development programs (SEED) that are designed to improved the protection of the environmental and human health the use of BEST (Best environmentally sound traditions) practices**
- **Communicate the value of SEED and BEST practices to the general public and other interested parties in Western Canada**
- **monitor the effectiveness of these initiatives in Western Canada and the Territories.**

PRINCIPLES

The Western Caucus of the Canadian Environmental Council will:

- **ensure compliance with international, national, regional and local law, standards, codes, and technical regulations; without perceiving these laws, standards, codes and technical regulations as limiting the moving beyond the current requirements.**
- **promote a shift from concern about the cost of high international performance standards and environmental regulations to the cost to the environment of not establishing high international performance standards and regulations and of not enforcing regulations**
- **identify the unique needs of Western Canadian industry and BEST practices entrepreneurs and ensure such needs are recognized and addressed by CEC**
- **encourage and ensure concerned and affected parties with varying experience and expertise are able to participate fully in both the development and implementation process of SEED and BEST practices in Western Canada, and to ensure that participation does not exclude those enterprises engaging in BEST practices, and those individuals from civil society without sufficient funding to participate and attend.**
- **emphasize participation in international and national processes to avoid duplication of effort**
- **develop local initiatives that focus on mutually agreed goals particularly to ensure that principles will drive industry to establish SEED and BEST practices based not just on conformance to industry-developed environmental policy but on mandatory international normative standards**
- **consider equally the needs of all organizations, irrespective of size**
- **focus on areas where socially equitable and environmentally sound development will be furthered**
- **ensure the development and adoption of environmental mandatory international normative standards —and—regulations (MINS) which will ensure that the internationally agreed to principles will be adhered to and state obligations will be discharged, and to ensure that ISO standards are equal or higher than those that will enable the adhering to international principles, the discharging of state obligations, and the fulfilling of expectations created by states**

- **ensure the implementation of Mandatory International Normative Standards (MINS 1975) in the year 1997—the culmination of the decade devoted to the recognition and further of international law**
- **acknowledge that participation in the Western Caucus does not indicate either endorsement of ISO or of the positions taken by the Western Caucus and ensure that minority opinions be circulated and distributed with the documents**
- **Undertake to include in the caucus substantial representation from BEST practices enterprises—non-polluting enterprises such as those developing alternative environmentally safe and sound energy**

RESERVATIONS MADE AT THE WESTERN CAUCUS IN RELATION TO THE RECOMMENDATIONS OF THE CHAIRS OF THE NATIONAL CAC COMMITTEES TO MAJOR ISSUES FOR CAC CANADIAN POSITIONS [RIO '96]

GENERAL RESERVATIONS ABOUT ISO

CONCERN ABOUT THE ISO PROCESS ITSELF

- that most of the corporations that are involved with the ISO process belong to what could be described as the GOMREPTHAW industries (the **Green**-house gas producing; **O**zone depleting, [**M**ilitary-not yet encountered] **R**esource **E**xtraction, **P**roducers of **T**oxic, **H**azardous and **A**tomic **W**astes). These industries are among those that would benefit most from relaxed regulations and “compliant friendly” agreements. Also many of those industries that belong to the ‘Environment Industry’ thrive on relaxed regulations which allow for the continued production of toxic, hazardous or atomic wastes because they have developed coupling “clean-up” technologies. Another segment of the Environment industry would include those that have generally been excluded from the ISO process. This latter group is engaging in developing or promoting BEST (Best Environmentally Sound Techniques) practices, and their practices will be supported better when stiff regulations drive industry.

- that the participation of the GOMREPTHAW and coupling Environmental industries reflect a conflict of interest at a time when states along with civil society should be determining how best to ensure that corporations comply with international obligations and expectations
- most of the countries involved are industrial countries
- that voting rights appear to depend on ability to participate and contribute resources which would exclude the participation of non-industrialized countries.
- that the United Nations process ensures the participation of all member states; the ISO process is regressive in purporting to be international but reflecting primarily the views of the developed states, and the resource based developing states.
- that the information is not freely accessible

CONCERN ABOUT THE IMPLICATION OF PARTICIPATING IN THE PROCESS

- that the participation of the Global Compliance Project would be construed as supporting the ISO

CONCERN ABOUT THE NATURE OF THE ISO

- that the ISO 14001 certification is voluntary and measures only compliance with the corporations own stated environmental policy which may be environmentally indefensible. For example, Mohawk set as a goal to reduce CO2 emissions; apart from significant reductions in “no-regrets” areas, Mohawk decided to increase its

nuclear energy capability perpetuating that ill-conceived notion that nuclear energy is the solution to climate change.

- that the ISO 14001 certification is not normative and thus not referenced to external normative standards
- that ISO 14001 certification is not performance based but could be interpreted as demonstrating performance with external standards
- that ISO could undermine government resolve to regulate polluting industries
- that ISO could be used to legitimize the excuse of “due diligence”
- that the relaxing of regulations will not drive industry to engage in BEST (Best ecologically sound technique practices)
- that there is discussion about the possibility of labeling of product coming from ISO certified corporations, and that this labeling would misrepresent the certification as being that related to environmental performance.
- that the emphasis in ISO is on the cost of environmental regulations not the cost on the environment of not enforcing regulations

1. (a) Sectoral Application of ISO 14001

Reservation:

sectoral guides shall be developed based on Mandatory International Normative Standards (MINS 1997) (See submitted Compliance principles).

(b) the development of a “bridging” document between ISO 14001 and EMAS?

Reservation:

EMAS appears to be moving more towards a regulatory scheme which should be based on MINS. EMAS also is performance-based rather than conformance to self-declared environmental policy. In ISO, there appears to be no requirement for public accountability. Although EMAS does not go far enough to ensure socially equitable and environmentally sound development, it appears to be a more meaningful estimation of environmental impact. A bridging document should be replaced by an overarching document based on the principles in MINS and drawing upon the strongest regulatory provisions that will ensure the prevention of environmental degradation. The emphasis must shift FROM concern about the cost of high international performance standards and environmental regulations TO the cost (to the environment) of not establishing high international performance standards and regulations and of not enforcing regulations

(c) Proposal of a bridging document to be used for interpreting ISO 14001 to forestry

Reservation:

The proposed Forest document is not linked to legally binding instruments such as the Convention of Biological Diversity, the Framework Convention on Climate Change, the Convention on Combating Desertification, the Vienna Convention on OZONE Depletion etc. There is a danger that the applicability of the above legally binding documents to forestry will be ignored. The forest document is linked to Agenda 21 from UNCED so it does indicate a willingness to live up to expectations emanating from Agenda 21 yet it ignores many of the significant principles contained within the Agenda 21 document (see Compliance principle document).

“Indicators” have become a means for softening obligations incurred and expectations created. For example in the ISO documents related to forests there is an initial disclaimer that the document is voluntary, and then there is a listing of the indicators. One of the indicators is the conserving of biodiversity. By removing the conserving of biodiversity in forests from the legally binding Convention on Biological Diversity, the forest industry and sympathetic administrations have weakened the requirements for conserving biodiversity. In the Conventions on Biological Diversity, states are required “to identify biodiversity” (yet the Federal government itself admits that vertebrates have not been sufficiently identified and invertebrates have barely begun to be identified); “to carry out an environmental assessment review of practices that could contribute to loss or reduction of biodiversity” (yet forest practices have not been included in Environmental Assessment legislation as being a project or an activity to be assessed); and to invoke the precautionary principle that states that in the case of a reduction or loss of biodiversity states do not have to wait for scientific certainty to discontinue activities that contribute to this loss (yet there is sufficient evidence that current forest practices such as clear cut logging and other environmentally unsound activities destroy biodiversity)

A forest protocol linked to the Convention on Biological Diversity (as well as to other relevant conventions) is necessary to address the above issue.

(6) Occupational Health and Safety**Reservation:**

There is an proposal that ISO standards act as a determinant in the interpretation of the section in GATT Article 22 that relates to the legitimacy of raising local standards to conserve resources or to protect health and safety. The onus of proof lies with the state raising the standards to justify the raising of standards. The proposed criterion for determining the justification of the standards has been science (although science may not

necessarily be the panacea it is certainly a better criteria than conformance to self-proclaimed environmental policy)

(8) Sustainable development

Reservation

“Socially equitable and environmentally sound development” : an evolved notion of “sustainable development”.

For over 50 years states have accrued obligations through UN Conventions, Treaties, and Covenants, and have created expectations through Declarations, General Assembly Resolutions, and Conference Action Plans These obligations and expectations have been related to the guaranteeing of human rights, the preserving, protecting and conserving the environment, the developing of meaningful and fair work, the promoting of social equity and justice, the preventing of war and conflict and often, industry, assisted by sympathetic administrations, has prevented states from discharging these obligations or from fulfilling these expectations.

Within the United Nations system culminating in 1995, there has been a movement towards States’ being responsible for corporate compliance, as indicated in the Article 167 from the Platform of Action

“ensure that corporations including transnationals comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment” (United Nations Convention on women: Equality, Development and Peace)

In 1974 through the General Assembly Resolution for the “Establishment of a New International Economic Order” States affirmed a commitment to “equity”:

“united determination to work urgently for the establishment of a new international Economic order based on equity,...interdependence, common interest and cooperation with systems which shall correct inequalities and address existing injustices... and to ensure steadily social development and peace and justice for present and future generations (Preamble, Declaration on the Establishment of a New International Economic Order, 1974).

In the 1976 Habitat I conference, an expectation was created by States that the essence of the 1974 New International Economic Order would be fulfilled. In the upcoming conference in Istanbul, Habitat II States have undertaken to move beyond the expectations created in 1974.

This international trend to compliance with an equitable vision of the economy is an indication that states are becoming more and more willing to move toward ensuring compliance within a new vision of economy— one that is both socially equitable and environmentally sound. This concept of socially equitable and environmentally sound development is an evolved concept from the original notion of sustainable development which has been severely criticized for the emphasis on the perpetuation of an unsustainable model of development. This evolved notion links equity and environment as the basis for development with a moving away from unsustainable patterns of production and consumption. A precedent for this concept, lies in the Action Plan which emerged from the International Conference on Population:

to achieve socially equitable and environmentally-sound development and a higher quality of life for all people, Governments should reduce and eliminate unsustainable patterns of production and consumption ... (3.9., International Conference on Population and Development, 1994)

“Socially equitable and environmentally sound development” is gaining support internationally as the best description of the type of development that guarantees human rights, that preserves, protects and conserves the environment, that creates meaningful employment, and that achieves equity and social justice for present and future generations. Some of these components were absent from the concept of “Sustainable Development”. All of the above components have been endorsed through obligations incurred by states in Conventions, Treaties, and Covenants, and through expectations created by states in Declarations, General Assembly Resolutions and Conference Action Agendas.

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BACKGROUND; I was still associated with the Environmental Studies Program at the University. A biology professor, Jack Littlepage, attended presentation on Brazil, with the two Brazilians that were brought to Canada through the ERA/Eco tropic Project that I organized at the University. He contacted me to help him in developing a project to be funded by CIDA. I helped in the understanding that I would be part of the project and would be able to organize and teach a course on the environment in Brazil. I spent a considerable amount of time going through international documents to find relevant statements to support the project; he contacted me after to ask if I would also provide specific information about the relevance of the project to women's issues. I submitted a document based on my 350-page compilation for the conference in Beijing.

OF ALTERNATIVES

73 Citizen participation, by definition, cannot be achieved by fiat but it can be facilitated by removal of political and institutional obstacles and by providing information in clear and meaningful terms. It can also be stimulated by providing opportunities for early and continuing involvement in the selection of alternatives. The inaccessibility of information and the absence of appropriate mechanisms for the expression of alternative views are often major stumbling blocks for effective involvement of citizens in shaping their future.

95 Public participation implies not only efforts to convey information but also a very important effort of education and formation to allow both specialist and public participation to play a determining role in evaluating the economic, technical and administrative consequences of the measures under consideration
(73, Habitat I)

PARTICIPATION OF WOMEN

Since a genuine human settlement policy requires the effective participation of the entire population, ... The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize productive employment. (III 11, Habitat I)

CIVIL SOCIETY ORGANIZATIONS DISTINGUISHED FROM MARKET

This EXPRESSION has been defined by UNICEF as being distinct from state and private sector. In the Habitat document "civil society organizations" should be maintained because it appears to exclude corporation and industry. The expression "individuals and organizations of civil society"

should be reserved for those individuals and organizations that are concerned about the guaranteeing of respect for human rights, the ensuring of social equity, the conserving and protecting of the environment, and the preventing of conflict and war

OBLIGATION OF GOVERNMENTS TO ENSURE CORPORATE COMPLIANCE WITH INTERNATIONAL AGREEMENTS

In 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, States undertook to ensure that “all corporations (including transnational corporations) comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167).

For over 50 years, in international agreements, the states of the United Nations have undertaken: to promote and fully guarantee respect for human rights; to ensure the preservation and protection of the environment; to create a global structure that respects the rule of law; to achieve a state of peace; justice and security and to participate in socially equitable and environmentally sound development.

For over 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;

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;

In previous agreements, it was recognized that States are responsible for the discharging 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); Now, in the Platform of Action a firm obligation has been placed on the states to ensure that corporations comply with international agreements.

As a result of article 167 of the Platform of Action—given that through international agreements states have undertaken to guarantee the respect for human rights, to preserve and protect the environment, to prevent and remove threats to peace, to achieve disarmament, and to enable socially equitable and environmentally sound development—if governments are to ensure compliance then **the charters of all the transnationals that contribute 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 corporations including 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;

THE DOCTRINE OF LEGITIMATE EXPECTATION AS AN INSTRUMENT OF COMPLIANCE

States have undertaken obligations through legally binding international instruments such as Conventions, Treaties and Covenants. In addition, citizens can legitimately expect that States will abide by the principles enunciated in globally adopted conference statements and will respect the democratic expression of international will evident in General Assembly Resolutions. The Doctrine of Legitimate Expectations could be described as follows:

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

() THAT I MADE **COMMENTS ON SIGNIFICANT BRACKETED AND OTHER SECTIONS OF THE HABITAT II AGENDA**

PART 1

PREAMBLE

1. We recognize that **years of accrued state obligations to improve the quality of life through recognizing the right to shelter, the right to social security, the right to equality, the right to peace and the right to a safe environment have not yet been discharged. In 1974, through General Assembly resolutions, we recognized “united determination to work urgently for the establishment of a new international Economic order based on equity, ...interdependence, common interest and cooperation with systems which shall correct inequalities and address existing injustices... and to ensure steadily social development and peace and justice for present and future generations (Preamble, Declaration on the Establishment of an New International Economic Order, 1974).**

DOCUMENTATION OF PRECEDENT

RE: ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER AS ADVOCATED IN HABITAT 1 (REFERENCE TO A 1974 GENERAL ASSEMBLY RESOLUTION IGNORED IN HABITAT II)

To achieve universal progress in the quality of life, a fair and balanced structure of the economic relations between States has to be promoted. It is therefore essential to implement urgently the New International Economic Order based on the Declaration and Programme of Action approved by the General Assembly in its sixth special session, and on the Charter of Economic rights and Duties of States. (II 4, Habitat I)

Human settlements are characterized by significant disparities in living standards and opportunities. Harmonious development of human settlements requires the reduction of disparities between rural and urban areas, between regions and within regions themselves. Governments should adopt policies; which aim at decreasing the differences between living standards and opportunities in urban and non-urban areas. Such policies at the national level should be supplemented by policies designed to reduce disparities between countries within the framework of the New International Economic Order. (II 14, Habitat II)

We affirm the imperative need **and urgency** to improve the quality of human settlements which profoundly affects the daily lives and well-being of *our* people.

There is a sense of great opportunity and hope that a new world can be built in which economic development, social development and environmental protection as interdependent and mutually reinforcing components of *sustainable development* **socially equitable and environmentally sound development** can be realized through solidarity and cooperation within and between countries, and through effective partnerships at all levels. International cooperation and universal solidarity, guided by the ~~[[purposes and]]~~ principles of the Charter of the United Nations, **and by over 50 years of obligations accruing through Conventions, Treaties, Covenants, and by over 50 years of expectations arising through Declarations, Conference action plans and General Assembly Resolutions** *In a spirit of partnership*, are crucial in order to improve the quality of life of the peoples of the world. **The constant vigilance by individuals and organizations of civil society is essential and should be facilitated through the establishment of an International Court of Compliance where citizen can take evidence of state non-compliance.**

DOCUMENTATION OF PRECEDENT:

RE: PROMOTING NEW INTERNATIONAL ECONOMIC ORDER BASED ON EQUITY

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)

RE: ADVOCATING LOCAL SERVICES AND HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

- (a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;
- (b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups especially children, women

and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice (1 Habitat I)

PROPOSED GLOBAL COMPLIANCE RESOLUTION: POST-50TH GLOBAL COMPLIANCE RESOLUTION

We are mindful *that 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, and that if these fifty-one 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,

Cognizant that only when these obligations are discharged will we have the global community that is socially equitable and environmentally sustainable.

RECOGNIZING that for fifty-one years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby if a government holds itself out to do

something even if not legal 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 these obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

ARTICLE 1 bis

Recognizing that it is only through the fulfillment at a global level of years of state obligations and expectations that the goals of Habitat can be achieved

ARTICLE 2

The purpose of the second United Nations Conference on Human Settlements (Habitat II) is to address two themes of equal global importance: **the right to Adequate- shelter for all and Sustainable human settlements development** in an urbanizing world. Human beings **and the carrying capacity of the ecosystem** are at the Centre of concerns for **socially equitable and environmentally sound sustainable** development, including shelter for all **and socially equitable and environmentally sound sustainable** settlements, and they are entitled to a healthy and productive life in harmony with nature. As to the first theme, a large segment of the world's population lacks shelter and sanitation, particularly in developing countries. **Another segment of the world's population in developed countries has been experiencing the problem of urban sprawl, widening gaps between the rich and the poor, excessive environmental destruction as a result of unsustainable models of development.** We recognize that **the right to social security and [the right to adequate housing, as affirmed in the International Covenant of Cultural, Economic and Cultural rights, reaffirmed in the Convention of Elimination of all Form of Discrimination, reaffirmed in Chapter 7 of Agenda 21, and reaffirmed in the International Conference on**

Population and Development, 1994) which includes] access to affordable, accessible, inclusive, free-from illegal forced evictions, security of tenure, and environmentally sound, and safe and healthy shelter and basic services is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of our urgent actions for the more than one billion people without decent living conditions. Our objective is to achieve adequate shelter for all and especially for the deprived urban and rural poor and landless poor through an enabling approach to the development and improvement of shelter that is environmentally sound. Our objective is also to strive to change peoples' attitudes towards the poor and those that are different. The poor should never be blamed for their condition, and there should be trust in not fear of those that are different.

DOCUMENTATION OF PRECEDENTS

RE: RECOGNIZING THE WASTEFUL AND ECOLOGICAL DESTRUCTIVENESS OF URBAN SPRAWL

(a) Expected population growth and migration mean that urban expansion will be the most common and universal development challenge. However, urban expansion can take the form of urban sprawl, and it is then costly, wasteful and ecologically destructive. (Rec B, Habitat I)

(c) it requires special provisions for:

- (i) securing legislation, legal instruments and regulations;
- (iv) active participation of a well-informed public
- (v) protection of ecosystems and critical land
- (ix) Integration and improvement of squatter and marginal settlements. (Habitat I)

RE: PLACING AN OBLIGATION TO PROVIDE ADEQUATE SHELTER AND SERVICES - AS A BASIC HUMAN RIGHT

Adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better-balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

RE: 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)

RE: 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)

RE: 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)

As to the second theme, socially **equitable and environmentally sound** development **of healthy, safe and environmentally sound communities-settlements** combines **social equity and environmentally sound development with** environmental protection and full *economic development, social development and environmental protection*, with full respect for all human rights and fundamental freedoms, including the right to development, and offers a means to achieving a world of greater stability and peace, built on ethical *and spiritual* vision. **To achieve this vision states shall undertake to ensure compliance with a body of established international principles by establishing mandatory international normative standards (INS) related to the ensuring of social justice, the guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, and the preventing of conflict and war.**

DOCUMENTATION OF PRECEDENTS

RE: TRANSNATIONAL CORPORATIONS

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I)

RE: STATE REQUIREMENT TO ENSURE COMPLIANCE

states to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167 Platform of Action UN Conference on Women: Equality, Development and Peace).

[Democracy, and transparent, representative and accountable governance and administration in all sectors of society are indispensable foundations for the realization of **socially equitable and environmentally sound sustainable development**. However, the lack of **socially equitable and environmentally sound development** and the existence of widespread absolute poverty inhibit the full and effective enjoyment of human rights and render fragile democracy and popular participation.]

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOR PARTICIPATION

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize productive employment. (III 11, Habitat I)

RE: ADVOCATING THE EXPRESSION “SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT”

The expression “socially equitable and environmentally sound development” was used in the International Conference on Population and 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)

NOTE: [In the Habitat document the expression “environmentally sound” is used as often as Sustainable Development—a term that reflected neither the real equitable nor environmental component so necessary in development.]

ARTICLE 3

3. Recognizing the global nature of these issues, the international community, in convening Habitat II, has decided that a concerted global approach could greatly enhance progress toward achieving these goals. **As recognized in Agenda 21 (UNCED)** [The cross-national and global impacts of unsustainable patterns of production and consumption, particularly in industrialized countries, environmental degradation, demographic changes, widespread and persistent poverty, and social and economic inequality are clearly visible.]. **As also confirmed through early Environmental Conventions such as the Vienna Convention on Ozone Depletion with the Montreal Protocol, the Convention on Biological Diversity and the Framework Convention on Climate Change, the global community has undertaken to discharge its international obligations related to conserving and protecting the environment through banning ozone depleting substances, through preserving biodiversity, and through reducing and eliminating climate change agents.**

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF UNSUSTAINABLE PATTERN 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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

**RE: ACKNOWLEDGING THE IMPACT ON AGRICULTURE (PREY TO SPECULATION AND URBAN ENCROACHMENT)
(Sections from Habitat I)**

(a) Agricultural land, particularly on the periphery of urban areas, is an important national resource; without public control land is a prey to speculation and urban encroachment. (Habitat I)

(b) Change in the use of land especially from agricultural to urban, should be subject to public control and regulation. (Habitat I)

(c) Such control may be exercised through

(i) zoning and land-use planning as a basic instrument of land policy in general and control of land-use changes in particular;

(ii) Direct intervention, e.g. the creation of land reserves and land banks purchasing compensated expropriation and/or pre-exemption, acquisition of development rights, conditioned leasing of public communal land, formation of public and mixed development enterprises; (Habitat I)

(ii) Legal controls, e.g. compulsory registration, changes in administrative boundaries, development building and local permits, assembly and re-plotting;

The sooner communities, and local governments, *partnerships among the public, and private and community sectors* join efforts to create comprehensive, bold and innovative **plans strategies** for shelter and human settlements, the better the prospects will be for the safety, health and well-being of people and the brighter the outlook for solutions to global environment and social problems. **As previously recognized in Habitat I, communities should take more control over the planning and ownership of public lands and that greater benefit should accrue to the public from the sale of land.**

RE: REDISTRIBUTING BENEFITS TO THE PUBLIC

Recommendation D3

Recapturing plus value.

(a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to

the public at large the benefits of the unearned increase in land values. (Habitat I)

(b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies. (Habitat I)

(c) Specific ways and means include:

(i) levying of appropriate taxes, e.g. capital gains taxes, land taxes and betterment charges, and particularly taxes on unused or under-utilized land; (Habitat I)

(ii) Periodic and frequent assessment of land values in and around cities and determination of the rise in such values relative to the general level of prices; (Habitat I)

(iii) Instituting development charges or permit fees and specifying the time-limit within which construction must start; (Habitat I)

RE: CONSERVING OF ENERGY

ENERGY (NOTE ENERGY CONSERVATION MENTIONED ONLY IN 137 IN HABITAT II THAT IS STILL BEING NEGOTIATED)

Human settlements are consuming more and more energy just when Humanity *mankind* has become aware of the need to cease environmentally degrading and wasteful use of non-renewable energy resources. (Habitat I)

(i) reducing energy consumption by changes in land-use planning, building design, living patterns and appropriate transportation systems including emphasis on mass transportation.

(ii) Identifying and developing new sources of energy and promoting more efficient use of energy resources, for example through innovative approaches in design ... and although financial and other incentives for energy conservation and through disincentives for wasteful consumption (Recommendation C. 5 (Habitat I)

(iv) emphasizing where possible the use of renewable over non-renewable energy sources and the rationalization of technologies

which are currently known to be hazardous to the environment.
(Habitat I)

(vi) Developing and implementing special small-scale power generating, delivery and use systems more appropriate for water supply, rural electrification, and district heating and cooling, including the utilization of solar and geothermal energy and heat pumps as appropriate. (Habitat I)

ARTICLE 4

4. Having acknowledged the applicability of years of international instruments since the formation of the United Nations, having been forced to acknowledge that many expectations arising from Habitat I have not yet been fulfilled, and Having considered the experience since the United Nations Conference on Human Settlements (Habitat), held in Vancouver, Canada, in 1976, Habitat II reaffirms the results from relevant **conventions, treaties covenants, declarations, resolutions and recent world conferences and has developed them into an agenda for human settlements: the Habitat Agenda. **The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant of Cultural, Economic, Cultural Rights, The Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, all the Conventions and Treaties related to the Environment and Peace,** of The United Nations Conference on Environment and Development -- The Earth Summit -- held in Rio de Janeiro in 1992, produced Agenda 21. At this Conference, the international community agreed to a framework for the sustainable development of human settlements. Each of the other conferences, including the Fourth World Conference on Women (Beijing, 1995); the World Summit for Social Development (Copenhagen, 1995); the International Conference on Population and Development (Cairo, 1994); the Global Conference on the Sustainable Development of Small Island Developing States (Barbados, 1994); and the World Conference on Human Rights (Vienna, 1993), as well as the World Summit on Children (New York, 1990) and the World Conference on Education for All (Jomtien, Thailand, 1989) and **Habitat I** also address important **socially equitable and environmentally sound development social, economic and environmental issues, including components of the sustainable development agenda,** for which successful implementation requires action at the local, national and international levels. The Global Strategy for Shelter to the Year 2000, adopted in 1988, which emphasizes the need for improved production and delivery of shelter, revised national housing policies, and an enabling strategy, offers useful guidelines for the realization of adequate shelter for all in the next century.**

ARTICLE 5

During the course of history, urbanization has been associated with economic and social progress, the promotion of literacy and education, the improvement of the general state of health, greater access to social services, and cultural, political and religious participation. **It should be acknowledged that although there has been some increased participation by members of civil society there is a long way to go to achieve the necessary** *Democratization has enhanced such access and meaningful participation and involvement for civil society actors, and for public-private partnerships;* **While** decentralized, participatory planning *and management which* are important features of a successful urban future, **the planning should be grounded in fundamental principles related to the guaranteeing of human rights , the ensuring of social justice, the preserving, protecting and conserving of the environment, and the promoting of peace.** Cities and towns have been engines of growth **often beyond the carrying capacity of the ecosystem that contains them** and incubators of civilization **or destroyers of culture** and have facilitated **or repressed** the evolution of knowledge, culture and tradition, *as well as of industry and commerce.* Urban settlements, properly planned *and managed,* hold the promise for human development and the protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. **Unfortunately, urbanization has also been associated with increased violations of human rights, unmitigated environmental degradation, perpetuated unsustainable patterns of economic consumption, widened gaps between the rich and the poor (the enfranchised and disenfranchised), increased abuse of the marginalized, and increased incidents of conflict, violence and crime.** The growth of cities and towns causes social, **economic and environmental changes that go beyond city boundaries, through urban sprawl and industrial conversion of productive land and of areas worthy of preservation.** Habitat II deals with all settlements - large, medium and small - and reaffirms the need for universal improvements in living and working conditions.

ARTICLE 6

6. To overcome current problems and to ensure future progress in the improvement of economic, social and environmental conditions in human settlements, we must begin with a recognition of the challenges facing cities and towns. According to current projections, by the turn of the century, more than three billion people - one-half of the world's population - will live and work in urban areas. The most serious problems confronting cities and towns and their inhabitants include **severe environmental degradation resulting from either lack of mandatory regulations that drive industry, institutional governments/industry collusion that weakens the resolve to establish or enforce regulations;** inadequate financial resources **to promote socially equitable and environmentally sound development,** lack of employment opportunities **in socially equitable and environmentally sound employment,** spreading homelessness and expansion of squatter settlements, increased poverty

and a widening gap between rich and poor particularly **because of the imposition of environmentally unsound models of development and of the ill-conceived structural adjustment programs**, growing insecurity and rising crime rates **because of misplaced priorities—incarceration rather than social equity including positive human rights of the right to social security, health care, shelter, food etc. (International Covenant on Social Cultural Economic Rights),**

DOCUMENTATION OF PRECEDENTS

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities. (Chapter II A. 5 Habitat)

RE: PREVENTING WASTE AND MISUSE OF RESOURCES IN WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

RE: REDUCING OF AVAILABLE RESOURCES THROUGH EXCESSIVE MILITARY EXPENDITURES

Excessive military expenditures, including global military expenditures and arms trade or trafficking, and investments for arms production and acquisition have reduced the resources available for social development. As a result of the debt burden and other economic difficulties, many developing countries have undertaken structural adjustment policies. **Moreover, there are structural adjustment programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly in the heavily indebted countries, during the last decade. (Art. 15**

Platform of Action, UN Conference on Women: Equality, Development and Peace, 1995)

RE: REASSESSING STRUCTURAL ADJUSTMENT PROGRAMS
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)

RE: PREVENTING CRIME

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)

RE: ACCOMMODATING THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, misconceived structural adjustment programs. In addition, displacement occurs through** natural or *man-made anthropogenic* catastrophes, and especially by the act of foreign **and internal** aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

inadequate and deteriorating building stock, services and infrastructure, lack of health and educational facilities, improper land use, insecure land tenure, rising traffic congestion, increasing pollution, lack of green spaces, inadequate water supply and sanitation, uncoordinated urban development, and an increasing vulnerability to disaster **including for example the existence of and the**

promotion of civil nuclear reactors, the continued visits of nuclear powered military vessels in urban ports and of the development and testing of nuclear weapons.

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING PUBLIC CONTROL AND BENEFIT FROM LAND

D. Land (Agenda item 10 (d))

Preamble

Land, because of its unique nature and the crucial role it plays in human elements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole (Habitat I)

2. Instead, the pattern of land use should be determined by the long-term interests of the community, especially since decisions on location of activities and therefore of specific land uses have a long-lasting effect on the pattern and structure of human settlements. Land is also a primary element of the natural and man-made environment and a crucial link in an often-delicate balance. Public control of land use is therefore indispensable to its protection as an asset and the achievement of the long-term objectives of human settlement policies and strategies. (Habitat I)

Recommendation D1

Land resource

a Land is one of the most valuable natural resources and it must be used rationally. Public ownership or effective control of land in the public interest is the single most important means of improving the capacity of human settlements to absorb changes and movements in population, modifying their internal structure and achieving a more equitable distribution of the benefits of development whilst assuring that environmental impacts are considered. (Habitat I)

(b) Land is a scarce resource whose management should be subject to public surveillance control in the interest of the nation

(c) This applies in particular to land required for:

(v) The protection and enhancement of the natural environment especially in sensitive areas of special geographic and ecological significance such as coastal regions and other areas subject to the impact of development, recreation and tourism activities. (Habitat I)

(d) Land is a natural resource fundamental to the economic, social and political development of peoples and therefore Governments must maintain full jurisdiction and exercise complete sovereignty over such and exercise complete over such land with a view to freely planning development of human settlements throughout the whole of the natural territory. This resource must not be the subject of restrictions imposed by foreign nations which enjoy the benefits while preventing its rational use. (Habitat I)

All of these have seriously challenged the capacities of governments, particularly those of developing countries, at all levels to realize economic development, social development and environmental protection, which are interdependent and mutually reinforcing components of **socially equitable and environmentally sound development** *sustainable development*, the framework for our efforts to achieve a higher quality of life for all people. Rapid rates of international and internal migration to, as well as population growth in, cities and towns, and unsustainable patterns of production and consumption raise these problems in especially acute forms. In these cities and towns, large sections of the world's urban population live in inadequate conditions and are confronted with serious problems, including environmental problems, that are exacerbated by inadequate planning *and managerial* capacities, and **by unsustainable patterns of production and consumption** lack of investment *and technology* in **BEST (best environmentally sound techniques) practices (prevention technology that does it right the first time); too often environmentally unsound technologies have been introduced as a result of North/south transfer and then the "coupling" clean-up technologies are introduced. The continued introduction of these ecologically unsound technologies contributes to environmental degradation, undue stress on the disadvantaged, over-dependency on external "solutions" that could be equally bad or even worse than the problem they were intended to solve. These ecologically unsound technologies and technological fixes perpetuate a cycle of attempted rectification of error, and insufficient mobilization of financial resources to ecologically sound technologies and inappropriate allocation of financial resources to ecologically unsound technologies such as non-renewal sources of energy or the production of substances and activities that cause environmental degradation and are harmful to human health (note states were urged to**

prevent the transfer of substances and activities that could cause environmental degradation or be harmful to human health to other states; this would mean that no state should transfer substances such as toxic, hazardous, or atomic wastes or activities that would produce toxic, hazardous or atomic wastes) ,

DOCUMENTATION OF PRECEDENTS RELATED TO TRANSFER OF HARMFUL SUBSTANCES

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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.

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 been 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.

as well as by a lack of social and economic opportunities.

In the case of international migration, migrants have **[particular]** needs for housing and basic services, education, employment, and social integration without a loss of cultural identity, and they are to be given adequate protection and attention within host countries.

DOCUMENTATION OF PRECEDENTS

RE: 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)

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)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, place of birth, **nature of residence** or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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).

RE: 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)

RE: 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)

ARTICLE 7

7. In the process of globalization and growing interdependence, rural settlements represent a great challenge and opportunity for renewed **socially equitable and environmentally sound** developmental initiatives at all levels and in all fields. Many rural settlements, however, are facing a lack or an *inadequacy of economic opportunities* **adequate infrastructure of ecologically unsound practices**, especially employment, and of infrastructure and services, particularly those related to water, sanitation, health, education, communication, ecologically-**sound public** transportation and **ecologically safe and sound renewable** energy. Appropriate efforts and technologies for rural development can help to reduce, inter alia, imbalances, unsustainable practices, poverty, isolation, environmental pollution and insecure land tenure. Such efforts can contribute to improving the linkage of rural settlements with the mainstream of economic, social and cultural life, to assuring sustainable communities and safe environments, and to reducing pressures on urban growth.

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING RADICAL REVERSAL OF TRANSPORTATION TRENDS (

recommendation C 14 Transportation and communication

(a) Consideration should be given to the radical reversal of current trends, both in terms of facilities for and modes of transport in order to prevent further deterioration of the situation where larger cities are congested with private vehicles which in most countries cater only to a minority while adequate public transport is unavailable to urban and rural residents. (Habitat I)

(b) Policies on transportation and communication should promote desired patterns of development to satisfy the needs of the majority of the population, to assure the distribution of activities to favour mass transportation, and to reduce congestion and pollution by motor vehicles. (Habitat I)

(c) This could be achieved through:

(i) a more deliberate use of land-use planning and policies for the location of traffic generating activities, in order to minimize the need for travel. (Habitat I)

(ii) the active development of a system of public transportation with adequate incentives for its use in preference to individual use of motor vehicles (Habitat I)

(vi) provide for the separation of pedestrian and motor circulation, as well as separate paths for bicycles, and other categories of vehicular traffic; (Habitat I)

(vii) Over the short-term, transportation improvements should be designed to make more efficient use of existing highways and transit systems;

(vii) Innovative transportation systems need to be encouraged for reducing energy consumption and conserving resources and avoiding pollution (Habitat I)

(x) The study of new techniques to avoid the air and environmental pollution caused by the present automobile system. (Habitat I)

RE: RECOGNIZING IMPACT OF INCREASED 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)

RE; DEVELOPING MASS TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 8

8. Cities, towns and rural settlements are linked through the movements of goods, **environment, transportation, energy**, resources and people. Urban-rural linkages have a crucial importance for the sustainability of human settlements. As rural population growth has outpaced the generation of employment and economic opportunities, rural-to-urban migration has steadily increased, particularly in developing countries, which has put enormous pressure on urban infrastructure and services already under serious stress. It is urgent to eradicate rural poverty and to improve the quality of living conditions, as well as to create employment and educational opportunities in rural settlements, regional centres and secondary cities. Full advantage must be taken of the complementary contributions and linkages of rural and urban areas by balancing their different economic, social and environmental requirements.

ARTICLE 9

9. More people than ever are living in absolute poverty and without adequate shelter. Inadequate shelter and homelessness are growing plights in many countries **including the most affluent countries of the North**, threatening standards of health, security and even life itself. *[Everyone should shall be entitled to an adequate- high standard of living, including adequate—affordable, accessible, safe and healthy food, clothing and inclusive adequate — affordable, accessible, safe and environmentally sound, with tenure security housing, and to the continuous improvement of living conditions.]* **All the states signatory to the international Covenant of Social Cultural and Economic Rights have “recognize the right of everyone to an adequate standard of living, including food, clothing and housing” (Art. 11.1 International Covenant of Economic, Social and Cultural Rights — ICESCR, 1966). In addition, states have undertaken the international obligation to recognize the “right of everyone to social security (Art. 9), and “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” (Article 12, ICESCR).**

DOCUMENTATION OF PRECEDENT

RE: PROVIDING FOR THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, misconceived structural adjustment programs. In addition, displacement occurs through** natural or *man-made* **anthropogenic** catastrophes, and especially by the act of foreign **and internal** aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

RE: ACKNOWLEDGING ADEQUATE SHELTER AND SERVICES - BASIC HUMAN RIGHT. OBLIGATION ON GOVERNMENTS TO ENSURE ADEQUATE SHELTER

8. adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better-balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

RE: EQUITABLE DISTRIBUTION OF BENEFITS

(b) Human settlements policies should aim to improve the condition of human settlements particularly by promoting a more equitable distribution of the benefits of development among regions; and by making such benefits and public services equally accessible to all groups. (Rec. A 4, b Habitat I)

(c) this can be done through:

- (i) the location of public sector investments;
- (ii) the allocation of direct subsidies and priority of investment, to selected disadvantaged regions and groups

- (iii) the use of incentives and disincentives-fiscal, legal and other to favour or discourage selected activities or areas
- (iv) The creation of special employment, training and social services opportunities training and social services opportunities in favour of the most deprived
- (v) the deliberate improvement of conditions in the most disadvantaged settlements, so as to enhance attraction of such areas in relation to others;
- (vi) Measures to improve the quality of life of vulnerable groups which have special needs-such as children, the elderly, the handicapped and the disabled. Such measures include provision of basic social services, adequate shelter and social and physical access to facilities. (Habitat I)

Recommendation C 11

Infrastructure policy

- (a) The unequal distribution of wealth between population groups, within human settlements and between urban and rural settlements is exacerbated by the inequalities in access to goods, services and information.
- (b) Infrastructure policy should be geared to achieve greater equity in the provision of services and utilities, access to places of work and recreational areas as well as to minimize adverse environmental impact.
- (c) this implies
 - (i) Enforcement of minimum and maximum standards of infrastructure for all segments of the population
 - (ii) More efficient use of resources and elimination of excessive consumption through development and implementation of maximum standards, education, conservation and other appropriate measures; (Habitat I)

9 bis. The rapidly increasing number of displaced persons including refugees, other displaced persons in need of international protection and internally displaced persons, as a result of natural and human-made disasters in many regions of the world, is aggravating the shelter crisis, highlighting the need for a speedy solution to the problem on a durable basis.

9 ter. Acknowledging that often the lack of respect and trust of youth, and the exclusion of youth from the decision making process have contributed to a reciprocal lack of trust on the part of youth, and thus affirming that t
The rights and needs of children and youth and of future generations have to be taken fully into account [recognizing the rights, duties and

responsibilities of parents and other persons legally responsible for children, consistent with the Convention on the Rights of the Child]. Special attention needs to be paid to participatory processes dealing with the shaping of cities, towns and neighbourhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment. Special attention must be paid to shelter needs of vulnerable children, such as street children, refugee children and children who are victims of sexual exploitation.

DOCUMENTATION FOR PRECEDENT

RE: 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)

ARTICLE 10

10. Although all *many* countries, particularly developing countries, lack legal, institutional, financial, technological and human resources to respond adequately to rapid urbanization, many local authorities are taking on these challenges with open, accountable and effective leadership and are eager to bring people into the *sustainable socially equitable and environmentally sound* development process. Enabling structures that facilitate independent initiative and creativity, and that encourage the wide range of partnerships, including with the **members in the private sector that are advocating strong mandatory regulations to facilitate and drive socially equitable and environmentally sound development**, within and between countries, should be promoted. Furthermore, empowering all people, especially [members of] vulnerable and disadvantaged groups and people living in poverty, to participate equally and effectively in all activities related to human settlements is the basis for civic engagement, facilitated by the national authorities. Indeed, the Habitat Agenda provides a framework to enable people to take responsibility for the promotion and creation of sustainable human settlements.

10 bis. [Human settlements problems are of multidimensional nature that has its main roots in poverty and underdevelopment and, in many countries, is aggravated by the scarcity of resources. It is recognized that human settlements are not isolated from the social and economic development of countries and that they cannot be set apart from the need for a favourable international framework for sustained economic growth and sustainable socially equitable and environmentally sound development.]

ARTICLE 11

11. There are critical differences regarding human settlements in different regions and countries and within countries. These differences, specific situations and varying capacities of each community and country need to be taken into account in the implementation of the Habitat Agenda. [International, regional, sub-regional and national institutional arrangements, including the enhancement of the Commission on Human Settlements and the United Nations Centre for Human Settlements (Habitat) as the global focal points and allocation of resources, are central to the implementation of the Habitat Agenda.]. **In addition, it is essential that UNCHS recognize that the successful implementation of Habitat II depends on the necessity of examining the interdependence of issues and continually work with agencies involved in Environment, Human Rights, and Peace promotion.**

ARTICLE 12

12. The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles and commitments, a positive vision of **socially equitable and environmentally sound development** of *sustainable* human settlements -- where all have adequate shelter, a healthy and safe environment, basic services, and productive, **environmentally sound** and freely chosen **meaningful** employment. The Habitat Agenda will guide all efforts to **finally** turn this vision, **which has been articulated through multiple international forums for over 50 years** into reality.

PART II. GOALS AND PRINCIPLES

13. We, the States participating in the United Nations Conference on Human Settlements (Habitat II) [are committed to a political, economic, environmental, ethical and spiritual vision of human settlements based on the principles of equality, solidarity, partnership, human dignity, respect and cooperation. We] adopt the goals and principles of adequate shelter for all and sustainable human settlements development in an urbanizing world. [We believe that attaining these goals will promote a world more stable and freer from injustice and conflict and contribute to just, comprehensive and lasting peace and to global equitable economic and social development and environmental protection.] [Civil, ethnic and religious strife, nuclear armament, armed conflicts, alien and colonial domination, foreign occupation, international economic imbalance, coercive economic measures, poverty, organized crime, and terrorism in all its forms are destructive to sustainable human settlement development and should therefore be renounced by all States.] [We believe that attaining these goals will promote a world more stable and freer from injustice and conflict. Civil, ethnic and religious strife, violations of human rights, armed conflicts, terrorism, foreign aggression or occupation are destructive to human settlements and should therefore be renounced by all States. At the national level we will reinforce peace by promoting tolerance, non-violence and respect for diversity, and by settling disputes by peaceful means. At the local level, the prevention of crime and the promotion of sustainable communities are essential to the attainment of safe and secure societies. Crime prevention through social development is one crucial key to these goals. At the international level, we will promote international peace and security and make and support all efforts to settle international disputes by peaceful means in accordance with the Charter of the United Nations.] We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and by over 50 years of obligations incurred and expectations undertaken through international instruments and we reaffirm our commitment to ensure the realization of the human rights set out in international instruments [including the right to adequate housing as provided for] in the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural 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 that the right to adequate housing should shall be realized progressively*]. We reaffirm that all human rights - civil, cultural, economic, political and social - are universal, indivisible and interdependent and interrelated. We subscribe to the following principles and goals to guide us in our actions.

ARTICLE 14

14. Equitable human settlements are those in which all people, without discrimination of any kind as to race, tribe, or culture, **colour**, ethnicity, **national**

ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age, language, religion or conviction, political or other opinion, *national or , social origin*, property, *birth, nature of residency* or other status have equal access to safe and healthy housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for a productive and freely chosen livelihood; equal access to economic resources *[Including the right to inheritance]*, /As agreed in the Convention on the Elimination of All Forms of Discrimination 5 d (vi) The right to inherit:

ARTICLE 16

16. [*Sustainable socially equitable and environmentally sound development is essential to human settlements development, while giving full consideration for the needs and necessities of achievement of economic growth in all countries, particularly in developing countries. Special consideration needs to be given to the specific situation of countries with economies in transition.*] Human settlements shall be planned, developed and improved in a manner that takes full account of *sustainable socially equitable and environmentally sound* development principles and all its components, as set out in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development. Sustainable human settlements development ensures *socially equitable and environmentally sound economic development*, employment opportunities and social progress, in harmony with the environment. It incorporates, among the principles of the Rio Declaration which are equally important and other outcomes of the United Nations Conference on Environment and Development, that of the precautionary approach principle, pollution prevention, respect for the carrying capacity of ecosystems, and preservation of natural heritage and socially equitable and environmentally sound opportunities for future generations. Production, consumption and transport should be developed *managed* in ways that protect and conserve the stock of resources while drawing upon them. Science and technology have a crucial role in shaping sustainable human settlements and sustaining the ecosystems they depend upon. Sustainability of human settlements entails their balanced geographical distribution or other appropriate distribution in keeping with national conditions, promotion of economic and social development, and human health and education, the maintenance of biodiversity *promotion of economic and social development*, human health and education, and cultural diversity, as well as air, water, vegetation and soil qualities at standards sufficient to sustain human life and well-being for all time.

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 6 Habitat I)

Re: Precautionary principle

The expression “the Precautionary Principle” is used throughout the UNCED documents in Agenda 21, Convention on Biological Diversity, The Framework Convention on Climate Change, and the Rio Declaration

RE: ENSURING ENVIRONMENTAL AND CULTURAL PRESERVATION

It is the responsibility of Governments to prepare spatial strategy plans and adopt human settlement policies to guide the socioeconomic development efforts. Such policies must be an essential component of an over-all development strategy, linking and harmonizing them with policies on industrialization, agriculture, social welfare, and environmental and cultural preservation so that each supports the other in a progressive improvement in well-being of all **humanity** mankind. (III 2, Habitat I)

RE: PRESERVING OR PROTECTING NATURAL HERITAGE

- 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)
- 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)
- 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)

RE: ENVIRONMENT AS COMMON HERITAGE

11. The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable in the long term. The environment is the common heritage of mankind and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired by a deep respect for the protection of the environmental resources upon which life itself depends. (II, 11 Habitat I)

ARTICLE 17

17. The quality of life of the people depends, among other economic, social, environmental and cultural factors, on the physical conditions and spatial characteristics of our villages, towns and cities. City lay-out and aesthetics, land-use patterns, population and building densities, transportation and ease of access for all to basic goods, services and public amenities have crucial bearing on the livability of settlements. This is particularly important to vulnerable and disadvantaged persons, many of whom face barriers in access to shelter and in participating in shaping the future of their settlements. People's needs for community and their aspirations for more livable neighbourhoods and settlements should guide the process of **planning**, and **designing**, *management and maintenance* of human settlements. Objectives of this endeavour include protecting public health, providing for safety and security conditions, education, and social integration, promoting equality, respect for diversity and cultural

identities, increased accessibility for persons with disabilities, and preservation of historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care. [The preservation of **natural heritage** and historical monuments and buildings, particularly in the case of those declared by UNESCO as part of the cultural and natural patrimony of humanity, should be assisted through international cooperation.] **including states undertaking to sign and ratify the convention on the Protection of Cultural and Natural Heritage, and to enact the necessary legislation to ensure that significant cultural and natural heritage are protected and presented for international world heritage designation.**² It is also of crucial importance that spatial diversification and mixed uses of types of housing and services be promoted at the local level in order to meet the diversity of needs and expectations.

DOCUMENTATION OF PRECEDENTS

RE: PRESERVING, PROTECTING AND ENHANCING OF THE ENVIRONMENT

Every State has the right to exercise full and permanent sovereignty over its wealth, natural resources and economic activities, adopting the necessary measures for the planning ... of its resources, providing for the protection, preservation and enhancement of the environment. (II 8 Habitat I)

RE: PRESERVING OF NATURAL HERITAGE

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)

ARTICLE 19

19. All people have basic rights **including the right to safe and healthy housing** and must also accept their responsibility to respect and protect the rights of others - including future generations - and to contribute actively to the common good.

Socially equitable and environmentally sound Sustainable human communities settlements are those that, inter alia, generate a sense of citizenship and identity, cooperation and dialogue for the common good, and a spirit of voluntarism and civic engagement, where all people are encouraged and have equal opportunity **for genuine community involvement and participation including the participation of those who have usually been marginalized from the decision making process** to *participate* in decision-making and development. Governments at all appropriate levels, including local authorities, have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and public-private—**individuals and businesses that engage in BEST (Best environmentally sound techniques) practices or socially equitable and environmentally sound development— cooperation partnerships**, and helping people to understand and exercise their rights and responsibilities through open and effective participatory processes, universal education and information dissemination.

ARTICLE 20

JARGON [*] AND BUZZ WORD [§], EUPHEMISMS [£] UNNECESSARY COMPLICATION [%], OR VEILED INTENTION ALERT.

*20. Partnerships among countries and among all actors within countries from public, *private*, voluntary, and community-based organizations, the cooperative sector, non-governmental organizations and individuals are essential to the achievement of sustainable human settlements development and the provision of adequate shelter for all and basic services. *Partnerships can integrate and mutually support objectives of broad-based participation through, inter alia, forming alliances, pooling resources, sharing knowledge, contributing skills and capitalizing on comparative advantages of collective actions. The processes can be made more effective by strengthening civil organizations at all levels. Every effort must be made to encourage collaboration and partnership of all sectors of society and among all actors in decision-making processes as appropriate.* *

ARTICLE 21

21. Solidarity with those who are less fortunate, disadvantaged and vulnerable groups, including people living in poverty, as well as tolerance, non-discrimination and cooperation among all people, families and communities are foundations for social cohesion. Solidarity, cooperation and assistance should be enhanced by the international community as well as by States and all other relevant actors to respond to challenges of human settlements development. The international community and governments at all appropriate levels are called upon to promote sound and effective policies and instruments, thereby strengthening cooperation

among governments and non-governmental organizations, as well as to mobilize complementary resources to meet these challenges.

ARTICLE 22

22. [To safeguard the global needs and rights *interest* of present and future generations in human settlements including the right to a safe environment, the right to natural heritage and to socially equitable and environmentally sound development including social justice is one of the fundamental goals of the international community. The implementation of the Global Plan of Action will require a willingness to make the necessary attitudinal changes, particularly in relation to the rights of future generations and of marginalized people in global societies, and a flow of new and additional financial from different sources including reduction of the global military budget and from deferred taxes from corporations including transnational corporations and to transfer resources to developing countries in order to cover the incremental costs of the socially equitable and environmentally sound actions they have to undertake to deal with human communities *settlements* problems and to accelerate socially equitable and environmentally sound development *sustainable development*.] In additions compensation shall be sought from corporations that have violated human rights, caused environmental degradation, and contributed to conflict.

DOCUMENTATION OF PRECEDENT

RE DESIGNATING OF HERITAGE OF OUTSTANDING INTEREST

- 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* [**humanity**] 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)
- 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)

RE: CONSERVING BIODIVERSITY FOR FUTURE GENERATIONS

- 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)
- 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)

**Part III.
COMMITMENTS**

ARTICLE 22

We are mindful *that since the formation of the United Nations, member states of the United Nations have undertaken in UN system governing bodies obligations reflected in Charters, Treaties, Covenants, Conventions, and have created expectations reflected in Declarations, General Assembly Resolutions, and Conference Agendas, and that if these fifty-one 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,*

Cognizant that only when these obligations are discharged and expectations fulfilled will we have the global community that is socially equitable and environmentally sustainable.

RECOGNIZING that for fifty-one years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on

the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby 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 these obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

States undertake to introduce the following resolution in the General Assembly.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

22. *[The Global Plan of Action is shall be revised to be drawn up in full conformity with the purposes and principles of the Charter of the United Nations, and with the over 51 years of obligations undertaken in Treaties, Conventions, Covenants and expectations created in Declarations, General Assembly Resolutions and Conference Agendas. The implementation of the recommendations contained in this plan of action is the sovereign right of each State consistent with national laws and development priorities, as well as with full respect for the various religious, ethical values, cultural backgrounds and philosophical convictions of its people, and in conformity with universally recognized international human rights.]*⁴

The implementation of the recommendations in this plan of action should reflect sovereign equality as specified in the original charter of the United Nations. Sovereign equality does not mean that states should not comply with obligations or fulfill expectations from previous international instruments.

ARTICLE 23

23. [Embracing the foregoing principles of **compliance and equality** we, as participating States in this Conference, commit ourselves to implement the Habitat Agenda including through sub-national, national, sub-regional and regional plans of action and other policies and programmes drafted and executed in cooperation with all **key actors** at all levels and supported by the international community taking into account **that there shall be respect for nature beyond human purpose and that human beings are crucial in the promotion of** *are at the centre of concerns for sustainable* **socially equitable and environmentally sound** development, including adequate shelter for all and sustainable human settlements development, and they are entitled to a healthy and productive life in harmony with nature.]/5

[23 bis. In implementing these commitments, we shall give special attention to the circumstances and needs of people who are homeless, living in poverty, or are in some other way disadvantaged or vulnerable, especially those who are women, children, older people, indigenous people, displaced people or people with disabilities.]/6

A. ADEQUATE SHELTER FOR ALL

ARTICLE 24

24. [We reaffirm our commitment to the progressive realization of the right to adequate— affordable, accessible, tenure security, safe, healthy and environmentally sound— housing, as set out in numerous international instruments. In this context, we recognize the fundamental obligation of governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods, **and to have genuine involvement and participation in the development of the community.**] We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter which is healthy, safe, secure, accessible and affordable and which includes basic services, facilities and amenities and the enjoyment of freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards. /7

ARTICLE 25

25 displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

DOCUMENT FOR PRECEDENT

RE: PRESERVING LAND RIGHTS OF INDIGENOUS PEOPLES

i(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved. (recommendation D5 Patterns of ownership Habitat I)

RE: CONDEMNING DISPLACEMENT OF NATIVE POPULATION

(e) In all occupied territories, changes in the demographic composition, or the transfer or uprooting of the native population, and the destruction of existing human settlements in these lands and/or the establishment of new settlements for intruders, is inadmissible. the heritage and national identity must be protected. Any policies that violate these principles must be condemned.

RE; CONTINUED INSUFFICIENT PROTECTING 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)

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)

RE; 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, 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)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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)

RE: 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**

ARTICLE 25a

[[a) Ensuring consistency and coordination of macroeconomic policies and shelter policies and strategies, in order to support resource mobilization, employment generation and poverty eradication;]

(a bis.) Ensuring that women and men have equal access to resources, including credit opportunities, and the right to inheritance and ownership of land and property;

(b) Ensuring legal security of tenure and equal access to serviced land including through a diverse range of tenure options;

(c) Promoting broad, non-discriminatory access to open, efficient effective and appropriate housing finance mechanisms including credit opportunities for all;

(d) Promoting construction methods, materials and technologies that are affordable, safe, efficient, accessible and emphasize greater use of local materials and human resources, encourage and support design efficiency and energy-saving methods, and which are environmentally sound and protective of human health;

(e) Through public, community and private sector initiatives increasing the supply of affordable housing and tenure options, including rental, cooperative and home ownership;

(f) Promoting rehabilitation, upgrading and maintenance of existing housing stock;

(f bis.) Providing basic services, and promoting supply of facilities and amenities;

(f ter.) Recognizing and respecting clear and enforceable rights and obligations of both owners and tenants;

(g) Eradicating discrimination in the access to shelter which is based on race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour**, sex, **sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or* , *social origin*, property, *birth*, **nature of residency** or other status

ARTICLE 25h

[[h) Promoting shelter and basic services for the homeless, internally displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

ARTICLE 25i

[(i) Promoting access to local basic facilities for education and primary and universal health services;]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: 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)

RE: 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)

RE: AFFIRMING UNIVERSAL ACCESS TO EDUCATION

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. (ICPD)

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 an essential tool for achieving the goals of equality, development, **environmental integrity** and peace (71 Platform of Action).

RE: 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, requires 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.

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 socioeconomic, political global structure to a new vision of education that is one of tolerance cooperation and intellectual stimulation.

RE: ENSURING UNIVERSAL ACCESS TO HEALTH CARE

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)

ARTICLE 25 j

[[j]] Formulating or strengthening of measures to provide (legal) migrants, migrant workers and their families access to adequate housing and social services.]]7aa

RE: RECOGNIZING THE PRIORITY OF SOCIAL SERVICES

Recommendation C 15

Social services

(b) the provision of health, nutrition, education, security, recreation and other essential services in all parts of the country should be geared to the needs of the community and receive an effective priority in national and development planning and in the allocation of resources

(c) Areas for priority action include the following:

(v0 Priority orientation of the above actions towards the promotion of health and the prevention of malnutrition, communicable diseases and other avoidable health risks and the provision of essential services and spiritual and physical recreational facilities;

(Recommendation C 15, Habitat I)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

ARTICLE 25 k

[(k) Protecting within the national context, the traditional rights to land and other resources of pastoralists, fishery workers and nomadic and indigenous people and strengthening land management;]

ARTICLE 25 I

[[1] Avoiding forced evictions, when possible; when unavoidable, to strive for rehabilitation.]/8]

B. SUSTAINABLE HUMAN SETTLEMENTS/9

ARTICLE 26

[26. We commit ourselves to the goal of sustainable human settlements in an urbanizing world by developing economies that will make efficient use of resources within the carrying capacity of ecosystems and by providing all people with equal opportunities for a healthy, safe and productive life in harmony with nature and **with natural and cultural heritage and spiritual and cultural values, ensuring social progress.**

DOCUMENTATION OF PRECEDENTS

RE: BEING WITH THE CARRYING CAPACITY OF ECOSYSTEMS

Recommended extensively throughout all literature on Ecology and the Environment. The need for socially equitable and environmentally sound development within the carrying capacity of ecosystems is an essential principle of sustainability.

ARTICLE 27

27. We further commit ourselves to the objectives of:

ARTICLE 27 a

(a) Promoting socially integrated human settlements, combating segregation, discriminatory and other exclusionary policies and practices and recognizing and respecting the rights of all, *especially women and the poor*; including those who have been discriminated on the basis of **gender, sex sexual orientation, marital status, age, disabilities,, race, tribe, or culture, colour, ethnicity, national, ethnic or social origin, nationality, place of birth, refugee or immigrant status, aboriginal ancestry, religion or conviction, language, political or other opinion, socioeconomic conditions , nature of residency and other status**

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: 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)

RE; 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)

RE: 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)

RE: 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)

RE: UNDERTAKING ACTIONS TO PROMOTE FOOD SECURITY

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

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

ARTICLE 27 b

(b) Acknowledging and harnessing the potential of the informal sector, where appropriate, in providing housing and services for the poor;

ARTICLE 27 c

(c) Promoting changes in production and consumption patterns and settlements structures that will protect natural resources - including water, air, bio-diversity, energy and land - providing a healthy living environment for all;

ARTICLE 27 d

(d) Promoting spatial development patterns that reduce transport demand, as well as creating efficient, effective and environmentally sound transport systems that improve accessibility to work, goods, services and amenities;

ARTICLE 27 e

(e) Preserving **natural ecosystems** and productive land in urban and rural areas and protecting fragile ecosystems from the negative impacts of human settlements;

ARTICLE 27 f

(f) **Preserving, protecting and maintaining natural, historic and cultural heritage, including traditional shelter and settlements patterns and pathways, as appropriate, as well as landscapes and urban flora and fauna in open and green spaces;**

DOCUMENTATION OF PRECEDENTS.

RE: PRESERVATION OF HERITAGE OF OUTSTANDING INTEREST

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)

Noting the recognition of the World Heritage committed meeting in 1993 when the committee recognized the protection of cultural pathways

ARTICLE 27g

(g) **Ensuring cooperative socially equitable and environmentally sound development and employment** *Enabling competitive and sustainable economic development that will attract investments, generate employment and provide revenues for human settlements development;*

ARTICLE h

(h) Alleviating undesired impacts of structural adjustment and economic transition on human settlements; and

COMMENT

RE: RE-EXAMINING THE IMPACT OF STRUCTURAL ADJUSTMENT PROGRAMS

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. (Global Compliance Research Project)

DOCUMENTATION OF PRECEDENT

RE: SUPPORTING REVIEW OF STRUCTURAL ADJUSTMENT

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)

RE: CRITICIZING OF STRUCTURAL ADJUSTMENT PROGRAMS

(iii) Concerned about the negative impact on the poor, especially women and children, of the International Monetary Fund and World Bank structural adjustment policies (Women's Action Agenda, 1992)

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)

In many countries, especially in developing countries, in particular the least developed countries, a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatization of health-care systems without appropriate guarantees of universal access to affordable health care, further reduces 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 their roles within the family and the community, are often not acknowledged; hence they do not receive the necessary social, psychological and economic support (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

22. Macro and microeconomic policies and programmes, including structural adjustment, have not always been designed to take account of their impact on women and girl children, especially those living in poverty. Poverty has increased in both absolute and relative terms, and the number of women living in poverty has increased in most regions. There are many urban women living in poverty; however, the plight of women living in rural and remote areas deserves special attention given the stagnation of development in such areas. In developing countries, even those in which national indicators have shown improvement, the majority of rural women continue to live in conditions of economic underdevelopment and social marginalization (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

.49. More than 1 billion people in the world today, the great majority of whom are women, live in unacceptable conditions of poverty, mostly in the developing countries. Poverty has various causes, including structural ones. Poverty is a complex, multidimensional problem, with origins in both the national and international domains. The

globalization of the world's economy and the deepening interdependence among nations present challenges and opportunities for sustained economic growth and development, as well as risks and uncertainties for the future of the world economy. The uncertain global economic climate has been accompanied by economic restructuring as well as, in a certain number of countries, persistent, unmanageable levels of external debt and structural adjustment programmes. In addition, all types of conflict, displacement of people and environmental degradation have undermined the capacity of Governments to meet the basic needs of their populations. (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

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

(a) In accordance with the commitments made at the World Summit for Social Development, seek to mobilize new and additional financial resources that are both adequate and predictable and mobilized in a way that maximizes the availability of such resources and uses all available funding sources and mechanisms with a view to contributing towards the goal of poverty eradication and targeting women living in poverty.;

(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;

61 (d) Ensure that structural adjustment programmes are designed to minimize their negative effects on vulnerable and disadvantaged groups and communities and to assure their positive effects on such groups and communities by preventing their marginalization in economic and social activities and devising measures to ensure that they gain access to and control over economic resources and economic and social

activities; take actions to reduce inequality and economic disparity; (Art 61 d Platform of Action. UN Conference on Women: Equality, Development and Peace)

(e) Review the impact of structural adjustment programmes on social development by means of gender-sensitive social impact assessments and other relevant methods, in order to develop policies to reduce their negative effects and improve their positive impact, ensuring that women do not bear a disproportionate burden of transition costs; complement adjustment lending with enhanced, targeted social development lending (Art. 61 e Platform of Action. UN Conference on Women: Equality, Development and Peace)

RE: PROPOSING DEBT FORGIVENESS

Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, **through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief (Habitat I) measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities;** (61 c Platform of Action. UN Conference on Women: Equality, Development and Peace)

Widespread economic recession, as well as political instability in some regions, has been responsible for setting back development goals in many countries. This has led to the expansion of unspeakable poverty. Of the more than 1 billion people living in abject poverty, women are an overwhelming majority. The rapid process of change and adjustment in all sectors has also led to increased unemployment and underemployment, with particular impact on women. In many cases, structural adjustment programmes have not been designed to minimize their negative effects on vulnerable and disadvantaged groups or on women, nor have they been designed to assure positive effects on those groups by preventing their marginalization in economic and social activities. The Final Act of the Uruguay Round of multilateral trade negotiations 9/ underscored the increasing interdependence of national economies, as well as the importance of trade liberalization and access to open, dynamic markets. There has also been heavy military spending in some regions. Despite increases in official

development assistance (ODA) by some countries, ODA has recently declined overall (Art. 18 Platform of Action. UN Conference on Women: Equality, Development and Peace)

More than 1 billion people in the world today (the great majority of whom are women) live in unacceptable conditions of poverty; mostly in the developing countries. Poverty has various causes including structural ones. Poverty is a complex, multidimensional problem, with origins in both the national and international domains. The globalization of the world's economy and the deepening interdependence among nations present challenges and opportunities socially **equitable and environmentally sound development for sustained economic growth and development**, as well as risks and uncertainties for the future of the world economy. The uncertain global economic climate has been accompanied by economic restructuring as well as, in a certain number of countries, persistent, unmanageable levels of external debt and structural adjustment programmes. In addition, all types of conflict, displacement of people and environmental degradation have undermined the capacity of Governments to meet the basic needs of their populations. The global transformations of the world economy are profoundly changing the parameters of social development in all countries. One significant trend has been the increased poverty of women, the extent of which varies from region to region. The gender disparities in economic power-sharing are also an important contributing factor to the poverty of women. Migration and consequent changes in family structures have placed additional burdens on women, especially those who provide for several dependents (Art 49 Platform of Action. UN Conference on Women: Equality, Development and Peace)

. ARTICLE 27 J

(i) Preventing and Reducing the impact of natural and human-made disasters on human communities settlements, by enshrining the notion of healthy community as “healthy, safe and environmentally sound communities,” by recognizing that some patterns of consumption and development have increased the vulnerability to disasters, by promoting and funding BEST practices, and by embracing a culture of safety.

DOCUMENTATION OF PRECEDENTS

RE: PROMOTING A 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)

This principle involves the commitment to act to prevent rather than to [correct]

"to promote a 'culture of safety' in all countries, especially those that are disaster-prone, the following activities should be carried out: (Agenda 21, 7.60)

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)

RE: PREVENTING DISASTER

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).

RE: 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)

RE: 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).

RE: 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)

RE: 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)

RE: 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).

RE: 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)

RE: 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)

RE; 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)

C. Enablement

ARTICLE 28

28. We commit ourselves to *the strategy of enabling all key actors, in the public, private and the community sectors, to be genuinely involved and participate to play an effective role - at national, state/provincial, metropolitan and local levels - in human settlements and shelter development.*

ARTICLE 29

29. We further commit ourselves to the objectives of:

ARTICLE 29 a

(a) Exercising public authority and using public resources with transparency and accountability;

ARTICLE 29 b

(b) Decentralizing within a framework of overarching international principles, authority and resources, *as appropriate*, as well as functions and responsibilities to the level most effective in addressing needs of people in their settlements;

ARTICLE 29 c

(c) Promoting institutional and legal frameworks and capacity-building conducive to civic engagement and **inclusive genuine community involvement and participation in socially equitable and environmentally sound development of settlements** *broad-based participation in human settlements development;*

ARTICLE 29 d

(d) Capacity-building for human settlements management and development;

ARTICLE 29 e

(e) Supporting institutional and legal enabling frameworks for mobilizing financial resources for sustainable shelter and human settlements development; and

ARTICLE 29 f

(f) Promoting equal access to reliable information, utilizing, where appropriate, modern communications technology and networks.]

[Gender Equality

E. International cooperation/12

ARTICLE 32

[32. We commit ourselves - in the interests of international peace, security, justice and stability - to enhancing international cooperation and partnerships which will assist in the implementation of the national and the global plans of action and the attainment of the goals of the Habitat Agenda, by contributing to and participating in multilateral, regional and bilateral cooperation programmes and institutional arrangements and technical and financial assistance programmes; by the exchange of appropriate technology; by the collection, analysis and dissemination of information about shelter and human settlements, and by international networking.]

ARTICLE 33

[33. We further commit ourselves to the objectives of:

(a) Striving for the fulfillment of the accepted target of 0.7 per cent of gross national product for official development assistance, as soon as possible, as well as increasing, within it, the share for funding for human settlements and shelter development;

(b) Using resources and economic instruments in an effective, efficient and equitable manner, at the local, national, regional and international levels; and

(c) Promoting responsive international cooperation between public, private and non-profit, non-governmental and community organizations.]

F. Assessing progress

ARTICLE 34

[34. We commit ourselves to monitor and evaluate, within our own countries, efforts to implement national plans of action, striving to ensure efficiency and effectiveness in meeting the goals of adequate shelter for all and sustainable human settlements development.]

ARTICLE 35

[35. We further commit ourselves to the objective of enhancing the role and strengthening the institutional capacity of UNCHS (Habitat) as an agency of coordination and cooperation assisting the Member States of the United Nations to monitor and evaluate the implementation of the Habitat Agenda, using shelter and urban indicators and best practices as a basis for assessing global conditions and trends in shelter and human settlements development.]

ARTICLE 38 (Composite including EU and G-77 and China)

38. [Globalization of the world economy and deepening interdependence among nations presents challenges and opportunities as well as risks and uncertainties for the future of the world economy. As a result, the level of economic development has increased in some countries, while the situation in a large number of them remains critical and uncertain. At the same time, the gap between developing and developed countries, the poor and rich - countries as well as people - has widened. New communications technology makes information much more widely accessible and accelerates all processes of change. In many societies, new issues of social cohesion and personal security have emerged and the issue of solidarity has become central. Poverty, unemployment, environmental degradation, social disintegration and the increasing movement of people, as well as intolerance and violence have also emerged as critical factors. We must keep these new conditions in view as we draw up human settlement's strategies for the first two decades of the twenty-first century.

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR IMPLEMENTATION

A. Introduction

ARTICLE 39

39. While Habitat II is a Conference of States and there are many things national Governments can do to enable local communities to solve problems, the actors who will determine success or failure in improving the human settlements condition are mostly found at the community level in the public, private and non-profit sectors. It is they, local authorities and other *[stakeholders]*, individuals **and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision** and who are on the front line in achieving the goals of Habitat II. Although the structural causes of the problems have often to be dealt with at the national and sometimes the international level, progress will depend to a large degree on local authorities, civic engagement and the forging of partnerships at all levels of government with the private sector, the cooperative sector, non-governmental and community-based organizations, workers and employers and civil society at large.

ARTICLE 40

40. Habitat II is one in an extraordinary series of World Conferences held under the auspices of the United Nations over the past five years. All addressed important issues of people-centred *sustainable socially equitable and environmentally sound* development, including sustained economic growth and equity, for which successful implementation requires action at all levels, particularly at the local level. Strategies on social, economic, environmental, disaster reduction, population, disability and gender issues will have to be implemented in urban and rural areas and, in particular, where the problems are acute and generate tension.

ARTICLE 41

41. In Habitat II, Governments at all levels, the community and the private sector considered how the achievement of the two principal goals of "Adequate shelter for all" and "Sustainable human settlements development in an urbanizing world" can be furthered at the local level through an enabling process in which individuals, families and their communities play a central role. This is what is special about the Habitat II Global Plan of Action and its strategies for implementation. Implementation of these measures will need to be adapted to the specific situation of each country and community.

ARTICLE 42

42. The strategy of the Global Plan of Action is based on enablement, transparency and participation. Under this strategy, government efforts are based on establishing legislative, institutional and financial frameworks that will enable

the private sector, non-governmental organizations and community groups to fully contribute **to socially equitable and environmentally sound development** *[sustainable development, including sustained growth]* and enable all women and men to work with each other and in their communities with Governments at all levels, to determine collectively their future, decide on priorities for action, identify and allocate resources fairly and build partnerships to achieve common goals. Enablement creates:

(a) A situation in which the full potential and resources of all actors in the shelter production and improvement process are mobilized;

(b) The conditions for women and men to exercise their individual rights and responsibilities equally and to engage their abilities effectively in activities that will improve and sustain their living environments;

Article 42 (c)

42 (c) The conditions for organizations and institutions to interact and network, **building fostering and ensuring genuine community involvement and participation partnerships for socially equitable and environmentally sound development** *[sustained economic growth and sustainable development];*

...

**PART IV:
GLOBAL PLAN OF ACTION: STRATEGIES FOR IMPLEMENTATION**

B. Adequate shelter for all/14

ARTICLE 44

44. [Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All nations without exception have some form of obligation to provide for *in the shelter sector*, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects.]

[The provision of adequate housing for everyone requires action not only by governments, but by all sectors of society, including the private sector, non-governmental organizations, local authorities, as well as by international organizations (community)] Within the overall context of an enabling approach, governments should take appropriate action [in order to promote, protect and, (ensure) the progressive realization of the right to adequate housing.] These include, but are not limited to:

1. Providing adequate legal protection from, and effective remedies against discrimination of any kind in housing as to *race, colour, sex, **sexual orientation** language, religion, political or other opinion, national or social origin, [[property, birth or other status];* race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age, language, religion or conviction**, political or other opinion, *national or social origin, property, birth, nature of residency* or other status
2. Providing legal security of tenure and equal access to land among all, including women and those living in poverty, as well as effective protection [from illegal forced evictions]/15;
3. Adopting policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means, by inter alia:
 - a) Expanding the supply of affordable housing through appropriate regulatory measures and market incentives;
 - b) Increasing affordability through provision of subsidies and rental and other forms of housing assistance to people living in poverty;

- c) Supporting community-based, cooperative and non-profit rental and owner-occupied housing programmes;
 - d) Promoting supporting services to homeless and other vulnerable groups;
 - e) Mobilizing innovative [domestic] financial and other resources - public and private - for housing and community development;
 - f) Creating and promoting market-based incentives to encourage the private sector to meet the need for affordable rental and owner-occupied housing;
 - g) Promoting sustainable spatial development patterns and transportation systems that improve accessibility to goods, services amenities and work.
4. Effective monitoring and evaluation of housing conditions including the extent of homelessness and inadequate housing and, in consultation with the affected population, to formulate and adopt appropriate housing policies and implement effective strategies and plans to address these problems.

ARTICLE 47

47. International and national cooperation at all levels will be both necessary and beneficial in promoting adequate shelter for all. This is especially needed in areas that are affected by war or by natural, industrial or technological disasters, and in situations in which reconstruction and rehabilitation needs surpass national resources.

ARTICLE 48

48 ter. [To ensure continuing progress toward realizing an adequate standard of living for all national and local governments, as appropriate, should adopt:

(a) Provisions to ensure:

(i) freedom from discrimination based on race, ethnicity, gender, family composition, and disability status in housing and credit markets, and specifically, recognition that the right to an adequate standard of living pertains to every person, including those in female-headed households; and

(ii) legal security of tenure and equal access to land among all, including women and people living in poverty;

(b) Policies aimed at making housing habitable, affordable, and accessible, including:

(i) creation of market-based incentives to encourage the private sector to meet the need for affordable rental housing and home ownership;

48 (ii) promoting spatial development patterns and safe and environmentally sound public transportation systems that improve accessibility to goods, services and amenities;

NOTE WORDING ALREADY AGREED TO IN ARTICLE 44 G

DOCUMENTATION OF PRECEDENTS

RE: PREVENTING 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)

RE: PROVIDING SAFE AND LESS POLLUTING BEST PRACTICES — BEST ECOLOGICALLY SOUND TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 48 (iii—vii)

(iii) mobilizing innovative sources of domestic finance - public and private - for housing and community development;

(iv) expanding the supply of affordable housing through appropriate regulatory and market incentives;

(v) promoting sustainable economic development through community partnerships;

(vi) increasing affordability through provision of rental assistance to people living in poverty;

(vii) supporting community-based programmes that provide shelter and supportive services to the homeless;

ARTICLE 48 (vii)

48 (viii) Preserving, protecting and maintaining historical and cultural and Natural heritage, and urging non-party states to sign and ratify the Convention on the Protection of Cultural and Natural Heritage]

DOCUMENTATION OF PRECEDENT.

RE: PROTECTING HERITAGE OF OUTSTANDING INTEREST

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* **[humanity]** 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)

ARTICLE 51 (b-d)

51 (b) [Take full account of the need for socially equitable and environmentally sound *sustained economic growth, of sustainable development principles and of the basic needs for human development and health*] ;/17

(c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

(d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of the private and public sectors.

ARTICLE 52 (g-h)

52 (g) Encourage the development of environmentally sound and affordable construction methods, and production and distribution of building materials,

including strengthening the local building materials industry, based as far as possible on locally available resources;

(h) Promote, where appropriate, the use of labour-intensive construction and maintenance technologies that generate employment in the construction sector for the underemployed labour force found in most large cities, at the same time promoting the development of skills in the construction sector.

ARTICLE 53

53. In many countries, markets serve as the primary housing delivery mechanism, and hence their effectiveness and efficiency are important to the goal of *sustainable* socially **equitable and environmentally sound** development. It is the responsibility of Governments to create an enabling framework for a well-functioning housing market. The housing sector should be viewed as an integrating market in which trends in one segment affect performance in other segments. Government interventions are required to address the needs of disadvantaged and vulnerable groups, who are insufficiently served by markets.

ARTICLE 55 (d)

55 D [(d) Apply transparent, comprehensive, easily accessible and progressive taxation and incentive mechanisms to stimulate efficient, environmentally sound and equitable use of land, and exploit the full potential of land-based and other forms of **regulations and taxation** in mobilizing financial resources for service provision by local authorities;]

ARTICLE 57 (c)

57 [(c) Encourage the multiplicity and diversity of intervention of *all [stakeholders,]* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision-making process

men and women alike, acting within the market system;] (d) Develop a legal framework of land use aimed at balancing the need for construction with the protection of the environment, minimizing risk and diversifying uses;

ARTICLE 58

58. To eradicate legal and social barriers to the [equal and equitable] access to land, especially the access of women, people with disabilities and other vulnerable groups, Governments, at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector, and community-based organizations should:

ARTICLE 58a

(a) Address the cultural, ethnic, religious, social and disability-based causes that result in the creation of barriers that lead to segregation and exclusion, including by encouraging **principle-based education founded upon international principles related to promoting and fully guaranteeing respect for human rights; to preserving, conserving and protecting the environment; to creating a global structure that respects the rule of law, to achieving a state of peace through prevention and peaceful resolution of conflicts; justice and security , and to participating in socially equitable and environmentally sound development. and training for peaceful conflict resolution;**

ARTICLE 59 e

59 (e) *Capitalize on* **Draw upon** the potential contribution of key *[[stakeholders]] in the private formal and informal sectors, and support the engagement of non-governmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution; individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision-making process*

ARTICLE 63

63. To facilitate **equitable** access to housing for those not served by existing finance mechanisms, Governments *should review and rationalize, where appropriate, systems of subsidies by policies that will ensure their viability, [[equity]] and transparency, thus allowing that* many people without access to credit and land to enter the market.

(e) Ensuring access to basic infrastructure and services

ARTICLE 65

65. To safeguard the health, safety, welfare and improved living environment of all people and to provide adequate and affordable basic infrastructure and services, Governments at the appropriate levels, including local authorities, should promote:

(a) The supply of and access to adequate quantities of safe drinking water;

[[b) Adequate sanitation and [[technically]] [[environmentally sound]] waste systems management, based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

ARTICLE 66

66. To ensure the [equitable] provision of basic infrastructure and service delivery systems, Governments at the appropriate levels, including local authorities, should:

(a) Work with all *[stakeholders]* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision related to *in* providing serviced land and *in* to allocating adequate space for basic services, as well as for recreational and open space in the development of new schemes and the upgrading of existing ones;

(g) Promote dialogue among all *[stakeholders]* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision to help provide basic services and infrastructure.

ARTICLE 69

69. To respond effectively to the requirements for **healthy and environmentally safe and sound** *appropriate* planning, design, construction, maintenance, and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should:

(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, **and as agreed in the “Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;**

DOCUMENTATION OF PRECEDENT

RE: 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)

RE: SUPPORTING ENDOGENOUS TECHNOLOGY

Governments and the international community should facilitate the transfer of relevant technology and experience and should encourage and assist the creation of endogenous technology better suited to the sociocultural characteristics and patterns of population by means of bilateral or multilateral agreements having regard to the sovereignty and interest of the participating States. The knowledge and experience accumulated on the subject of human settlements should

be available to all countries. Research and academic institutions should contribute more fully to this effort by giving greater attention to human settlements problems. (III 18 Habitat 1)

Recommendation C4

Designs and technologies for shelter infrastructure and services

C. the solutions arising from such choices should therefore be:

(kk) based on the best possible use of available local materials and local resources within a process of constructive rationalization allowing for the effective use of locally existing know-how and unskilled labour in countries with abundant **human power** manpower, thereby generating employment and income.

(iv) Conceived to utilize traditional techniques suitable adapted to new materials

(v) emerging from original indigenous research

(vi) Planned so as to take full account of their environmental impact (Habitat

l)

ARTICLE 70

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *[stakeholders, individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision]* should:

(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

(b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.** and establish a public mechanism to enforce them;

(c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the inter-transfer of **BEST (Best Ecologically Sound Techniques) practices technology recognizing that in many cases traditional practices could be the most ecologically sound.**

(d) With *adequate* attention to safety needs, and **BEST (Best Environmentally Sound Techniques) Practices**, reformulate and adopt building standards and by-laws, and to ensure compliance to safety and Best practices, *where appropriate*, to promote and permit the use of low-cost **endogenous** building materials in housing schemes, as well as by using such materials in public construction works;

(e) Where appropriate, promote partnerships with the private sector and non-governmental organizations to create mechanisms for the commercial production and distribution of basic building materials for self-help construction programmes;

(f) Evaluate on a regular basis the progress made in the pursuit of the above objectives.

ARTICLE 71a

71 [(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to move through “the transition from the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition, establish a time-table for the phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, hydro-power and biomass, ... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, (Section 9. Subsection 9 g Agenda 21, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I))

(b) In the development of human settlements, the quality of the environment must be preserved. Pollution should be prevented by minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)

(vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

72. *Vulnerability is the inability to compete on an equal basis for resources and opportunities.* Vulnerability is often caused by the marginalization in and exclusion from the socioeconomic mainstream and decision-making processes. If vulnerability is to be **eliminated** *reduced*, there is a need to *improve and* ensure the discharging of obligations to recognize the right of *access by* members of vulnerable groups to **healthy, safe and environmentally sound shelter, to social security, the right to be free from hunger, the right to be free from hunger as undertaken by states parties to the International Covenant of Social, Cultural and Economic Rights 1966.** This would include access to finance, infrastructure, basic social services, safety nets **and a genuine community involvement and participation in decision-making processes from the determining of the terms of reference and throughout the process.** [Depending on local conditions in the housing sector and the availability of legal protections guaranteeing equal access to resources and opportunities, vulnerable individuals come from disadvantaged groups, such as people living in poverty, homeless persons, older persons, women, youth, children (particularly street children), persons with disabilities, [documented] migrants, internally displaced persons, people affected by natural and technological disasters and environmental degradation, minorities and indigenous peoples.] With regard to shelter, members of vulnerable groups are especially at risk when they may have no security of tenure or where they lack basic services or face disproportionate environmental and health impacts, or because they may be excluded, either inadvertently or deliberately, from the housing market and services.

DOCUMENTATION OF PRECEDENT

RE: INCLUDING MIGRANTS IN LIST OF DISADVANTAGED GROUPS

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)

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)

72 ter. *[Inadequate shelter or lack of shelter contributes to a loss of dignity and health in the lives of refugees.]* There is a need to strengthen the support for the international protection of and assistance to refugees, especially refugee women and refugee children who are particularly vulnerable. Actions

RE: 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).

RE: 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).

DOCUMENTATION OF PRECEDENT

RE: INCLUDING MIGRANTS IN LIST OF DISADVANTAGED GROUPS

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)

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)

ARTICLE 74

74. To provide for the shelter needs of vulnerable groups, Governments at appropriate levels, including local authorities, in cooperation with all *[stakeholders]*, **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision as appropriate**, should:

- (a) Provide, where appropriate, targeted and transparent subsidies, social services and various types of safety nets to the most vulnerable groups;
- (b) Work with the private and non-profit sectors and community-based organizations and other actors to provide adequate shelter for members of vulnerable groups, making special efforts to remove all physical constraints to the independent living of persons with disabilities and of older persons;
- (c) Strive to provide special living facilities and shelter solutions for members of vulnerable groups, as appropriate, such as shelters for women subjected to violence or shared living arrangements for persons with mental or physical disabilities;
- (d) Provide an environment that enables vulnerable groups to participate in the social, economic and political life of their community and country.

ARTICLE 75

75. To reduce vulnerability, Governments at appropriate levels, including local authorities, should:

- (a) Work with non-governmental organizations and community-based organizations to assist members of vulnerable groups to obtain secure tenure;
- (b) Composite ~~[[Enact and enforce laws to protect people from illegal evictions]; and to retain, and if not in place, to institute rent-control systems.~~
~~(b) [[Protect by law all people from illegal evictions, including dismantling of rent-control systems, and, where evictions are unavoidable, ensure that they are strictly according to the law];~~
 (b ter.)
- (c) Promote and support self-help housing programmes and initiatives;
- (d) *Promote, where appropriate, Ensure* compliance with and enforcement of all health and environmental laws, *especially* in low-income areas with vulnerable groups

DOCUMENTATION OF PRECEDENT**RE: ENSURING CORPORATE COMPLIANCE WITH THE LAW;**

“all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.” (UN Conference on Women: Equality, Development and Peace. Section 167).

(d bis.) Facilitate actions aimed at, inter alia, ensuring legal security of tenure, capacity-building, and improving access to credit, which, apart from subsidies and other financial instruments, can provide safety nets that reduce vulnerability;

(e) Pursue policies that will provide information to and consultation with vulnerable groups;

(f) Facilitate the availability of legal information and assistance to vulnerable groups;

(g) Promote the use of tools for disaster prevention, mitigation, and preparedness in order to reduce the vulnerability of populations to natural, man-made and technological disasters. -----

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR IMPLEMENTATION

C. Sustainable human settlements development in an urbanizing world
Article 76—

ARTICLE 76

76. [Rapid urbanization, the concentration of urban population in large cities, the sprawl of cities into wider geographical areas and the rapid growth of mega-cities are among the most significant transformations of human settlements.] By the year 2000 more than half of the world's population will live in urban areas and approximately 40 per cent of them will be children. Urban areas will strongly influence the world of the twenty-first century, and urban and rural populations will be increasingly interdependent for their economic [, environmental] and social well-being. Among the economic and social factors influencing this process are population growth and voluntary and involuntary migration, real and perceived employment opportunities, cultural expectations, changing consumption and production patterns and serious imbalances and disparities among regions.

ARTICLE 77

NOTE INTEGRATE 77

77. [77 ter. Given the magnitude of the challenges that human settlements pose, society must value and take advantage of the wisdom, knowledge and skills of every person. **To draw upon the wisdom, knowledge and skills of citizens is the basis for genuine community involvement and participation. Individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision should be involved in the decision-making process. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the implementation and evaluation of the process.**

Urban settlements *hold/ held the* promise for human development and protection of the world's natural resources through their **potential** ability to support large numbers of people while limiting their impact on the natural environment. Yet, *many* cities are witnessing harmful patterns of growth, of production and consumption, of land use and of mobility, as well as degradation of their physical structure. Such problems are often synonymous with soil, air and water pollution, waste of resources and destruction of natural resources. Some human settlements are also subject to limited water supply, sanitation, drainage, and to dependency upon toxic and non-renewable energy fuel sources and irreversible loss of bio-diversity. Many of these trends are aggravated or accelerated by high population growth and the magnitude of rural-to-urban migration. **[As recognized in Agenda**

21 UNCED Demographic factors, combined with poverty and lack of access to resources *[[in some areas]]* and excessive consumption and wasteful production patterns in others/unsustainable patterns of production and consumption, particularly in industrialized countries, cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit *sustainable socially equitable and environmentally sound* development.] Therefore, a largely urbanized world implies that *sustainable socially equitable and environmentally sound* development will depend very largely on the capacity of urban and metropolitan areas to manage production and consumption patterns, and the transport and waste disposal systems needed to preserve the environment.

ARTICLE 78

78. In the process of urbanization, policies and programmes for sustainable development of human settlements in both rural and urban areas require strong sub-national governmental institutions working in partnership with all *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision-making process**

Such institutions are still weak in many countries, and their effectiveness is threatened by increasing problems of political regionalism and ethnic strife. All of these concerns and demands require a regional and cross-sectoral approach to human settlements planning which places emphasis on rural/urban linkages and treats villages and cities as two ends of a human settlement's continuum in a common ecosystem.

ARTICLE 79

79. Increasingly, cities have a network of linkages that extends far beyond their boundaries. *[Sustainable urban development should consider the carrying capacity of the entire ecosystem supporting such development, including the prevention and mitigation of adverse environmental impacts occurring outside urban areas]*. The unsafe disposal of waste leads to the degradation of the natural environment: aquifers, coastal zones, ocean resources, wetlands, natural habitats, forests and other fragile ecosystems are affected, as are the homelands of the indigenous people. *[Trade in hazardous, toxic and atomic waste and substances shall should [not] be carried out. /in accordance with relevant international agreements by parties to those agreements]*. Rapid urbanization in coastal areas is causing the rapid deterioration of coastal and marine ecosystems.

DOCUMENTATION OF PRECEDENTS

RE: DEFINING OF BIODIVERSITY AND ECOSYSTEM

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)

“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)

RE: REDUCING 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)

RE: RECOGNIZING 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)

RE: 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)

l and social impact assessment are essential]]. **Social impact assessment takes into account affordability, accessibility, access to work, transport and services, environmental, health and security considerations. (CP)**

ARTICLE 80

80. The diversity of types of human settlements is a key component to creating just and sustainable societies. The living and working conditions in all human settlements, including regional urban centres, rural service centres, rural hamlets, rural communities, market towns and villages, must be improved, with particular emphasis on shelter, social and physical infrastructure, and services. The maintenance and development of rural settlements require sustainable agriculture and forestry activities and improved agricultural technologies, economic diversification and expanded employment opportunities created by encouraging appropriate and environmentally sustainable investment in industry and related economic production and service activities.

ARTICLE 81

81. International cooperation, including city-to-city cooperation, is both necessary and mutually beneficial in promoting sustainable human settlements development. Depending on the context and needs of the cities, towns and villages within each country and region, special attention should be paid to the most critical issues, such as changing production and consumption patterns; energy efficiency; sustainable resource and land-use management; poverty eradication; population and health; water supply, sanitation and waste management; disaster prevention, mitigation, preparedness and management; cultural, natural and historical heritage; environmental protection; industry; infrastructure; and basic services, such as health and education facilities and services. Habitat II provides an opportunity to focus on the effect that current patterns of human settlement development will have on our ability to achieve the objectives established at recent United Nations conferences. Close attention to trends in urban development is essential to the viability of sustainable human settlements development in rural and urban areas alike.

ARTICLE 82

[82 COMPOSITE Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other vulnerable and disadvantaged groups from gaining access to suitable land, the location of which does not pose economic, environmental or health risks to the residents because of such reasons as

proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment and the overall system of settlements is one of the basic tasks to be undertaken in achieving a sustainable urbanized world. The tools for achieving a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, revitalization and management. National, sub-national and local policies and problems need to be integrated. [The precautionary principle/approach and the use of environmental and social impact assessment are essential].

bis. Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from harmful effects of human settlements. Special attention should be paid to **ensuring that trade in hazardous wastes and substances should not be carried out, and to guiding potentially hazardous activities away from the fragile areas. Oceans and the atmosphere should be protected from land-based sources of pollution, where appropriate.]**

Through mandatory international normative standards (INS, 1997), states shall invoke and ensure compliance with the precautionary principle. States shall ensure, as agreed in the Platform of Action, UN Conference on Women, that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167).

DOCUMENT OF PRECEDENTS

RE: PROVIDING ACCESS TO WATER

In the less developed countries, nearly two thirds of the population do not have reasonable access to safe and ample water supply, and even a greater proportion lack the means for hygienic waste disposal

(b) Safe water supply and hygienic waste disposal should receive priority with a view to achieving measurable qualitative and quantitative targets serving all the population by a certain date; targets should be established by all nations and should be considered; by the forthcoming united nations conference on water.

(c) in most countries urgent action is necessary to

(i) adopt programmes with realistic standards for quality and quantity to provide water for urban and rural areas by 1990, if possible.

(ii) adopt and accelerate programmes for the sanitary disposal of excreta and waste water in urban and rural areas;

(v) reduce inequalities in service and access to water as well as over-consumption and waste of water supply;

RE: INVOKING THE PRECAUTIONARY PRINCIPLE

The precautionary principle has been enunciated in international documents since at least the 1972 United Nations Conference on Humans and the Environment (Stockholm Convention), where it appeared in a rudimentary form; it was then reinforced in the 1982 UN Resolution 37/7, the World Charter of Nature, and then re-enunciated throughout the UNCED documents.

The precautionary principle has been enunciated” as follows:

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
(version of precautionary principle in BC Working Group on Developing Criteria for Standards, 1994)

The precautionary principle shall be applied to all potentially harmful emissions, contaminants, agents of pollutants, or re concentrated substances—created through imbalance in biogeochemical cycles

States shall ensure that in all their activities and in the activities of corporations including transnational corporations there is adherence to the anticipatory principle.

In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167).

In the international documents, different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

DOCUMENTATION OF PRECEDENTS

ENSURING DOUBT-DRIVEN ACTION

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 not proceed (World Charter of Nature)

RE: ENSURING PREVENTIVE MEASURES

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)

RE: ENSURING CRADLE-TO-GRAVE

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)

RE: ENSURING THE MONITORING FROM CRADLE TO GRAVE

Governments, in collaboration with industry and appropriate international organizations, should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (20.20 e Hazardous wastes)

RE: ENSURING 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)

RE: ENSURING 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)

RE: ENSURING 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)

RE; REVISITING 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)

RE; INVOKING 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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1994)

The anticipatory principle shall be followed as a pro-active measure to ensure that substances and processes which are harmful to the environment or to human health are prevented from entering the environment. One aspect of the anticipatory principle is to determine in advance before extracting resources whether the extraction causes environmental harm or is culturally inappropriate to indigenous peoples whose territory is beyond the treaty frontier.

ARTICLE 83

83 (Composite). Many cities are using peripheral land for urban-related purposes in a wasteful manner while existing serviced land and infrastructure may not be adequately developed and used. To avoid unbalanced, unhealthy and unsustainable growth of human settlements, it is necessary to promote land-use patterns that minimize transport demands, save energy and protect open and green spaces. Appropriate urban density and mixed land-use guidelines are of prime importance for urban development. National, sub-national and local policies and development plans must be carefully re-examined to ensure optimal land use and geographically better-balanced economic development, including the protection of indispensable agricultural land; land that sustains biodiversity, water quality and groundwater recharge; fragile areas, including coastal areas; and other sensitive areas in need of protection. Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic development. Vegetation creates natural habitats and permits a better absorption of rainwater by natural means, which implies savings in water

management. Green areas and vegetation also play an important part in reducing air pollution and in creating more suitable climatic conditions, thereby improving the living environment in cities. Healthy and environmentally sound agricultural activities and the provision of common land should be integrated into the planning of urban and peri-urban areas.

ARTICLE 84e

84 (e) *Encourage* **Ensure genuine community involvement and participation among the public, private and voluntary sectors and other [stakeholders of individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]** in the caring for and the using *managing* land resources for **socially equitable and environmentally sound sustainable** urban development;

Urban and rural communities will not be environmentally sound until states shall undertake to ensure the phasing out of hazardous, toxic and nuclear activities, and actively promote and funding Best Environmentally Sound Technology (BEST).

[(e bis.) Promote urban planning, housing and industrial siting initiatives that ban and thus prevent *discourage* the siting of hazardous, toxic or nuclear industrial facilities in residential areas;] in any sensitive ecosystem, or eventually in any location. No toxic, hazardous or atomic wastes shall be produced after 1997. States shall immediately reduce and eventually eliminate the production of toxic, hazardous and atomic wastes, and states shall promote and fund active conversion to BEST (Best Environmentally Sound Techniques) practices.

[(e ter.) Seek to prevent or *minimize* pollution and exposure to pollution from industrial facilities, while also promoting urban planning, housing and industrial siting initiatives that ban *discourage the disproportionate* siting of polluting industrial facilities, and in particular the disproportionate siting of industrial facilities in areas inhabited by people living in poverty or members of other vulnerable and disadvantaged groups;]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: [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)

ARTICLE 84f & i

84 f*(f) Develop and support the implementation of improved **land-care and use management** practices that deal comprehensively with competing urban land requirements for housing, industry, commerce, infrastructure, transport, green spaces and forested areas, taking into account the need of spaces for everyday activities such as playgrounds, **wilderness, forests**, parks, sports and recreation areas and areas suitable for gardening and urban agriculture;

84 (i) Institutionalize a participatory approach to sustainable human settlements through the development and support of strategies and mechanisms that encourage open and inclusive dialogue among all **[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]**, with special attention to the needs and priorities of women, minorities, children, youth, people with disabilities, older persons and persons living in poverty and exclusion;

ARTICLE 85

85. To develop and support improved and integrated land-management, Governments at the appropriate levels, including local authorities, should:

(a) Develop integrated land information and mapping systems;

[(b) Consider, as appropriate, establishing local structures, such as commissions and tribunals for the enforcement of *land management* socially equitable and environmentally sound laws and regulations in order to make enforcement and appeals more equitable, efficient and effective;]

[(c) Develop the land market through the establishment of an effective and environmentally sound legal framework in order to mobilize/which encompasses lands with diverse tenure systems];

(d) Develop, with the participation of all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, comprehensive and environmentally sound land-care/use *strategies* at the local level.

ARTICLE 85

86. Promoting equitable, socially viable, **environmentally sound** and stable human settlements is inextricably linked to reducing and eradicating poverty. We share the concerns of the First United Nations Decade for the Eradication of Poverty which also acknowledges *[the increasing feminization of poverty]*. Poverty has various manifestations, which include homelessness and inadequate housing. The eradication of poverty requires, inter alia, sound macroeconomic policies aimed at creating employment opportunities, equal and universal access to economic opportunities, (and special efforts to facilitate such access for the disadvantaged); education and training that will promote sustainable livelihoods through freely chosen productive employment and work, and basic social services, including health facilities. However, there are no universal solutions which can be applied. People living in poverty must be empowered through freely chosen participation in all aspects of political, economic and social life. Other key elements of a poverty reduction strategy include policies geared to *[reducing inequalities, increasing opportunities, providing access to resources and [employment] income;]* providing social protection for those who cannot support themselves; recognizing the special needs and skills of women; developing human resources; improving and making more accessible infrastructure, including communication facilities; and *[taking comprehensive national responsibility for meeting]* the basic needs of all.

ARTICLE 87

87. To promote *[equitable]* the provision of services in human settlements, Governments at the appropriate level, including local authorities, should:

[(a) Formulate and implement integrated settlement development policies which ensure equal access to and maintenance of basic services, including those related to the provision of food security; food aid education; employment and livelihood; primary and universal health-care, including reproductive and sexual health care and services; safe drinking water and sanitation; adequate— affordable, accessible, healthy and safe, environmentally sound shelter with tenure- security; and access to open and green spaces; giving special priority to the needs and rights of women and children who often bear the greatest burden of poverty;] **As already committed to in the UNCED documents and in the Platform of Action UN Conference on Women: Equality, Development and Peace.**

DOCUMENTATION ON PRECEDENTS

RE: ENSURING FOOD SELF SUFFICIENCY

"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 UNCED)

RE: PROVIDING FOOD SECURITY

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)

RE: 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)

RE: PROMOTING HEALTH CARE

Governments should establish measures that will directly or indirectly set up an effective primary health care and maternal health care system accessible to all " (3.7.e Combating Poverty)

the provision of a safe water supply and sanitation and the promotion of a safe food supply and proper nutrition. Particular attention should 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...education and appropriate services regarding responsible planning of family size... values... (6.3. Protecting and promoting health UNCED)

RE: PROVIDING ACCESS TO HEALTHY SHELTER

Access to safe and healthy shelter is essential to a person's physical, psychological, social and economic well-being and should 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, UNCED)

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. (3.7.o Combating Poverty, UNCED)

" provide the poor with access to fresh water and sanitation (3.7. p Combating Poverty, UNCED)

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

RE: IMPROVING HEALTH AND ENVIRONMENT

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, UNCED)

RE: SATISFYING BASIC HUMAN NEEDS OF DRINKING WATER

freshwater resources are an essential component of the earth's hydrosphere and an indispensable part of all terrestrial ecosystems. (18.7 Fresh water, UNCED)

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. (18.8. Fresh water, 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. (18.58 Freshwater UNCED)

"Water is a finite resource, essential for the sustenance of life on earth (18.2 Freshwater UNCED)

"water is needed in all aspects of life (18.6 fresh water UNCED)

ARTICLE 87 b

(b) Where appropriate, re-direct public resources to enable community-based management of services and infrastructure and promote the participation of *the*

private sector, local business engaged in **service industries and BEST practices** local residents, including people living in poverty, women, people with disabilities, indigenous people and members of disadvantaged groups, in the identification of public service needs, spatial planning and the design, provision and maintenance of urban infrastructure and open and green spaces.

ARTICLE 88

88. To promote social integration, Governments at the appropriate level, including local authorities, recognizing the importance of volunteer contributions and in close cooperation with non-governmental organizations, community-based organizations, the cooperative sector and public and private foundations, should:

- (a) Prohibit ~~[[all]]~~ discriminatory, exclusionary practices related to shelter, employment and access to social and cultural facilities;
- (b) Offer opportunities and physical spaces to encourage positive interaction among culturally diverse groups;
- (c) Involve marginalized and/or disadvantaged groups and individuals in the planning, decision-making, monitoring and assessment related to human settlements development;

~~[[d)] Encourage, in cooperation with relevant *[stakeholder individuals and organizations of civil society with a wide range of experience and expertise,]*, the development of school curricula geared to conscious understanding and cooperation among diverse cultural groups, through the promotion of principle-based education—education based on the fundamental principles enshrined within International documents related to guaranteeing respect for human rights, to preserving, protecting and conserving the environment, to enabling social justice, to achieving a state of peace; justice and security , and to participating in socially equitable and environmentally sound development.]~~

ARTICLE 90

90. **In order to promote the genuine involvement and participation of women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision-making process.** *gender-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, in collaboration with women's groups and other ~~[stakeholders [90 bis. [In order to develop the full potential of the youth and prepare them to take a responsible role in the development~~*

of human settlements, Governments at the appropriate levels, including local authorities and in partnership with private sector, non-governmental youth organizations and other non-governmental organizations as well as community-based organizations, should:

[90 ter. In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should:

ARTICLE 90 a

(a) Adopt, *where appropriate*, by-laws, standards and norms and develop planning guidelines that take into consideration the needs and situations of and in consultation with **women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision making process, and ensure their genuine involvement and participation from the determination of the terms of reference and throughout the planning of human settlements, development of human settlements and decision making processes about human settlements. as well as in the**

of women and men, and girls and boys in relation to human settlements planning, development and decision-making, and in the provision of and access to basic services, including public transportation, health and educational facilities;

(a bis.) Consider in the planning process that women are often involved in the informal sector and use their homes for business or market activities;

[(a) Integrate youth concerns into all relevant national, sub-national and local policies, strategies, programmes and projects;

[(a bis.) Enable youth by supporting and valuing their ability to play an active and creative role in building sustainable communities;

ARTICLE 90 b

(b) Promote representative structures, *while ensuring full and equal participation women's [and equal opportunities for]* and equal access to **all levels of education and training of for women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized in or from the educational system.**

[(c) Take special action to reduce the drop-out rate at all levels of education through increased relevance and quality education, and to facilitate the access of school leavers to sustainable livelihood;

Eliminate barriers

(d) Eliminate legal and customary barriers, where they exist, to women's equal access to and control of land and finance

ARTICLE 90 e*Genuine involvement and participation in decision making*

(c) Develop policy guidelines and programmes that encourage and actively pursue the involvement of women's groups in all aspects of community development related to environmental infrastructure and the provision of basic urban services and encourage women's own cooperatives, as well as their membership in other cooperatives;

(c bis.) Recognize that women, as primary family caregivers, spend a greater proportion of time in the home and community [and therefore, as experts in their own home and community, should participate fully and equally in all aspects of community development, especially environmental infrastructure and basic services];

[(e) Recognize that people with disabilities are experts in their own housing and community requirements and should be decision-makers, designers and implementers of them;

(f) Generate and disseminate [gender] disaggregated data, while ensuring that such statistics are collected, compiled, analyzed and presented [,] by age and sex; set up monitoring mechanisms in government structures, and integrate the results into mainstream policies for sustainable human settlements development;

Enhance awareness of issues

[(f bis.) Enhance community awareness of issues facing homeless and refugee women, especially those issues related to physical and sexual abuse, and design appropriate community responses;]

[(f) Enhance community awareness of health care issues facing persons with disabilities, such as physical and sexual abuse and substance abuse, and design appropriate community responses;

Equal access

[(g) Ensure equal access to housing, land and public services in the urban and rural areas in line with the International Convention on the Elimination of All Forms of Discrimination against Women.]

[(g) Develop policy and guidelines and provide services that would enable persons with disabilities to be housed in community-based settings;

Equal opportunity

[(h) Develop and implement programmes that enable people with disabilities to have an equal opportunity to realize an income sufficient to attain an adequate standard of living;

[(b) Promote representative structures, ensuring full and equal opportunities for participation of persons with disabilities;

[(i) Consider in the planning process that persons with disabilities are often involved in the informal sector and use their homes for business or market activities.]

(c ter.) Foster economic policies that have a positive impact on the employment and income of women workers in both the formal and informal sectors and adopt specific measures to address women's unemployment, in particular their long-term unemployment;

Establish programmes

(e bis.) Establish programmes that address the [severe/absolute] poverty found among rural women, focusing on their need for adequate shelter and employment;

Encourage awareness-raising

[(d) Encourage awareness-raising campaigns and other actions developed and implemented by youth that are aimed at promoting the appreciation by the youth of historical, natural and cultural heritage and at increasing their consciousness of the environmental values and environmental implications of their consumption and behavioral choices, especially those related to sustainable human settlements development.]

e) Promote equal access to all levels of education for girls, **youth, young with young** and women;

[(c) Promote equal access to all levels of education and skills development for persons with disabilities;

[(b) Provide equal access to basic education, while paying special attention to people living in poverty and to youth living in rural areas, and addressing constraints created by distance, lack of educational facilities and social or economic barriers;

Generate data

[(d) Generate and disseminate disaggregated data, while ensuring that such statistics are collected, compiled, analyzed and presented by age, sex and

work status; set up monitoring mechanisms in government structures and integrate the results into mainstream policies for sustainable human settlements developments;

ARTICLE 91

91. To prevent and reduce violence and crime, especially at the local levels, Governments, in partnership with *all* **[[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who have been excluded through fear and mistrust]]**, should:

(a) Design, create and maintain livable human settlements that encourage the use of public spaces as centres of community life so that they do not become places for criminal activity;

[[a bis.) Guarantee basic education to all;] [(a ter.) Assist crime prevention through social development by finding ways to help communities deal with underlying factors that undermine community safety and result in crime, including by addressing poverty and inequality as the two basic components of the social development approach;]

(b) Encourage youth and children, in particular street children, to become **[[stakeholders i] involved in determining** their own future and their community's future through education, recreation, and job training and counseling that can attract *private sector investment support from individuals and organizations of civil society support from non-profit organizations*;

(b bis.) Enhance women's safety in communities through the promotion of a gender perspective in crime prevention policies and programmes by increasing in those responsible for implementing these policies the knowledge and understanding of the causes, consequences and mechanisms of violence against women;

(c) Establish programmes designed to improve the skills of local leadership in group facilitation, conflict resolution and intervention;

(d) As appropriate, promote personal security and reduce fear by improving police services, making them more accountable to the communities they serve, and by encouraging and facilitating, whenever appropriate, the formation of lawful community-based crime prevention measures and systems;

(e) Provide accessible, affordable, impartial, prompt and humane local systems of justice by, inter alia, facilitating and strengthening, where appropriate, existing traditional institutions and procedures for the resolution of disputes and conflicts;

(e bis.) Encourage the establishment of programmes and projects based upon voluntary participation, especially of children, youth and older persons, to prevent violence, including violence in the home, and crime;

(e ter.) The concerted and urgent action to dismantle international and national sex trafficking networks.

ARTICLE 93

93. [Sustainable human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and decrease disparities in their quality of life. People are entitled to a healthy and productive life in harmony with nature; furthermore, improved health can also contribute more to economic and social development.]

(alternative text) [A better environment for human health and well-being is essential for sustainable human settlements. People are entitled to a healthy and productive life in harmony with nature. People with improved health can contribute more to economic and social development.]

The health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Children's well-being is a particularly reliable indicator for healthy urban environments. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is, therefore, essential to take a holistic approach to health, whereby both prevention and care are placed within the context of the environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and capacities. [Education for all is a fundamental requirement for enabling women and men, young and old, to gain from improved practices and make use of and demand appropriate infrastructure and health and environmental services.]

ARTICLE 93

* [95. Many pollution-related risks to health are particularly high in urban areas, as well as in low-income areas, because of higher concentrations of pollutants from, inter alia, industry, traffic, fumes from cooking and heating devices, overcrowding and inadequate solid and liquid waste management. Environmental risks in the home and the work place may have a disproportionate impact on women's health because of women's different

susceptibility to the toxic effects of various chemicals and given the nature of tasks that women frequently undertake. Environmental risks in the home may also have a disproportionate impact on children, and on future generations.]

95 bis. Many environmental contaminants, such as radioactive materials and persistent organic pollutants, work their way into the food chain and eventually into human beings, thus compromising the health of present and future generations.

DOCUMENTATION OF PRECEDENT

RE: ENSURING THE PRESERVATION OF SPECIES AND ECOSYSTEMS FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

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)

RE: NOT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO MEET THEIR OWN NEEDS

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)

[95 ter. Unsustainable and wasteful production and consumption patterns [particularly in industrialized countries] also lead to increasing problems in waste management. It is essential to intensify efforts aimed at minimizing the production and discharge of waste, and at recycling and reuse as much as possible, and disposing of the remainder in an environmentally sound manner. This will require changes in attitudes and consumption patterns, as well as in the design of buildings and neighbourhoods as well as innovative, efficient and sustainable modalities for waste management.]

[95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's

access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

ARTICLE 96

96. To improve the health and well-being of all people throughout their life span, particularly the people living in poverty, Governments at the appropriate levels, including local authorities, and *in partnership with the genuine involvement and participation of other [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, should:

(a) Develop and implement national, sub-national and local health plans or strategies and strengthen environmental health services to prevent, mitigate and respond to diseases and ill health from poor conditions in living and working environments and the conditions of people living in poverty;

[(a bis.) Continue work towards the Agenda 21 objective of achieving a 10 to 40 per cent improvement in health indicators by the year 2000;]

(b) Adopt measures to prevent and control air, water and soil pollution and to reduce noise levels, *where appropriate*, and develop, and develop and ensure access to appropriate preventive and curative health care systems in order to tackle related health problems;

(b bis.) Ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low income, indigenous women and women belonging to minorities;

(c) Improve shelter conditions so as to mitigate health and safety risks, particularly risks to women, older persons, children and people with disabilities, which are associated with activities in the home;

(d) Build capacity at all levels for effective environmental health management;

(d bis.) Develop and implement programmes to ensure availability of access to a full range of affordable, **universal** [good quality/basic] health care services for women [throughout their life span, including reproductive health care];

(d ter.) Develop, where appropriate, criteria for maximum permitted safe noise exposure levels and promote noise assessment control as part of environmental health programmes;

(e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene;

[(e bis.) Promote, where appropriate, planning and good design in human settlements, both in new developments and in upgrading and rehabilitation, while emphasizing aesthetic qualities as well as sound and sustainable technical and functional qualities, enriching and enlightening the overall quality of life of the people;]

(f) Establish processes to increase the exchange of information, experience and technical assistance among national, sub-national and local governments, [including among governments at the same level] and across sectors for environmental health improvements;

[(f bis.) Ensure that due priority is given and adequate resources made available, at the national, regional and international levels, to combat the threat to individuals and public health posed by the rapid spread of HIV/AIDS globally and by the re-emergence of major diseases, such as tuberculosis, malaria, onchocerciasis (river blindness) and diarrhoeal diseases, in particular, cholera;]

(g) Promote safe and healthy work place conditions for men and women.

ARTICLE 97

97. To improve environmental conditions and reduce industrial and domestic waste and other forms of health risks in human settlements, Governments at the appropriate levels and in partnership with all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]* should:

(a) Develop and implement national and local *[sustainable socially equitable and environmentally sound development plans and]* policies and specific cross-sectoral programmes addressing all relevant chapters of Agenda 21. These should be action-oriented and have clear targets and schedules;

(b) Develop laws and policies that specify appropriate ambient environmental quality levels and set targets for environmental improvements and identify

instruments for their achievement appropriate to national and sub-national priorities and conditions;

(c) Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels;

[(d) Set high mandatory environmental standards and technical regulations so as to drive and facilitate the selection and development of BEST (Best Ecologically Sound Technology) practices appropriate technologies and their appropriate use;]

[(d bis.) Identify and address, as appropriate, the disproportionately high and adverse effects of policies and programmes on the human health or the environment of the poor, minorities and other vulnerable populations;]

(d) Develop criteria and methodologies for the assessment of environmental impacts and resource requirements at the local level throughout the life cycle of products and processes;

(e) Provide incentives and disincentives to promote the use of clean production and energy- and water-saving processes and technologies that, among other things, can increase economic opportunities in the area of environmental technology, environmental clean-up and environmentally friendly products and can improve the attractiveness and competitiveness of human settlements for economic investments;

(f) Provide guidelines and training for the application of procedures for the assessment of environmental health impacts;

[(g) Undertake strategic environmental impact assessments for development projects that may significantly affect the quality of the environment;]

(h) Support mechanisms for consultations and partnerships among ***[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*** to prepare and implement local environmental plans and local Agenda 21's and specific cross-sectoral environmental health programmes;

(i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed for sustainable human settlements development;

(j) In cooperation with the international community, promote the protection of the living environment and strive to restore contaminated land, air and water to levels acceptable for sustainable human settlements.

DOCUMENTATION OF PRECEDENT

RE: 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)

ARTICLE 98

98 [(a) Promote the conservation and sustainable use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity; the protection of biodiversity should be included within local **socially equitable and environmentally sound *sustainable development*** planning activities;

(aa) Incorporate the following principles and strategies in developing this integrated approach: [the precautionary principle], the ecosystem approach, pollution prevention, carrying capacity, and ecological footprint;

(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

DOCUMENTATION OF PRECEDENTS

RE: CONSERVING BIODIVERSITY

To conserve and sustainably use biological diversity for the benefit of present and future generations, (preamble, Convention of Biological Diversity, UNCED, 1992)

RE: PREVENTING LONG TERM DECLINE OF BIODIVERSITY

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)

[(b) Protect existing forest resources and promote afforestation around and within human settlements in order to fulfil basic needs relating to energy, construction, recreation and food security;

DOCUMENTATION OF PRECEDENT

RE: PROMOTING FOOD SECURITY AND FOOD SELF SUFFICIENCY

"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)

ARTICLE 98 e

98 (e) Ensure *adequate* the opportunity for genuine community involvement and participation *public participation* by all [*stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] at all levels of environmental decision-making, including in determining the “terms of reference” and throughout the decision making process]

DOCUMENTATION OF PRECEDENTS

RE: ENSURING GENUINE PUBLIC PARTICIPATION E. (AGENDA ITEM 10 E)

Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize productive employment. (III 11, Habitat I)

RE: MOBILIZING PARTICIPATION IN DECISION-MAKING

Participation is an integral part of the political processes of decision-making; in a field as complex as human settlements, it is also a necessity because the task is too great for Governments to accomplish without mobilizing the interest of inhabitants, using their ingenuity and skills and harnessing otherwise untapped resources. (III 17, Habitat I)

RE: ENSURING THE BENEFICIARY IS A PARTICIPANT IN COLLECTIVE DECISIONS

Public participation is the dynamic incorporation of the people in the economic, social and political life of a country which would ensure that the beneficiary is an effective participant in collective decisions with regard to the common good. (III 28, Habitat I)

RE: PROVIDING DIRECT INVOLVEMENT IN DECISIONS

A co-operative effort of the people and their Governments is a prerequisite for effective action on human settlements. The magnitude and intractability of the problems are too great for Governments to act alone. Citizen participation should be an integral part of the decision-making processes on the full range of human settlement issues. Citizens must be provided opportunities for direct involvement in the decisions that profoundly affect their lives. Such participation can heighten citizen awareness of the complexity and inter-relatedness of the problems and the urgent need for concerted action. Involvement of citizens can also be an important means of making creative use of their ingenuity and skills, thus making effective use of often untapped resources. (III 39, Habitat I)

RE: INVOLVING RESIDENTS IN THE MAKING OF DECISIONS

Participation can be conceived, from the top downwards, as the involvement of the higher echelons of government in the decision-making of smaller groups; laterally, as the co-operation between parallel or competing sectoral interests; or, from the base upwards, as the direct involvement of residents in the making of decisions and implementation of programmes which concern them. The first two forms of participation are the basis of strategies, planning procedures, implementation of programmes and, in general, management of human settlements; the last, under the label of popular participation, is becoming an indispensable element of a truly democratic process. (III 40, Habitat I)

RE: PROVIDING OPPORTUNITIES FOR EARLY AND CONTINUING INVOLVEMENT IN THE SELECTION OF ALTERNATIVES

Citizen participation, by definition, cannot be achieved by fiat. But it can be facilitated by removal of political and institutional obstacles and by providing information in clear and meaningful terms. It can also be stimulated by providing opportunities for early and continuing involvement in the selection of alternatives. the inaccessibility of information and the absence of appropriate mechanisms for the

expression of alternative views are often major stumbling blocks for effective involvement of citizens in shaping their future.

95 Public participation implies not only efforts to convey information but also a very important effort of education and formation to allow both specialist and public participation to play a determining role in evaluating the economic, technical and administrative consequences of the measures under consideration (III 73 Habitat I)

ARTICLE 98 ter

[98 ter. Water resources in community's management in human settlements presents an outstanding challenge of sustainable *socially equitable and environmentally sound* development. It combines the challenge of securing for serves all the basic human need of a reliable supply of safe drinking water and meeting the competing the needs of businesses that engage in socially equitable and environmentally sound development and Best practices with local materials. industry and Agriculture, which are is crucial to socially equitable and environmentally sound economic development and food security and food self-sufficiency, without compromising the ability of future generations to meet their water needs. Meeting this challenge requires an integrated approach to water resources management that takes cognizance of the links between water, sanitation and health, between the economy and the environment, between cities and their hinterland, and harmonizes land-use planning and housing policies with water sector policies and ensures a comprehensive and coherent approach to setting and enforcing realistic standards. A strong political commitment, cooperation across disciplines and sectors, and an active partnership of all [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] will be essential to integrated water resources management. To this end, Governments, at the appropriate levels, and in partnership with other [stakeholder community- minded citizens and groups with a wide range of experience and expertise" including some members of the community that will be socially and environmentally disadvantaged by the decisions], should:

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOOD SECURITY AND FOOD SELF SUFFICIENCY

"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)

RE: 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)

RE: 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)

ARTICLE 99

[99. In a globalizing economy, the increasing occurrence of trans-boundary pollution and the transfer across national borders and regions of technologies hazardous — including toxic and nuclear technologies — to the environment represent a serious threat to the environmental conditions of human settlements and the health of their inhabitants. Governments should therefore cooperate to develop further bilateral and multilateral legal mechanisms to implement Principle 13 of the Rio Declaration regarding "liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction." In this context, States should be guided by Principle 16 of the Rio Declaration which encourages the approach that the polluter should in principle bear the cost of pollution. The international community, international organizations and Governments should also seek appropriate preventive measures in cases of clear risk of major environmental accidents with trans-boundary effects.] **in addition citizens can legitimately expect that states will comply with Principle 14 of the Rio Declaration which calls for the prevention of the transfer of substances and activities that are harmful to human health or to the environment to other states, and to principle 15 which calls for the invoking of the precautionary principle which states that 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.**

DOCUMENTATION OF PRECEDENT

RE: PROMOTING NEW AND RENEWABLE ENERGY

The basic and ultimate objective of this programme area is to reduce adverse effects on the atmosphere from the energy sector by promoting policies or programmes, as appropriate, to increase the contribution of environmentally safe and sound and cost effective

energy systems, particularly new and renewable ones, through less polluting and more efficient energy production, transmission, distribution and use. This objective should reflect the need for equity, adequate energy supplies and increasing energy consumption in developing countries, and the need to take into consideration the situations of countries that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which countries have serious difficulties in switching to alternatives, and of countries highly vulnerable to adverse effects of climate change. (9:11 Atmosphere, UNCED)

RE: RESPECTING THE ATMOSPHERE THROUGH ENERGY ALTERNATIVES

Energy is essential to economic and social development and improved quality of life. Much of the world's energy, however, is currently produced and consumed in ways that could not be sustained if technology were to remain constant and if overall quantities were to increase substantially. The need to control atmospheric emissions of greenhouse and other gases and substances will increasingly need to be based on efficiency in energy production, transmission, distribution and consumption, and on growing reliance on environmentally sound energy systems, particularly new and renewable sources of energy.¹¹ All energy sources will need to be used in ways that respect the atmosphere, human health, and the environment as a whole (9.9. Atmosphere, UNCED).

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, industrial production, and household and office activities. Current dependence on fossil-fuel-based energy sources in most urban centres leads to climate change, air pollution, and consequential environmental and human health problems, and *[may]* represent a serious threat to **socially equitable and environmentally sound development**. *sustainable development*. Sustainable energy production and use can be enhanced by encouraging energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness. Human settlements and energy policies should be actively coordinated.

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: DEVELOPING SAFE, MORE EFFICIENT AND LESS POLLUTING TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

(c) Promote energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling systems that make use of waste heat recovery, and co-generation of heating and electricity;

(d) **Promote through regulations use of renewable sources of energy** and Encourage and research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy;

(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

(f) Introduce or amend user charges and/or other measures to promote the efficient use of household energy;

(g) Stimulate, through fiscal incentives or other measures, and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

(h) Support programmes for the reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

(i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption;

(j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings;

(k) Encourage the use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction;

(l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

ARTICLE 101 b

101 (b) Introduce energy-pricing policies and regulatory measures to promote use of renewable and safe sources of energy and to improve efficiency of energy use in human settlements, while ensuring that people living in poverty and their families are not disadvantaged;

DOCUMENTATION OF PRECEDENTS

"To develop and apply pollution control and measurement technologies for stationary and mobile sources of air pollution and to develop alternative environmentally [safe and] sound technologies; (see trans-boundary) (9.24 a Atmosphere)

Promote pilot plans and projects consisting of electrical, mechanical and thermal power (gasifiers, biomass, solar driers, wind-pumps and combustion systems) that are appropriate and likely to be adequately maintained. (14.95 a. Agriculture)

"As a first step towards the goal of providing adequate shelter for all, all countries should take immediate measures to provide shelter to their homeless poor, while the international community and financial institutions should undertake actions to support efforts of the developing countries to provide shelter to the poor. (7.9. Settlement)

" Promote cooperation between the parties to relevant international conventions and action plans with the aim of strengthening and coordinating efforts to conserve biological diversity and the sustainable use of biological resources. (15.8 e. biodiversity)

Strengthen support for international and regional instruments, programmes and action plans concerned with the conservation of

biological diversity and the sustainable use of biological resources.
(15.8 f Biodiversity)

" The aim of this programme area is to ensure safety in biotechnology development, application, exchange and transfer through international agreement on principles to be applied on risk assessment and management, *** (16.33 Biotechnology)

" Compile update and develop compatible safety procedures into a framework of internationally agreed principles to be applied on safety in biotechnology [as a basis for the development of an international agreement... (1635 c Biotechnology)

" to produce guidelines for acceptable exposure for a greater number of toxic chemicals, based on peer review and scientific consensus distinguishing between health or environment-based exposure limits and those relating to socioeconomic factors. (19.13 toxic chemicals)

" Develop an internationally agreed upon code of principles for the management of trade in chemicals, recognizing in particular the responsibility for making available information on potential risks and environmentally sound disposal practices if those chemicals become wastes, in cooperation with governments and relevant international organizations and appropriate agencies of the United Nations system (19.51 Toxic chemicals)

" A relevant and competent United Nations organization should take the lead, in cooperation with other organizations, to develop guidelines for estimating the costs and benefits of various approaches to the adoption of cleaner production and waste minimization and environmentally sound management of hazardous wastes, including rehabilitation of contaminated sites (see 1991 Nairobi meeting and Basel Convention) (20.13. j, Hazardous wastes)

"To facilitate the assessment of impacts and risks of hazardous wastes on human health and the environment by establishing appropriate procedures, methodologies, criteria and / or effluent-related guidelines and standards (20.22 g Hazardous Wastes)

"International organizations should provide assistance to member states in assessing the health and environmental risks resulting from exposure to hazardous wastes, and in identifying their priorities for controlling the various categories or classes of wastes (20.27 Hazardous wastes)

There is a need to harmonize the procedures and criteria used in various international and legal instruments. There is also a need to develop or harmonize existing criteria for identifying wastes dangerous to the environment and to build monitoring capacities.
(20.33 Hazardous wastes)

"To facilitate and strengthen international cooperation in the environmentally sound management of hazardous wastes, including control and monitoring of trans-boundary movements of such wastes, including wastes for recovery, by using internationally adopted criteria to identify and classify hazardous wastes and to harmonize relevant international legal instruments. (2034 a Hazardous wastes)
" Promote the development of clear criteria and guidelines, within the framework of the Basel Convention and regional conventions, as appropriate, for environmentally and economically sound operation in resource recovery, recycling reclamation, direct use of alternative uses and for determination of acceptable recovery practices, including recovery levels where feasible and appropriate, with a view to preventing abuses and false presentation in the above operations.
(20.35 e Hazardous wastes)

"States, in cooperation with relevant international organizations, where appropriate, should ...b) support efforts within IAEA to develop and promulgate radioactive waste safety standards or guidelines and codes of practices as an internationally accepted basis for the safe and environmentally sound management and disposal of radioactive wastes; (22.4 Radioactive wastes)

Many of these problems have arisen from a development model that is environmentally destructive and from a lack of 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.
(18.45 Fresh water)

ARTICLE 104 f

104 (f) Promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and **actively fund and promote** other alternative forms of energy;

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities worldwide. If other factors, such as population growth and migration to cities, are addressed effectively through, inter alia, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through **the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments *industry, together with trade and services*, will** provides the main impetus to this process. **by driving businesses to engage in socially equitable and environmentally sound practices.**

ARTICLE 110

110. Cities have traditionally served as economic centres and have become the primary providers of services. As engines of economic growth and development they function within a network of supporting economic activities located in their surrounding peri-urban and rural areas. For this reason, specific actions also need to be taken to develop and maintain efficient and affordable transport, information and communications systems and linkages with other urban centres and with rural areas and to seek reasonably balanced patterns of development, both geographically and economically. Rapid changes in production technologies and in trade and consumption patterns will lead to changes in urban spatial structures that, notwithstanding their nature, need to be addressed.

ARTICLE 111

111. Economic development and the provision of services can be enhanced through improved human settlements activities such as urban revitalization, construction, upgrading and maintenance of infrastructural facilities, and building and civil works. These activities are also important growth factors in the generation of employment, income and efficiency in other sectors of the economy. In turn, in combination with appropriate environmental protection policies, they result in the sustainable improvement of the living conditions of city residents as well as of the efficiency and productivity of countries.

Actions

ARTICLE 112

112. To establish an effective financial base for urban development, Governments at the appropriate levels, including local authorities, in cooperation with trade unions, consumer organizations, business, trade, and the financial sector, including the cooperatively organized business sector and non-governmental organizations, as appropriate, should:

(a) Formulate and implement financial policies which stimulate a broad range of urban employment opportunities;

(b) Encourage the formation of new public-private sector partnerships for institutions that are privately owned and managed but public in their function and purpose, and promote transparency and accountability of their operation.

ARTICLE 113

113. To provide opportunities for productive employment and private investment, Governments at the appropriate levels, including local authorities, in consultation with workers' and employers' organizations, chambers of commerce, industry, trade, consumer organizations, professional associations, and the financial sector, including the cooperative sector, and in the context of comprehensive urban planning, should:

(a) Implement sustainable urban development policies that take account of and respond effectively to the needs of locally owned enterprises, and are not detrimental to the natural and human environment;

(b) Facilitate access to all levels of education and training;

(c) Promote an adequate supply and the environmentally sound allocation of sufficiently serviced land for the needs of the business community, with due regard to the needs of the small and medium sized-enterprises;

(d) Offer opportunities for urban economic activities by facilitating, **through regulatory schemes**, the access of new and emerging **socially equitable and environmentally sound** businesses, and small and medium-sized enterprises, including the informal sector, to credit and finance, and by streamlining legal and administrative procedures;

(e) Facilitate, where appropriate, the opportunity for urban horticulture;

(f) Assist informal-sector enterprises to become more productive and progressively integrated into the formal economy;

(g) Consider designating select areas for redevelopment within urban centres by providing packages of fiscal and financial incentives along with appropriate regulatory arrangements and the development of partnerships.

ARTICLE 114

114. To improve opportunities, **through regulatory schemes**, for the **socially equitable and environmentally sound** small businesses and the micro-enterprise

and cooperative sectors, Governments at the appropriate levels, including local authorities, in consultation with non-governmental organizations, community-based organizations, financial and vocational training institutions, should, as appropriate:

(a) Facilitate the extension to the informal sector the protection of human rights in the field of labour and promote respect for the relevant International Labour Organization conventions, including those on the prohibition of forced and child labour, the freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination;

(b) Promote and strengthen, as appropriate, programmes which integrate credit, finance, vocational training and technological transfer programmes in support of small and micro-enterprises and enterprises in the cooperative sector, particularly those developed and utilized by women;

(c) Encourage fair treatment of the informal sector, promote the use of environmentally sound practices, and encourage links between financial institutions and non-governmental organizations that support the informal sector where it exists;

(d) Integrate, where appropriate, the needs of the growing informal sector within planning, design and management systems, including by promoting its participation in the planning and decision-making process, and by strengthening its linkages with the formal economy;

(e) Promote training for small and micro-enterprises and enterprises in the cooperative sector, and support them in their efforts to improve their products, services, technology and distribution networks, and to identify new market opportunities.

ARTICLE 115

115. To strengthen urban economies so they may be competitive in a globalizing economy, Governments at the appropriate levels, including local authorities, in consultation with all *[[stakeholder individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]]*, should, inter alia:

(a) Improve education and enhance job training in order to improve the quality of the local work-force;

(b) Support the re-structuring of local industries, where appropriate, and develop urban infrastructure and services, promote a reliable, efficient and environmentally sound supply of energy and enhance telecommunication networks;

(c) Review and revise, as appropriate, the regulatory framework in order to attract private investment;

(d) Prevent crime and enhance public safety in order to make urban areas more attractive for economic, social and cultural activities;

(e) Encourage sound financial practices at all levels of Government;

(f) Promote legislative action that may be necessary to implement the above.

ARTICLE 116

116. To alleviate the adverse impacts of measures for structural and economic transition, Governments at the appropriate levels, including, where appropriate, local authorities, should:

(a) Promote an integrated approach by addressing the social, economic and environmental consequences of reforms on human settlements development needs;

(b) Promote the integrated functioning of housing markets so as to avoid segregation of the social housing sector;

(c) Implement appropriate basic social programmes and adequate resource allocation, in particular those measures affecting people living in poverty, people with disabilities, other vulnerable segments of society, micro-enterprises and other **socially equitable and environmentally sound** small businesses;

(d) Review the impact of structural adjustment on social development by paying particular attention to gender-sensitive assessments;

(e) Design policies to promote more equitable and enhanced access to income and resources;

(f) Support, as appropriate, public and private enterprises in their efforts to adapt to the changing requirements of technological and human resources development.

9. Balanced development of settlements in rural regions

ARTICLE 117

117. Urban and rural areas are interdependent economically, socially and environmentally. At the turn of the century, a substantial proportion of the world's population will continue to live in rural settlements, particularly in developing countries. In order to achieve a more sustainable future for the earth, these rural settlements need to be valued and supported. Insufficient infrastructure and

services, lack of environmentally sound technology, and pollution resulting from the adverse impacts of unsustainable industrialization and urbanization contribute significantly to the degradation of the rural environment. Additionally, the lack of employment opportunities in rural areas increases rural-to-urban migration and results in a loss of human capacity in rural communities. Policies and programmes for the *sustainable socially equitable and environmentally sound* development of rural areas that integrate rural regions into the national economy require strong local and national institutions for the planning and management of human settlements that place an emphasis on rural-urban linkages and treat villages and cities as two ends of a human settlements continuum.

ARTICLE 118

118. Rural populations, including indigenous people, play an important role in ensuring food security and in sustaining the social and ecological balance over large tracts of land in many nations and thus contribute significantly to the task of protecting biodiversity and fragile ecosystems and to the sustainable use of biological resources.

Actions

ARTICLE 119

119. To promote *sustainable socially equitable and environmentally sound* development of rural settlements and to reduce rural-to-urban migration, Governments at the appropriate levels, including local authorities, should:

- (a) Promote the active **genuine involvement and** participation of all *stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. s*], including those in isolated and remote communities, in ensuring the integrated consideration of the environmental, social and economic objectives of rural development efforts;
- (b) Take appropriate measures to improve living and working conditions in regional urban centres, small towns and rural service centres;
- (c) Foster a sustainable and diversified agricultural system in order to have vibrant rural communities;
- (d) Provide infrastructure, services and incentives for investment in rural areas;
- (e) Promote education and training in rural areas to facilitate employment and the use of appropriate technology.

ARTICLE 120

120. To promote BEST (**Best Environmentally Sound Traditions**) practices *the utilization of new and improved endogenous technologies* and appropriate traditional practices in rural settlements development, Governments at the appropriate levels, including local authorities, in cooperation with the private sector, should:

(a) Improve access to information on agricultural production, marketing and pricing in rural and remote areas by using, inter alia, advanced and accessible communication technologies;

(b) In cooperation with farmers' organizations, women's groups and other *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, promote research and the dissemination of research findings in traditional, new and improved technologies for, inter alia, agriculture, aquaculture, forestry and agroforestry.

ARTICLE 121

121. In establishing policies **for socially equitable and environmentally sound development** *sustainable regional development and management*, Governments at the appropriate levels, including local authorities, should:

(a) Promote education and training programmes and establish procedures for the full participation of rural and indigenous people in the setting of priorities for balanced and ecologically viable regional development;

(b) Make full use of geographic information systems and environmental assessment methods for the preparation of environmentally sound regional development policies;

(c) Implement regional and rural development plans and programmes based on needs and economic viability, *[consistent with the goal of socially equitable and environmentally sound sustainable development]*;

(d) Establish an efficient and transparent system for the allocation of resources to rural areas based on people's needs, *[consistent with the goal of sustainable socially equitable and environmentally sound development]*.

DOCUMENTATION OF PRECEDENTS

(From Russow, J. (1995) Charter of Obligations,

the promotion of sustainable production systems such as traditional methods of agriculture, agroforestry, forestry, range and wildlife **care management**, which use, maintain or increase biodiversity (15.5 d Biodiversity, Agenda 21 UNCED 1992)

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)

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)

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)

Promotion of collaborative research programmes especially in developing countries, to support activities outlined in this programmed 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)

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)

122. To strengthen [*sustainable* socially **equitable and environmentally sound development and**] employment opportunities in impoverished rural areas, Governments at the appropriate levels, including local authorities, should:

(a) Stimulate rural development by enhancing employment opportunities, providing educational and health facilities and services, improving housing, strengthening technical infrastructure, and encouraging rural enterprises and sustainable agriculture; (b) Establish priorities for regional infrastructure investments based on opportunities for economic return, social equity and environmental quality;

(c) Encourage the private sector to develop and strengthen contract-based wholesale markets and marketing intermediaries for rural products so as to improve and/or establish a cash-flow and futures contract economy in rural areas;

(d) Promote equitable and efficient access to markets as well as, where appropriate, pricing and payment systems for rural products, especially of food items consumed in urban areas;

(d bis.) Promote products from rural areas in urban markets and rural service centers by improving the access to market information and distribution centres and networks;

(e) Reduce significantly or eliminate environmentally harmful subsidies and other programmes, such as those which stimulate the excessive use of pesticides and chemical fertilizers, and price control or subsidy systems that perpetuate unsustainable practices and production systems in rural and agricultural economies.

123. An integrated approach is required to promote balanced and mutually supportive urban-rural development. To achieve this objective, Governments at the appropriate levels, including local authorities, with the support of the relevant international and regional institutions, should:

(a) Provide an appropriate legal, fiscal and organizational framework that is suitable to strengthen the networks of small- and medium-sized settlements in rural areas;

(a bis.) Facilitate the development of efficient communication and distribution infrastructure for the exchange of information, labour, goods, services and capital between urban and rural areas;

(b) Promote broad cooperation among local communities to find integrated solutions for land-use, transport and environmental problems in an urban-rural context;

(c) Pursue a participatory approach to balanced and mutually supportive urban-rural development, based on a continuous dialogue among the

[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] involved in urban-rural development. 10. Disaster prevention, mitigation, preparedness and post-disaster rehabilitation capabilities

124. The impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas. Armed conflicts also have consequences that affect human settlements and the country as a whole and call for specific rehabilitation and reconstruction processes that may necessitate international involvement, at the request of the Government of the concerned country. The impact of such disasters and emergencies is especially severe in countries where prevention, preparedness, mitigation and response capacities are ineffective in dealing with such situations.

125. The most efficient and effective disaster preparedness systems and capabilities for post-disaster response are usually provided through volunteer contributions and local authority actions at the neighborhood level. These can operate independently and irrespective of reduced, damaged or destroyed infrastructure or capacity elsewhere. Specific actions are also required at the appropriate levels of Government, including local authorities, in partnership with the private sector and in close coordination with all community groups, to put into place disaster preparedness and response capacities that are coordinated in their planning but flexible in their implementation. The reduction of vulnerability, as well as the capacity to respond to disasters is directly related to the degree of decentralized access to information, communication, and decision-making and the control of resources. National and international cooperation networks can facilitate rapid access to specialist expertise, which can help to build capacities for disaster reduction and, to provide early warning of impending disasters and to mitigate their effects. Women and children are the most affected in situations of disaster, and their needs should be considered in all stages of disaster **prevention and in restoration after disasters management**. Women's active involvement in disaster **prevention and in restoration after disasters planning and management** should be encouraged.

Actions:

126. In improving natural and human-made disaster prevention, preparedness, mitigation and response, Governments at the appropriate levels, including local authorities, and in close consultation and cooperation with such entities as insurance companies, non-governmental organizations, community-based organizations, organized communities, the academic, health and scientific communities, should:

(a) Develop, adopt and enforce appropriate norms and by-laws for land-use, building and planning standards, that are based on professionally established hazard and vulnerability assessments;

(a bis.) Ensure the participation in disaster planning and management of all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society such as.]*, including women, children, the elderly, and people with disabilities, in recognition of their particular vulnerability to human-made and natural disasters;

(b) Encourage continued mobilization of domestic and international resources for disaster reduction activities;

(c) Promote and disseminate information on disaster-resistant construction methods and technologies for buildings and public works in general;

(d) Devise programmes to facilitate, where possible, voluntary relocation and access by all people to less disaster-prone areas;

(e) Develop training programmes on disaster-resistant construction methods for designers, contractors and builders. Some programmes should be directed particularly to small enterprises, which build the great majority of housing and other small buildings in the developing countries;

(f) Take measures to upgrade, where necessary, the resistance of important infrastructure, lifelines and critical facilities, in particular where damage can cause secondary disasters and/or constrain emergency relief operations.

[126 bis.) As a consequence of the development and testing of nuclear weapons, there is a need for the safe resettlement of displaced populations and the restoration of economic activity to the affected areas, especially for small island developing States and coastal regions. Noting the special responsibility towards those people of the former United Nations Trust Territories who have been adversely affected as a result of the nuclear-

weapons tests conducted during the period of the Trusteeship, all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants should consider giving appropriate assistance as may be required for remedial purposes in areas affected by radioactive contamination from nuclear weapons programmes.] **Note: Conventions on the elimination of nuclear weapons etc. and resolution from UNCHE 1972**

127. With respect to mitigation of disasters, Governments at the appropriate levels, including local authorities, in partnership with all [*stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society.*], should, as appropriate:

- (a) Establish a comprehensive information system that identifies and assesses the risks involved in disaster-prone areas and integrate it into human settlements planning and design;
- (b) Promote and support low-cost, attainable solutions and innovative approaches to address critical risks of vulnerable communities, including, inter alia, risk mapping and community-focused vulnerability reduction programmes;
- (c) Introduce a clear delineation of roles and responsibilities of, and communication channels among, the various key functions and actors in pre-event disaster management, mitigation and preparedness activities, such as hazard and risk assessment, monitoring, prediction, prevention, relief, resettlement and emergency response;
- (d) Promote and encourage all parts of society to participate in disaster preparedness planning in areas such as water and food storage, and fuel and first-aid, and in disaster prevention through activities that build a culture of safety;
- (e) Strengthen, and/or develop global, regional, national and local early-warning systems to alert populations to impending disasters.

127 bis. In order to prevent technological and industrial disasters, Governments at the appropriate levels, including local authorities, as appropriate, should:

- (a) Pursue the objectives of prevention of major technological accidents and the limitation of their consequences, inter alia, through land use policies and promotion of safe technology;
- (b) Take the necessary measures in order to control the siting of new developments surrounding dangerous industrial activities that may be liable to

increase the risk of the effects of a major accident by appropriate consultation procedures to facilitate the implementation of the policy established under subparagraph (a) above;

(c) Introduce a clear definition of roles and responsibilities and of communication channels among the various key functions of disaster preparedness and prevention including assessment, monitoring, prediction, prevention, relief, resettlement, and emergency response;

(d) Promote and encourage broad-based participation in disaster preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards;

(e) Strengthen, and/or develop global, regional and local early-warning systems to alert populations in case of a major technological accident.

128. In preparing for and implementing post-disaster relief, rehabilitation, reconstruction and resettlement, Governments at the appropriate levels, including local authorities, in partnership with all [*stakeholder individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society*], should:

(a) Establish or strengthen disaster preparedness and response systems that clearly define roles and responsibilities of, and communication channels between, the various functions and actors in disaster preparedness, and in post-event disaster management, including emergency management, relief and rehabilitation;

(b) Devise exercises to test emergency response and relief plans and promote research on the technical, social and economic aspects of post-disaster reconstruction and adopt effective strategies and guidelines for post-disaster reconstruction;

(c) Establish reliable communications, and response and decision-making capabilities, including at the national, local and community levels;

(d) Establish contingency plans, management and assistance systems and arrangements for rehabilitation, reconstruction and resettlement;

(e) Strengthen scientific and engineering capacities for damage assessment and monitoring and for special rehabilitation and reconstruction techniques;

(g) Identify and support approaches to cope with the urgent shelter requirements of returnees and internally displaced persons;

- (h) Identify approaches to minimize interruption to attendance in schools;
- (i) Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict;
- (j) Ensure that the particular needs of women, children, persons with disabilities and vulnerable groups are considered in all communications, rescue, relocation, rehabilitation, and reconstruction;
- (k) Promote a cultural dimension in post-disaster rehabilitation processes.] -----

Notes:

23/ Paragraphs 66 - 75 were adopted by the Plenary of the third session of the Preparatory Committee on 16 February 1996.

24/ Paragraphs 100 - 128 were informally negotiated but not adopted by either Working Group II or Plenary; these paragraphs are all in brackets as agreed by the Plenary on 16 February. After the closure of informal negotiations on paragraphs 100 - 128, which led to the issuance of document

A/CONF.165/PC.3/L.3/Add 7, further informal negotiations took place on paragraphs 114, 124, 125, 126, 126 bis, 127, 127 bis and 128. This led to a number of corrections which are included in the bracketed texts of these paragraphs as shown in the present document.

25/ The results of the informal negotiations of Working Group II Subgroup

B on paragraphs 104, 105, and 106 were omitted by oversight from

A/CONF.165/PC.3/L.3/Add.7. They have been included in the present text. Header control, resource mobilization, partnership-building and local enterprise development, *inter alia*, through technical twinning and exchange of experience programmes;

(e) Enhance the performance of local authorities by undertaking comparative analysis of, and disseminating innovative practices in, the delivery, operation and maintenance of public goods and services and in exploiting the fiscal potential of their cities;

(f) Help institutionalize broad-based participation in decision-making and management processes at the local level;

- (g) Strengthen the capacity of local authorities to engage the local private and community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local economic development;
- (h) Promote policy dialogue between all levels of Government, the private and community sectors to improve planning and coordination;
- (i) Collect, analyze and disseminate, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens;
- (j) Reinforce measures to eradicate corruption **and institutional collusion between corporations including transnationals and state governments** and ensure greater transparency, efficiency and community participation in the management of local resources;
- (k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation, particularly to share good practice and innovative approaches to sustainable human settlements management;
- (l) Develop, in cooperation with UNCHS (Habitat), associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise.

**Part IV:
The Global Plan of Action, Strategies for Implementation**

D. Capacity-building and institutional development

1. Introduction

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the guaranteeing of human rights, the preserving, and protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations/networks

131. To ensure effective decentralization and strengthening of local authorities and their associations/networks **within a framework of international principles based on the guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war**, Governments at all appropriate levels, including local authorities, **where appropriate** should:

(a) Adopt and adapt, as appropriate, policies and legal frameworks from other Member States that are effectively implementing decentralization **while adhering to international principles**;

(b) Review and revise, as appropriate, legislation **to ensure compliance with international obligations**, increase local autonomy **participation** in decision-making, implementation, and resource mobilization and use, especially with respect to human **rights, allocation of funding for socially equitable and environmentally sound development** *technical and financial resources and local enterprise development*, within the overall framework of **international**, national, and local principles, obligations and undertakings *social, economic and environmental strategy* and **encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities** *city neighborhood or dwellings*;

(c) Seek **additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support** local authorities reviewing revenue generating mechanisms;

(d) Facilitate the inter-transverse of **BEST (Best Environmentally Sound Technique) Practices** *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with businesses **that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict.**, *inter alia*, through technical twinning and **inter-transfer** *exchange* of experience programmes, **recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world;**

(e) Enhance the performance of local authorities **by requiring BEST practices**, and by undertaking comparative analysis of, and disseminating of innovative **BEST** practices in, the delivery, operation and maintenance of public goods and services, **and in fostering and developing** and *in exploiting the fiscal and other* potential of their cities;

(f) *Help institutionalize* **Ensure and implement** broad-based participation in decision-making and management processes at the local level **with genuine community involvement and participation in determining the terms of reference and in having input throughout the process;**

(g) **Ensure and** strengthen the capacity of local authorities **to seek, respect and rely on genuine community involvement and participation** *engage the local private and* community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local **socially equitable and environmentally sound development** *economic development;*

(h) Promote **genuine community involvement and participation in a policy dialogue** ~~between~~ **among** all levels of Government, within **a framework of governance principles**, *the private and community sectors* to improve planning and coordination **in implementing socially equitable and environmentally sound development;**

(i) Collect, analyses and disseminate, through **public channels**, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; **and facilitate the opportunity for citizens to present evidence of noncompliance with obligations through national and international mechanisms**

(j) Reinforce measures to increase the participation of **indigenous peoples, migrant workers, women, children and youth and other**

disenfranchised groups. Eradicate corruption and ensure greater transparency through efficient **genuine community involvement and participation** in the **socially equitable and environmentally sound development** of local resources;

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation **within a framework of international principles** particularly to share good **BEST** practices and innovative approaches to **socially equitable and environmentally sound development sustainable human settlements management**; and

(l) Develop, in cooperation with UNCHS (Habitat), **and other UN agencies**, associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise. from diverse cultures, ethnic and historical backgrounds.

3. Participation, civic engagement and Government responsibility

ARTICLE 132

132. **Socially equitable and environmentally sound development** *Sustainable human settlements development* requires the active engagement of **individuals and organizations** of civil society —**those members of society that advocate the guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and the enabling of socially equitable and environmentally sound development.**

organizations, as well as the broad-based participation of all people. It equally requires responsive, transparent and accountable governmental structures at all levels. Civic engagement and responsible government both necessitate the strengthening of **genuine community involvement and participation participatory mechanisms**, including access to justice and community-based action planning, which will ensure that all voices are heard, including particularly women, youth, children and elderly and all other vulnerable groups (UNICEF) in identifying problems and priorities, setting goals, exercising legal rights, determining service standards, mobilizing resources and implementing policies, programmes and projects.

ARTICLE 133

133. To encourage and support civic engagement and the fulfillment of government **obligations, duties, commitments, undertakings and responsibilities**, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based **genuine involvement and**

participation of all ~~citizens~~ **people** in decision-making, **including in the determining of the terms of reference and in having input throughout the decision making process, implementation** and monitoring of human settlements *strategies*, policies and programmes, **and in presenting evidence through legal channels of non-compliance with obligations and expectations**; these institutional and legal frameworks would be specifically aimed at; *inter alia*:

(a) **Guaranteeing and enshrining** *protecting* the basic human right to hold and express opinions and to disseminate ideas and information;

(b) Permitting, and facilitating the formation of independent non-governmental community local, national and international organizations **representing a civil society which advocates the guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and the enabling of socially equitable and environmentally sound development.**

(c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

GLOBAL COMPLIANCE PROPOSAL COMBINING ELEMENTS IN UNICEF'S PROPOSAL WITH GLOBAL COMPLIANCE PROJECTS PRINCIPLE-BASED EDUCATION

(d) **undertaking education and training programs that promote the ensuring of social justice, the preservation, conservation and protection of the environment, the guaranteeing respect for human rights, and the elimination of conflict and war, and that are based on significant principles drawn from United Nations conventions, treaties, covenants, declarations, conference statements and General Assembly Resolutions.**

DOCUMENTATION OF PRECEDENT;

RE: SOCIAL SERVICES AND HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

(a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;

(b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups especially children, women

and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice

(1 Habitat I)

(

(e) establishing regular **opportunities for genuine community involvement and participation** *and broad-based consultative mechanisms as individuals and organizations of civil society for involving civil society—both women and men* in the decision-making process, including in the determination of terms of reference and in having input throughout the process for all major policies, plans and programmes that will affect their lives; (*e bis.*) In addition, removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;

(f) establishing agenda-setting **for genuine community involvement and participation** *participatory mechanisms enabling citizens individuals, to ensure that communities and individuals and organizations of civil society organizations* to play a pro-active, constructive and substantive role in identifying and formulating new policies, plans and projects, **and in determining the terms of reference and in having input throughout the policy formation and the plans and projects development;**

(g) fostering an understanding of contractual relationships **between NGOs and businesses that observe the guaranteeing of respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and the preventing of conflict and war, and the ensuring of socially equitable and environmentally sound development and BEST practices, and non-governmental organizations (NGOs) sectors to acquire the skills for participating in and developing projects that will benefit all people negotiating effective partnerships for project implementation, development and management that will maximize benefits to all people;**

(h) promoting equality, **social justice**, and **equity fairness**, *incorporate by incorporating* gender and age considerations and ~~involve~~ **involving** marginalized and low-income groups **including people with disabilities, migrant workers, indigenous peoples** through institutional measures to ensure their interests are represented in policy and decision-making processes, and through such techniques as advocacy training and seminars including ~~the development of those that develop~~ *mediating and consensus-building skills to* **and** facilitate effective networking and alliance formation;

ARTICLE 133 e

(i) **Ensuring** *Improving* access to judicial and administrative channels for affected **persons and (UNICEF) disadvantaged** groups to challenge, or seek

redress from decisions that deny social justice, that destroy the environment, that violate human rights, that are destructive to human health and wellbeing, or that contribute to war and conflict *from socially and environmentally harmful decisions and actions*; including legal mechanisms to ensure that all (UNICEF) State bodies **both national and local (UNICEF)** remain legally accountable for their actions, in accordance with their social *and* environmental and **human rights** obligations as defined in both national legislation and **in international conventions, treaties, covenants, declarations, conference action plans and general assembly resolutions. Affected individuals shall, after exhausting all domestic remedies, have access to an International Court of Compliance to bring evidence of state non-compliance. Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;**

(i) bis Ensuring access, when all domestic channels have been exhausted, to an International Court of Compliance where affected persons and groups can seek redress for decisions that deny social justice, that destroy the environment, that violate human rights or that contribute to war and conflict. Broadening the procedural right of individuals and civil society to take legal actions on behalf of affected communities or groups which do not have the resources or skills to take such action themselves, and promoting the representation of inter-generational interests, including children and future generations in decision-making processes.

(j) Facilitating access to legal services by people living in poverty (Canada) low-income and marginalized groups through provision of facilities such as legal aid and free legal advice centres. In addition, access to reliable scientific and medical expertise without undue financial burden to the applicant should be provided.

TEXT COMBINING ORIGINAL FAO EU AND GLOBAL COMPLIANCE PROJECT

(k) Strengthening **the capacity of international United Nations bodies to establish mandatory international standards and regulations based on fundamental principles enshrined in international customary law; and providing opportunities for local authorities and civil society organizations to review social, economic and environmental policies affecting their communities and to set local priorities and contribute to the setting of local standards, based on the mandatory international standards, for services in such areas basic education, public safety *drug-abuse awareness and environmental management: environmental protection and pollution prevention, social justice and basic needs and rights —right to housing, food, safe drinking water, social security, education and universal health care and safety.***
 , *as basic education, child care(EU), public* **enshrine the right to primary health care—free emergency health care including treatment completion and**

foster best practices for health promotion and disease prevention recognizing the value of traditional and natural remedies and to universal health care , water for domestic, agricultural and industrial use, public infrastructure,(FAO) public safety, drug-abuse awareness and environmental protection and pollution prevention *management*; (133)

ARTICLE 134

134. *Human settlements managers need to draw on the skills and resources of a diversity of people and institutions at many levels* **coupled with genuine community involvement and participation are essential for socially equitable and environmentally sound development of human settlements. . .** Scarcity of suitably qualified personnel *and* weakness of institutional systems *and* technical capacity, **as well as unwillingness to draw upon the individuals and groups from civil society that are experienced and aware of the physical and social service community facilities, that are active in the preservation, conservation and protection of the environment and that advocates of social justice and human rights** are among the main obstacles to the improvement of human settlements in many countries. **In addition, the use of BEST (Best Environmentally Sound Techniques) practices based on principles of socially equitable and environmentally sound development in *new skills, know-how and technology in all aspects of developing community-based planning of human settlements* *planning and management will be necessary.*** In countries where change is rapid there is a need for governments and the international community to ensure the effective development and transfer of leadership skills, *management* expertise and experience in guaranteeing the respect for human rights, in preserving , conserving and protecting the environment, in promoting peace and social justice, and in advocating BEST practices, *know-how and technology.*

NOTE FROM HERE TO THE END SECTION STILL IN PROGRESS

Actions

135. To improve human settlements *management*, Governments at all appropriate levels, including local authorities and their associations, should:

- (a) Support training programmes for administrators and civic officials at all levels, as appropriate, to enhance leadership qualities;
- (a) *as appropriate*, support training programmes that **reflect gender sensitivity policies and standards, quality assurance measurement tools** for administrators and civic officials at all levels to enhance leadership qualities **and promote the inclusion of women and young people in staff structures and decision-making;**

(b) Establish *private*-public, community, urban-rural sector, **BEST practices** business and economic forums to facilitate the transfer of expertise *management know-how* and experience;

(c) Develop and implement and comprehensive training, education in **socially equitable and environmentally sound** *and human resources* development policies and programmes involving a wide range of **individuals and groups of civil society including the participation of academics**, local authority associations, *academic*, research, training and educational institutions and the **BEST practices businesses** *private sector* focusing on:

(i) The **furthering of genuine community involvement and participation** *development of a multi-sectoral approach* to human settlements development, **which includes the participation of women, migrant workers, minority groups, indigenous peoples and other usually marginalized individuals and groups;**

(ii) The training of trainers to develop a core capacity for institution-strengthening and capacity-building;

(ii) the training of trainers to develop a core capacity for institution-strengthening and capacity-building **which includes an emphasis on gender awareness and needs of children, youth and the elderly as an integral component;**

(iii) The development of local capacity to define needs and undertake or commission applied research, particularly in social and environmental impact assessments, local economic growth and job creation, and to incorporate the findings in management systems;

(iii) the development of local capacity to define needs and to undertake or commission applied research, particularly in social and environmental impact assessments, local **economic** growth and job creation **which emphasizes the integration of women in non-traditional fields and trades**, and to incorporate the findings in management systems;

(d) Develop information systems for the exchange, transfer and sharing of experience, expertise, know-how and technology in human settlements management;

(e) Encourage, as appropriate, the involvement of private-sector entities in improving public-sector management and administration and the formation of entities that are public in their function, private in their management and publicly-privately funded; and

(e) develop information systems for **networking and accessing resources in a timely manner**, the exchange, transfer and sharing of experience, expertise, know-how and technology in human settlements management;

(f) Develop programmes in conflict resolution.

(g) **help** develop **mediation** programmes in conflict resolution **between competing agents in the access to, distribution and use of resources and spaces in settlements.**

4. Metropolitan planning and management

136. Although the managers of human settlements face many common challenges, those responsible for the management and development of metropolitan areas and mega-cities face unique problems caused by the size and complexity of their tasks and responsibilities. Among the characteristics of metropolitan areas that require special skills are increasing global competitiveness; their ethnically and culturally diverse populations; large concentrations of urban poverty; extensive infrastructure networks and transport and communications systems; their strategic role in national, regional and international production and consumption cycles, economic development, trade and finance; and their potential for severe environmental degradation. Large metropolitan areas and mega-cities also represent the largest potential risks of human, material and production-capacity loss in case of natural and human-made disasters. In some countries, the lack of a metropolitan-wide authority creates difficulty in urban management.

PROPOSALS

NGO Composite

136. ... Among the characteristics of metropolitan areas that require special skills (~~delete: are increasing global competitiveness~~) **to handle the negative impacts of the global economy on local economies**; their ethnically and culturally diverse populations **which include women and marginalized groups**; large concentrations of urban poverty **within economically deprived zones**; extensive infrastructure...

Actions

137. To address the special needs of metropolitan areas, Governments at all the appropriate levels, including local authorities, should:

(a) Promote metropolitan-wide planning **development** and management strategies;

137. (a) promote metropolitan-wide planning and management strategies **which include women at all levels of operation**;

(b) Monitor and analyse the effectiveness and efficiency of metropolitan structures and administrative systems, and incorporate the results into ~~public~~ **policies** for dealing with macroeconomic, social and environmental issues;

(c) Create a legislative framework and adopt organizational structures that ensure coordinated and efficient service delivery, resource mobilization and *sustainable* socially **equitable and environmentally sound** development throughout metropolitan areas;

(d) Strengthen the capacity and mandates of metropolitan authorities to deal effectively with issues of regional and national importance, such as land, energy and water resources management, environmental management, transport and communications, trade and finance, and social integration;

(d) strengthen the capacity and mandates of metropolitan authorities to deal effectively with issues of regional and national importance such as land **and property rights for women**, energy and water resources management, environmental management, **access to adequate social infrastructures**, transportation and communication, trade and finance and social integration;

(e) Develop, or where necessary, create a core of professional staff trained in the technical aspects of planning and development of primary infrastructure and in emergency planning;

(e) develop (~~delete:~~ or where necessary, create a core) **a coalition** of professional staff **which include women in all areas of expertise that are** trained in the technical aspects of planning and development of primary infrastructure and (~~delete:~~ in) **responsive to** emergency planning;

(f) Facilitate and promote policy dialogue and the exchange of experience, expertise, know-how and technology ~~between~~ **among** metropolitan authorities in such areas as transport and communications, waste management, energy conservation, social welfare and environmental management.

(f) facilitate and promote policy dialogue and **establish a consortium to facilitate** the exchange of experience, expertise, know-how and technology between metropolitan authorities in such areas as transport and communication, waste management, energy conservation, social welfare **which recognizes women and numerous marginalized groups** and environmental management.

5. Domestic financial resources and economic instruments

138. Funds to finance shelter and settlements development mainly come from domestic sources. Additional finance is increasingly being derived from international sources for the benefit of national Governments and local authorities. The largest impact on the financial base will derive, therefore, from improvements in economic development, sound financial practice and the capacity to mobilize domestic resources, control expenditure and efficiently manage budgets.

NGO Composite

138. Funds to finance (~~delete: shelter and settlements development~~) **transitional households and community** mainly come from domestic sources. Additional finance is increasingly being derived from international sources **that promote and mandate that women and gender sensitive policies are included at all levels of planning** for the benefit of national governments and local authorities. The largest impact on the financial base will derive, therefore, from improvements in economic development, sound financial practice **and financial accountability** and the capacity to mobilize domestic resources, control expenditures and efficiently managed budgets.

ARTICLE 139

139. Financing the future of urban development and sustaining the economic viability of cities represents a particular challenge which will require innovative systems of finance at national and local levels. Effective partnerships between the public and private sectors are needed which combine local taxes on production and consumption with fiscal incentives for investment by *industry, commerce, trade and the private service sector*. **needs of businesses that engage in socially equitable and environmentally sound practices with local materials and that provide socially equitable and environmentally sound employment** New forms of municipal finance are needed to meet the future needs of urban economic development and the costs of supporting infrastructure and services. **In addition, funding shall be sought from the reduction of the military budget and from requiring the payment of deferred taxes from industry.**

BACKGROUND

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget (UN General Assembly 36/81). Also, in 1981 the UN General Assembly undertook to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81).

In 1994 States, in adopting the statement from the International Conference on Population and Development, concurred that the attainment of “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.(Article 1.19) In 1995, Similarly, states in adopting the statement from the Social Development Summit endorsed the calling for “the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action States have made a commitment to maintain “peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict,” (Art. 14) and to reduce “...military expenditures, “(Art. 15). States have also made a commitment to the “prevention and resolution of conflicts,” (art 15) and to “increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes (145a)

In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). Yet, through sympathetic administrations states have for years failed to ensure corporate compliance with national laws, codes and regulations, and international agreements. States have continued to provide subsidies and tax deferrals to corporations, a large proportion of whom have engaged in socially inequitable and environmentally unsound development.

NGO Composite

*** 139. ...and services. It is necessary to reduce military expenditures and production in order to finance programs for habitat.**

Actions**ARTICLE 140**

140. To strengthen the national and local economic and financial base with a view to addressing the needs of sustainable human settlements development, Governments at all appropriate levels, including local authorities, should:

(a) Strengthen, as appropriate, the capacity of local authorities to attract investments;

(b) Adopt macroeconomic policies and frameworks which encourage increased domestic savings and facilitate their use in housing, basic infrastructure and **other** settlements development;

(c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment **fees levies** to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments which penalize environmental damage;

140. (c) develop efficient, equitable and buoyant sources of national and local revenues including taxation, user charges, tariffs and betterment fees to promote national and local capacity for investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments which penalize environmental damage **from both production and consumption activities**;

(d) Enhance national and local tax collection capabilities and expenditure control;

(d) enhance national and local tax collection capabilities and expenditure control **to reduce cost attainment and increase tax effort for revenue maximization**;

(e) Strive for full cost recovery of urban services through user charges, while at the same time addressing the needs of the poor, *inter alia*, through pricing policies and, where appropriate, by transparent subsidies;

(e) (~~delete~~: strive for full cost recovery of urban services through user charges while at the same time addressing the needs of (~~delete~~: the poor) **people in poverty**, *inter alia*, through pricing policies and where appropriate, by transparent subsidies;)

(f) Support local efforts to encourage voluntary private and community sector partnerships and participation in building, operating and maintaining basic infrastructure and services;

(f) support local efforts to encourage voluntary private and community sector partnerships and participation in building, operating and maintaining basic infrastructure and services **which employ gender sensitive policies, address**

the needs of marginalized groups and empower women with financial resources for home acquisition;

(g) Rationalize and Facilitate local authorities' access to national, regional and international capital markets and specialized lending institutions, including, *inter alia*, instituting municipal credit rating and credit systems, bearing in mind the borrower's capacity to repay the debt;

(g) rationalize and facilitate local authorities' access to national, regional and international capital markets and specialized lending institutions, including, *inter alia*, instituting municipal credit rating and credit systems **which guarantee that women are integral in program development**, bearing in mind the borrower capacity to repay the debt;

(h) Facilitate the role of local authorities in forming partnerships with the private, community and cooperative sectors and institutions for local enterprise development;

(i) Institutionalize budget mechanisms, where appropriate, and accounting to enable local authorities to engage in medium- and long-term investment programmes;

(j) Establish transparent systems and procedures to ensure financial accountability;

(k) Institutionalize, where appropriate, transparent, inter-governmental transfer mechanisms that are timely, predictable and performance- and need-based; and

(l) Attract private **and community** investment to urban development.

(m) use a reduction of national military budgets to fund local programmes for human settlement.

6. Information and communications

ARTICLE 141

141. Recent developments in information technology, in conjunction with the liberalization of trade and the free flow of capital on a global scale, will bring about radical changes in the roles and functions of cities, and their decision-making and resource allocation processes. Those Governments that make the necessary investments in information technology and infrastructure and enable and empower their citizens to make effective use of such technology can expect to foster tremendous productivity gains in industry, trade and commerce. This improved

information technology should be appropriately and optimally utilized to preserve and share **cultural and** moral values and enhance and improve education, training and public awareness of the social, economic and environmental issues affecting the quality of life, and to facilitate access by all **key actors and communities** to the exchange of habitat practices, including those which uphold the rights of children, women and other vulnerable groups in the context of growing urbanization.

Caucus on older people

141. ... which uphold the rights of children, women, **disabled, frail elderly, displaced** and other vulnerable groups in the context of growing urbanization.

Coalition for stable communities

141. ... including those which uphold the rights of **the family**, children, women and other vulnerable groups in the context of growing urbanization.

NGO Composite

141. Recent developments in information technology, in conjunction with the liberalization of trade and the free flow of capital on a global scale, (~~delete: will bring~~) **are bringing** about radical changes in the roles and functions of cities, and their decision-making and resource allocation processes. Those Governments that make the necessary investments in information technology and infrastructure and enable and empower their citizens to make effective use of such technology can expect to foster tremendous **additional** productivity gains in industry, trade and commerce. **However, in many countries these productivity gains have benefited only a fortunate few, while contributing to increasing income inequality and unemployment. Furthermore, these technologies are only available to those who can afford them and place the substantial majority of people who do not have access at an increasing disadvantage in a competitive global economy. It is recognized that this improved information technology** (~~delete: should be appropriately and optimally~~) **may potentially be** utilized (~~delete: to preserve and share moral values~~) and enhance and improve education, training and **development of employment programmes for women and marginalized groups and** public awareness on the social, economic and environmental issues affecting their quality of life, and to facilitate the access by all key actors and communities to the exchange of habitat practices including those which uphold the rights of children, women and other (~~delete: vulnerable~~) **marginalized** groups in the context of growing urbanization.

Actions

142. To improve the capacity to exploit these innovations, Governments **at all appropriate levels including** and local authorities should:

142. To improve the capacity to exploit these innovations **to enhance the public good**, governments and local authorities should:

(a) **Develop, upgrade, and maintain** information infrastructure and technology and encourage their use by all levels of Government, public institutions and civil society organizations;

(a) upgrade information structure and technology and encourage their use by all levels of government, public institutions and civil society organizations **CBOs and local employment programs for women, men and marginalized groups**;

(b) Train key actors in the use, **ways and means** of information technology;

142. (b) Train key actors **of all ages** in the use of information technology;

(b) (~~delete: train key actors~~) **develop and implement a training program for women, men and marginalized groups** in the use of information technology;

(c) Develop methods of sharing experiences through electronic means, such as the Internet, networks and libraries of local initiatives and the dissemination of **information on** best practices;

(c) develop methods of sharing experiences through electronic means, such as the Internet, networks and libraries of local initiatives and the dissemination of best practices **that utilize gendered governance policies**;

(d) Encourage participation of children, youth and educational institutions ~~in the~~ **especially by children and youth** use of public libraries and communications networks;

(d) **implement programs that** encourage participation of children, youth, **women, the elderly, incarcerated individuals** and educational institutions in the use of public libraries and communication networks;

(e) Facilitate the learning process through the dissemination of both successful and unsuccessful experiences in human settlements taken from the governmental, public, private and community sectors;

(f) Encourage policies that make information technology and services available and more accessible to the general public; and

(f) (~~delete: encourage~~) **establish** policies that make information technology and services available and more accessible to the general public; and

(g) Guarantee the free flow of, and access to, information in areas of public policy, decision-making and resource allocation.

IFS

142. (g). Substitute the word "ensure" for "guarantee." The latter would be unenforceable. Also add "all" before "areas Topic

A Conversation with Graham Saul and Linda Solomon Wood

Description

Executive Director of Nature Canada, Graham Saul joins Linda Solomon Wood to talk about environmental justice, a green recovery deal and how we can build better cities. Saul leads one of the oldest national nature conservation charities in Canada, Nature Canada. For 80 years, the organization has helped protect over 110 million acres of parks and wildlife areas in Canada and countless species.

Time

Jun 11, 2020 04:00 PM in [Vancouver](#)

[Add to calendar](#)

Webinar ID

929 3916 0563

(g) guarantee the free flow and access of information in areas of public policy, decision-making (~~delete:~~ and) resource allocation **and social developments which impact women, children and other marginalized groups.**

(h) assure market competition and broad public access in the provision of information technology and media services by strictly limiting concentrations of private ownership and control and by maintaining public information technology and media facilities for those who otherwise lack access.

RESTRUCTURING LAND OWNERSHIP

recommendation D 5

patterns of ownership

() Many countries are undergoing a process of profound social transformation; a review and restructuring of the entire system of ownership rights is, in the majority of cases, essential to the accomplishment of new national objectives.

(b) Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.

(c) special attention should be paid to:

(i) Redefinition of legal ownership including the rights of women and disadvantaged groups and usage rights for a variety of purposes;

(ii) Promoting land reform measures to bring ownership rights into conformity with the present and future needs of society;

(iii) Clear definition of public objectives and private ownership rights and duties which may vary with time and place;

(iv) Transitional arrangements to change ownership from traditional and customary patterns to new systems, especially in connection with communal lands, whenever such patterns are no longer appropriate.

(v) Methods for the separation of land ownership rights from development rights, the latter to be entrusted to a public authority;
(Habitat I)

(i) implement policy measures to assure that the benefits of productivity gains are broadly shared and contribute to livelihood creation rather to increased unemployment.

DY

142 bis. That dissemination of experiences that contribute to facilitate the access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human settlements development. National governments, in partnership with social actors, should:

(a) Promote the selection of urban management practices which stand out by their positive impact in improving habitat, by their use of participatory modes of organization and operation, by their sustainable and lasting character, and by their tendency to become universal;

(b) Set up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field;

(c) Promote dissemination of the selected practices locally, nationally, regionally and internationally, in an integrated manner.

Suggestions forwarded by the United States of America

EXISTING TEXT

Part IV: GLOBAL PLAN OF ACTION: STRATEGIES FOR IMPLEMENTATION

E. International cooperation and coordination (143)

Paragraphs 143 - 157 were subject to informal negotiations, the results of which were issued as Informal Paper 2 during the third session of the Preparatory Committee. Due to insufficient time, they were not adopted by either Working Group II or the Plenary of the Preparatory Committee. Consequently, all of **Chapter E is in brackets** as agreed by the Plenary on 16 February.

A number of delegates requested that, in addition to the text of the informally negotiated paragraphs 143 - 157 (as contained in Informal Paper 2), their proposed amendments to these paragraphs, as they were presented during the informal negotiations, be annexed to this chapter in order to facilitate further negotiation at the Conference in Istanbul.

1. Introduction

[143. The goals of ensuring adequate shelter for all and making human settlements and communities **environmentally sound** productive, healthy, safe, more equitable and sustainable contribute to achieving world peace, development, stability and justice. International cooperation takes on added significance and importance in the light of recent trends in the globalization and the interdependence of the world economy. There is an urgent need to redefine and resuscitate the existing processes and structure of cooperation and to evolve new and innovative forms of cooperation with a view to enabling humankind to face the challenges posed by the development of rural and urban areas. **There is urgency to redefine development and move towards a new “international economic order” based on socially equitable and environmentally sound development. This new order may require the political will to reduce the global military budget by 50% (from the current 800Billion to 4 billion which it was in 1981 when there was a UN General Assembly resolution to freeze and reduce the military budget) at with the undertaking to transfer the peace dividend to socially equitable and environmentally sound development. The states of the world must firmly adhere to the principle endorsed in the United Nations Conference on Human Environment where states agreed to eliminate weapons of mass destruction, which by definition would include nuclear weapons as well and chemical and biological. In addition, the global community must undertake to condemn the continued mining of uranium for weapons production, the use of civil nuclear reactors whose waste is a scourge for future generations, the use of plutonium from former nuclear weapons sites as a fuel for nuclear reactors, CONTINUE Sunset industries. Thus there is a need for the political will of all States as well as specific action by**

the international community to establish and inspire new forms of cooperation, partnership, coordination and investment, including the local private sector, in order to contribute effectively to the provision and improvement of shelter conditions in human settlements, especially in developing countries, taking into account the diversity of the needs of human settlements among countries.

144. **Although** The formulation and implementation of strategies for human settlements development are the responsibility of each country at the national and local levels, and should take into account the economic, social and environmental diversity of conditions in each country, **fundamental principles established by the United Nations in over 50 years of Conventions, Treaties, Covenants Declarations Conference statements and General Assembly Resolutions shall establish the basis for socially equitable and environmentally sound development.** The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires the establishment of an international mandatory regulatory scheme that will drive the private sector and funding agencies such as the development banks to ensure that the development will encompass the principles of socially equitable and environmentally sound technology. Currently the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting Best ecologically sound technology from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry will there be the needed shift towards a real collaborative partnership based on the highest tenable principles.** This shift from aid to trade clearly points to the need for **global mandatory regulations and standards to drive the private sector to participate in socially equitable and environmentally sound development.** *participation in the shaping of international cooperation.* The international community, including multilateral financial institutions, **has an important role to play in providing funding that is conditional on the adherence to high global mandatory regulations and standards based on principles established over the past 50 years in international instruments. This new vision of global governments control was evident in section 167 of the Platform of Action where State shall ensure that corporations including transnational corporations comply with nation and international laws. WORDING.** In addition, the lending institutions shall supply funding to ensure not the “clean-up environment industries” which continue to perpetuate the old-world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially

equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best environmentally sound technology that *environmental to ensure that additional resources to reinforce* national efforts to foster *an enabling environment to* and achieve the objectives of adequate shelter for all and the **socially equitable and environmentally sound sustainable development of human settlements.**

144 bis. [International cooperation assumes added significance and importance in the wake of recent trends in the globalization of the world economy on the one hand and the continued deterioration of the plight of developing countries on the other hand. The problems resulting from poverty, urbanization, lack of adequate shelter including social housing, rapid population growth, rural-urban migration, economic stagnation and social instability are especially acute.]

145. Innovative approaches and frameworks for international cooperation in human settlements development and management must be sought and developed to include the active participation of all levels of Government, the **segment of private sector which is driven by high global mandatory regulations and standards** and cooperative sectors, non-governmental organizations and community-based organizations, in decision-making, policy formulation and resource allocation, implementation and evaluation. These approaches and frameworks should also include new and improved forms of cooperation and coordination between and among multilateral financial institutions, international organizations and various organs and bodies of the United Nations system, including south-south, north-south and south-north exchanges of best practices, the continuous development of policy, planning and management tools and instruments such as the application of shelter and urban indicators, human resources development and institutional capacity-building. **In this new global partnership at all levels decisions will be guided by principles reflected in International instruments endorsed by the states within the global system.**

145 bis. These innovative approaches should also include new forms of cooperation and partnerships between multilateral and bilateral assistance agencies on the one side, and civil society organizations and local authorities, on the other, based on the **adherence to principles related to the guaranteeing of the respect for human rights, the** *Whereas*, if these fifty-one 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 fifty-one 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 Fifty-first 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,

principles of local implementation of mandatory standards and regulations

Principles of "decentralized cooperation"; this implies recognition of the capacity of local authorities to develop international relations and cooperation, with the existing legal frameworks of each country, their right to devote their own resources for that purpose and to be associated in the process of defining international human settlements policies. Governments as well as bilateral and multilateral aid-agencies should commit themselves to encourage decentralized cooperation between local authorities as well as the strengthening of networks of associations of local authorities.

145 ter. [In recent years disparities in economic growth, environmental degradation, and labour-market asymmetries have increased international migration, and have impacted on spatial distribution of cities' population entailing the imbalances of human resources among countries of origin and countries of destination.]

Evidence of precedent

REDUCTION OF DISPARITIES

4. It is of paramount importance that national and international efforts give priority to improving the rural habitat. In this context, efforts should be made towards the reduction of disparities between rural and urban areas, as needed between regions and within urban areas themselves, for a harmonious development of human settlements. (III 4 Habitat I)

2. Enabling international context

146. The process of urbanization is linked to economic development, social development and environmental protection, which are interdependent and mutually

reinforcing components of *sustainable socially equitable and environmentally sound* development. The provision of adequate shelter for all and sustainable human settlements development are increasingly influenced by the global economy. In this context, it is imperative to enable all countries, especially developing countries, to improve living and working conditions in human settlements. This calls for an enabling international environment and integrated approaches at national and international levels which take account of the efforts of countries to implement programmes of economic reform or economic transition. Furthermore, technological developments are leading to major changes in the structure of employment. [It should be recognized that in social and economic terms the housing sector is a productive sector and should be treated on an equal basis with other productive sectors. Achievement of the goal of sustainable human settlements development at the global level would depend on fair and durable solutions of, *inter alia*, the issues of finance, debt, trade and transfer of technology.]

147. The international community should support governments in their efforts to cope with the impact of these changes on human settlements within a framework of enabling strategies. The international community should promote:

(a) The establishment of an open, equitable, co-operative and mutually beneficial international economic environment;

(b) The co-ordination of macroeconomic policies at all levels to achieve an international financial system that is conducive to stable and *sustained economic growth* and **socially equitable and environmentally sound** development;

(c) An international financial system that is more conducive to stable and sustainable human settlement development through, *inter alia*, a higher degree of stability in international financial markets, a reduction of the risk of financial crisis, and lower real interest rates;

(d) An environment in all countries, [including developing economies, economies in transition and developed economies,] that attracts foreign and domestic direct investment, and encourages savings;

(e) Enterprise development, productive investment and expanded access to open and dynamic markets in the context of an open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international trading system, [and to technologies for all people, especially those living in poverty and the disadvantaged, as well as for the least developed countries];

(f) Capacity building in developing countries in all regions, particularly African countries and the least developed countries: and in countries with economies in transition;

(g) The strengthening and improvement of technical and financial assistance to developing countries in all regions to promote *sustainable socially equitable and environmentally sound* development and overcome hindrances to their full and effective participation in the world economy.

148. With specific reference to sustainable human settlements development and the provision of shelter, the international community should:

(a) Ensure that the benefits of global economic growth improve people's quality of life in all nations, regardless of where people live;

(b) Mobilize national and international financial resources for shelter provision and sustainable human settlements development;

(c) Facilitate increased access by all levels of government and the private sector in developing countries and countries with economies in transition to international financial resources to enable them to attract investment in shelter and infrastructure for sustainable human settlements development;

(d) In a manner consistent with national legislation, seek to increase the ability of local authorities, non-governmental organizations and the private sector to link directly with global capital markets, in accordance with prudential safeguards in those markets, to finance their shelter and infrastructure programmes and to establish international and local mechanisms and instruments to facilitate risk sharing and credit enhancement for investing agencies - local, regional and national;

(e) Promote strategies to ensure substantial, well-directed public and private investments in shelter, infrastructure and health, education and other basic services, including through the provision of appropriate technical and financial assistance;

[[f) Encourage international cooperation, in order to address the negative impact of international migration through technical assistance, management know-how, exchange of information as well as by ensuring equitable wages and working conditions for both migrant and native workers.]]

[[g) Continue to provide support to refugees in order to meet their needs, and to assist in assuring them a just, durable solution in accordance

with relevant United Nations resolutions and international law, noting that sustainable human settlements can only be established for them on their land of origin.]

3. Financial resources and economic instruments

149. The demand for shelter and infrastructural services in human settlements is continuously increasing. Communities and countries, especially developing countries, have difficulties in mobilizing adequate financial resources to meet rapidly rising costs of shelter, services, and physical infrastructure. [New and additional financial resources, from various sources, are necessary to achieve the goals of adequate shelter for all and sustainable human settlements development in an urbanizing world. The existing resources available to developing countries - public, private, multilateral and bilateral - need to be enhanced through appropriate and flexible mechanisms and economic instruments to support sustainable human settlements development.]

150. Implementation of the Habitat Agenda, particularly in developing countries of all regions, especially those in Africa and the least developed countries, will need additional financial resources to be mobilized at national and international levels and more effective development cooperation and assistance. This will require, inter alia:

(Note of the drafting group of Subgroup A of Working Group II: It is intended that paragraph 150 contain a series of specific sub-paragraphs. Consideration of them has not been completed, but it has been informally agreed that this could more effectively take place if these sub-paragraphs, and the alternative formulations that have been suggested for them, were organized under specific subject headings. These are: General, Official financial resources, Partnerships, Improving the effectiveness of financial resources, Private financial resources, Existing economic instruments, Innovative economic instruments, and Special financing needs/issues. It is emphasized that it is not intended that these headings would appear in the final document. They would appear only to facilitate discussion. When that discussion has been concluded they would be removed. All of these sub-paragraphs of paragraph 150 are in brackets)

General

[150. (a) Translating the commitments of Habitat II into financial implications for the provision of adequate shelter and human settlements development in developing countries in all regions, particularly those in Africa and the least developed countries;

(b) Promoting assistance for shelter and human settlements activities;

Official financial resources

(c) Raising the priority of adequate shelter for all and sustainable human settlements development among multilateral and bilateral donors and mobilizing their support for national, sub-regional and regional plans of action of developing countries, especially for interested beneficiary countries;

(d) Striving to fulfil the 0.7 percent of GDP target and the 0.15 percent of GNP target for assistance to the least developed countries as soon as possible, and to increase, where appropriate, the share of funding for sustainable human development programs;

(e) Achieving the agreed targets of 0.7 percent of GNP for overall official development assistance (ODA), and 0.15 percent of GNP for assistance to the least developed countries, as soon as possible, and no later than the year 2000, and increasing the share of funding for adequate shelter and human settlement development programmes, commensurate with the scope and scale of activities required to achieve the objectives and goals of the Habitat Agenda;

(f) Striving to ensure that structural adjustment programmes respond to the needs of sustainable human settlements development;

(g) Inviting the international financial institutions to examine innovative approaches to assisting low-income countries with a high proportion of multilateral debt, with a view to alleviating their debt burden;

Partnerships

(h) Encouraging multilateral development institutions and donors to support nations in their effort to pursue enabling strategies through which national and local governments, communities and the private and cooperative sectors can form partnerships to participate in shelter and sustainable human settlements activities;

(i) Inviting multilateral and bilateral donors to support countries, particularly developing countries, in their efforts to pursue enabling strategies through which governments, local authorities, communities, and the private and cooperative sectors can form partnerships to participate in the provision of adequate shelter, including social housing and sustainable human settlements development activities;

(j) Exploring ways and means to strengthen support and expand south-south cooperation based on the concept of triangular cooperation,

partnership between developing and developed countries, as well as enhanced cooperation among developing countries;

(k) Consolidating solidarity of the international community and its organizations to provide adequate shelter for all and sustainable human settlements development for people living under foreign occupation;

Improving the effectiveness of financial resources

(l) Striving to enhance the effectiveness of existing ODA and other external financial flows through improving coordination between and among donors and the UN operational activities, and through better coherence between those flows and internal sustainable human settlements strategies;

(m) Supporting programmes that increase the effectiveness and transparent utilization of public and private resources, reduce wasteful and untargeted expenditure and increase access to housing and services for people living in poverty;

(n) Recognizing the negative effect of excessive military expenditures, trade in arms, especially of those arms that are particularly injurious or have indiscriminate effects, and excessive investment for arms production and acquisition;

DOCUMENTATION

WASTE AND MISUSE OF RESOURCES FOR WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

(o) Giving preference, wherever possible, to the utilization of competent national experts or, where necessary, of competent experts from within the sub-region or region or from other developing countries, in projects and programmes design, preparation and implementation, and to the building of local expertise where it does not exist;

(p) Maximizing projects and programmes efficiency by keeping overhead costs to a minimum;

(q) Integrating practical measures for reducing disaster-vulnerability in development programmes and projects, in particular construction of buildings and communication systems, financed by the international community, and ensuring that such measures become an integral part of feasibility studies and project identification;

Private financial resources

(r) Developing economic policies to promote and mobilize domestic savings and attract external resources for productive investments, and seeking innovative sources of funding, both public and private, for adequate shelter and sustainable human settlements development programmes, while ensuring their effective utilization;

(s) Strengthening financial and technical assistance for community-based development and self-help programs, and strengthen cooperation among governments at all levels, community organizations, cooperatives, formal and informal banking institutions, private enterprises and international institutions, with the aim of mobilizing local savings, promoting the creation of local financial networks, and increasing the availability of credit and market information to low-income individuals, women, and vulnerable and disadvantaged groups for shelter and human settlements development;

(t) Facilitating access to global finances for governments and local authorities which are initiating or are involved in public-private partnership programmes;

(u) Establishing and supporting linkages of informal credit mechanisms to the global pool of resources and increasing access by a majority of the population to housing finance through participatory processes involving communities, non-governmental organizations, credit unions, global financial institutions and other relevant actors;

Existing economic instruments

(v) Attracting international flows of public finances for shelter provision and settlements development through appropriate economic instruments;

(w) Considering means to facilitate foreign private sector investment in sustainable human settlements projects, particularly in the areas of infrastructure and transportation, for example by way of BOT schemes;

(x) Assisting countries, particularly developing countries, in implementing effective and equitable pricing mechanisms for adequate shelter and sustainable human settlements, infrastructure and services to induce greater flows of private, domestic and global funds, while ensuring transparent and targeted subsidies for people living in poverty;

(y) Examining appropriate debt-equity swapping measures in favour of shelter and infrastructure development in human settlements;

Innovative economic instruments

(z) Developing innovative sources of funding, both public and private, for human settlements development, and creating a supportive environment for the mobilization of resources by civil society, including beneficiary and individual voluntary contributions;

Special financing needs/issues

(aa) Providing assistance for shelter and human settlement development activities in favour of people living in poverty, particularly women, and vulnerable groups, such as refugees, internally displaced persons, people with disabilities, street children, migrants and the homeless through specific targeted grants;

(bb) Promoting assistance for shelter and human settlement activities in favour of vulnerable groups, such as refugees and internally displaced persons, documented migrants and the homeless through specific targeted grants and other assistance programmes;

15 The highest priority should be placed on the rehabilitation of expelled and homeless people who have been displaced by natural or man-made catastrophes, and especially by the act of foreign aggression. In the latter case, all countries have the duty to fully cooperate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

(cc) Recognizing the need for shelter and human settlements development in order to address the special conditions of some countries experiencing natural and human-made disasters and the urgent need to reconstruct their economies and human settlements;

(dd) Implementing the commitments of the international community to the special needs and vulnerabilities of human settlements in the small island developing States, in particular by providing effective means, including adequate, predictable, new and additional resources for human settlements programmes, in accordance with the Declaration of Barbados and on the basis of relevant provisions of the Programme of Action for the Sustainable Development of Small Island Developing States;

(ee) Providing international support and assistance to the land-locked developing countries and their neighbour transit developing countries in their efforts to implement the outcome of Habitat II, taking into account the challenges and problems characteristic to those countries;

(ff) Agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of ODA and 20 per cent of the national budget, respectively, to basic social programmes;

(gg) Providing soft loans and grants to enable all nations to specifically address the needs of vulnerable groups.]

(The following paragraph is to be incorporated into section F in square brackets)

[Set up an advisory centre to identify appropriate financial institutions such as ADB and World Bank to avail themselves to assist member states to secure financial assistance/funding for the implementation of shelter and human settlements programmes.]

4. Technology Transfer and Information Exchange

151. [The use and transfer of environmentally sound technologies which have a profound impact on consumption and production patterns is one of the prerequisites for sustainable human settlements development. Advanced and appropriate technologies and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, more sustainable industrial practices and new sources of employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on available technologies and options for their transfer. It is understood that the transfer of technology includes assurances of adequate protection of intellectual property and mutually agreed allocation of commercial benefits].

152. The international community, in promoting and facilitating the transfer of technology and expertise in support of the implementation of national plans of action, should:

(a) Establish and reinforce, as appropriate, global networks among all **[stakeholders] individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society** to facilitate information exchange on environmentally sound technologies particularly those related to shelter and human settlements;

(b) Ensure that the process of technology transfer is fair and avoids dumping of environmentally unsound technologies on the recipients;

(c) [Facilitate] [Develop and intensify] technical cooperation with and among all regions including south - south cooperation in order to exchange experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements;

(c bis.) Ensure use of appropriate technology and production of local building materials;

INDIGENOUS TECHNOLOGIES

(d) Place special emphasis on the funding, and promotion and dissemination of applied research and innovation in all areas which could contribute to enhancing the capabilities of developing countries particularly those in Africa and least developed countries, to provide shelter, urban services, infrastructure and amenities to their communities;

(d bis.) Support the development of international, sub-regional and regional networks of research, production, dissemination and commercialization institutions for locally produced building materials;

(e) [Enhance the identification and dissemination of new and promising technologies related to human settlements which generate employment and lower cost of infrastructure, make basic services more affordable, and minimize detrimental environmental impacts, and identify specific roles for existing United Nations organizations, [especially UNCHS (Habitat)] which would promote these goals].

5. Technical Cooperation

153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal

and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. UNCHS (Habitat) should [play central role] and act as catalyst in mobilizing technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

154. More specifically, the international community should:

(a) Establish, [within existing resources] cost-effective global human settlement information networks in the form of permanent and "electronic conferences" which will contain updated information and the Global Plan of Action, best practices, as well as progress reports on the implementation of national plans of action;

(b) Through global human settlements information networks, assist Governments at all levels, all major groups of actors and international development agencies, in assessing information and policies, strategies, programmes and projects on sustainable human settlements development and shelter provision;

(c) [Under the leadership of the Commission on Human Settlements, and supported by the United Nations regional economic commissions and UNCHS (Habitat), develop awareness-building and information activities to ensure that human settlements development issues in general, and concerted policy and programme responses to urbanization in particular, are brought into the mainstream of the development objectives of the international community and national Governments];

(d) Develop and strengthen, with a view to supporting and facilitating national and local efforts in human settlements management, capacity-building programmes and promote exchange of experiences and policy responses to urbanization and integration of regional development within the framework of national development strategies;

(e) Through the secretariat of the United Nations Commission on Human Settlements, UNCHS (Habitat), supported by information gathered by United Nations regional economic commissions, develop capacity building strategies in order to enhance the capabilities of national and local authorities to identify and analyze critical human settlements issues; to formulate and effectively implement policies and programmes which respond to them; and to efficiently manage the process of settlements development at the local levels;

(e bis.) Through appropriate institutions, continue to promote capacity-building in developing countries with effective utilization of national experts;

(f) Continue to support technical cooperation programmes aimed at mitigating the effects of natural and human-made disasters, as well as reconstruction activities in affected countries;

(g) Enable UNCHS (Habitat), [within existing resources], to provide technical, legal and institutional assistance to Governments at all appropriate levels upon request, in particular, in closer cooperation with UNDP's capacity building efforts.

6. *Institutional cooperation*

155. The task of pursuing the goals of adequate shelter for all and sustainable human settlements development, in the face of increasing global economic interaction, necessitates international cooperation of public and private institutions operating in the areas of human settlement development, whereby resources, information and capacities are pooled for a more effective response to human settlements problems.

156. [The Habitat Agenda adds new elements to the agenda for national actions and international cooperation, reaffirming, building on the results of the recent major United Nations conferences. Governments confirm the need for a coordinated follow-up of the major world conferences, including Habitat II. The very nature of urban challenges requires an integrated approach to *sustainable* socially **equitable and environmentally sound** development and thus increased cooperation and coherence. Existing intergovernmental bodies within the United Nations system should be used to promote communication and coordination between governments, international bodies - including those of the United Nations system and the Bretton Woods system, as well as other relevant [stake-holders] - and to strengthen a common perception of human settlements priorities].

156 bis. [Implementation of The Habitat Agenda should take place within a coordinated framework which ensures that all the United Nations Conferences are comprehensively followed-up and the agreed programmes of action fully implemented, monitored and reviewed, together with the results of other recent United Nations Conferences where they are related to human settlements, particularly the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States, the World Summit for Social Development, the International Conference on Population and Development, and the Fourth World Conference on Women. This will require better coordination and cooperation between multilateral and bilateral partners and joint programming, leading to increased and more effective cooperation between UNCHS and other entities within and outside the United Nations system].

157. The United Nations family of agencies, including the Bretton Woods institutions, the regional and sub-regional development banks and funds and bilateral support agencies [where appropriate] should:

(a) Establish and strengthen, where appropriate, cooperative mechanisms to integrate into their policies, programmes and operations, sustainable human settlements development commitments and actions, particularly those from The Habitat Agenda and taking into account the outcome of the relevant sections of other recent United Nations Conferences;

(b) Establish and strengthen partnerships with international associations of local authorities, non-governmental and community-based organizations and with all other **[stakeholders individuals and organizations of civil society drawing upon a wide range of experience and expertise, including that from marginalized members of society]** to achieve the goals of the Conference;

(c) Develop activities aimed at strengthening the capacity of local authorities;

(d) Intensify their cooperation with non-governmental organizations, voluntary groups and community associations, and private and cooperative sectors in sustainable human settlements development;

(e) Support public-private partnerships in shelter delivery, service provision and other development activities for sustainable human settlements;

(f) Encourage the involvement of all actors at local level in reaching agreements and local measures, programmes and actions necessary to implement The Habitat Agenda, Global Plan of Action and national plans of action including through Local Agenda 21 processes as mandated by the United Nations Conference on Environment and Development.]

unsustainable patterns of production and consumption raise these problems in especially acute forms. (Art. 6)

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR IMPLEMENTATION

F. Implementation and follow-up of the Global Plan of Action
(Paragraphs 158 - 185)

Note on Part IV, Chapter F:

Chapter F was informally negotiated during the third session of the Preparatory Committee. Chapter F in the document A/CONF.165/PC.3/4, as submitted to the Preparatory Committee, contained only 5 paragraphs (158 - 162), and was considered incomplete as the inter-sessional informal drafting group did not have sufficient time to consider this Chapter in its entirety. The written proposals by delegations and others, as presented during the informal negotiations at PrepCom 3, focused, therefore, not only on amendments to existing paragraphs 158 - 162, but also on introducing new paragraphs.

At the conclusion of informal negotiations on Chapter F, Informal Paper Number 3 was issued, containing paragraphs 158 - 184. The entire paper was bracketed. It was never adopted by either Working Group II or the Plenary. An additional paragraph 185, informally negotiated, was omitted inadvertently from Informal Paper Number 3 and was issued separately. It is included here in brackets. The Plenary confirmed, on 16 February, that all the paragraphs of Chapter F would be bracketed for the Conference.

There was a consensus among delegations that in addition to the text, in brackets, of paragraphs 158 - 185 as informally negotiated, the proposed amendments, as they were presented during informal negotiations, be annexed to this Chapter in order to facilitate further negotiations at the Habitat II Conference in Istanbul.

1. Introduction

[158. **Before governments undertake new commitments, they shall be made aware of relevant existing obligations incurred through Conventions, Treaties, Covenants Declarations, Conference Action Plans and General Assembly Resolutions. The initial commitment shall be for states to fulfill years of previous obligations by signing what they have not yet signed, ratifying what they have not yet ratified, enacting legislation to ensure compliance, and by establishing an enforcement infrastructure to ensure discharging of these obligations. 1990-1999 is the Decade for International Law and during this decade it would be appropriate for states to finally undertake to discharge their accrued obligations.** The long-term impact of the commitments made by Governments and the international community at Habitat II will depend on the implementation of actions agreed upon at all levels including local, national and international levels. Also, national plans of action and/or other relevant national programmes and actions on sustainable human settlements development and shelter provision will need to be developed or strengthened, where appropriate, and their implementation will need to be monitored and evaluated by Governments and their partners at the national level in *sustainable development socially equitable and environmentally sound development*. Similarly progress in implementing the Global Plan of Action needs to be assessed, with a view to encouraging and enabling all *stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by non-fulfillment of expectations from the Global Plan of Action*.]to improve their performance and strengthen international cooperation.

2. Implementation at the national level

158 bis. Governments have the primary responsibility of implementing the Global Plan of Action. Governments as central partners will create and strengthen effective partnerships with families, communities, local authorities, the private sector, non-governmental organizations, women, youth, elderly, vulnerable groups and indigenous people (**s**) in each country. National mechanisms should be installed or improved, as appropriate, to coordinate actions at all relevant government levels which have impact on human settlements and to assess this impact prior to governmental actions. Local authorities should be supported in their approach to implement this Global Plan of Action inasmuch as local action is required. All appropriate participatory mechanisms, including Local Agenda 21, should be developed and employed. **It should be recognized that many of the provisions necessary for achieving socially equitable and environmentally sound development and for ensuring ecologically sustainable communities were already evident in Agenda 21, and that what is necessary is the political will of states to enact the necessary legislation and mandatory standards**

and regulations to ensure compliance. In the Platform of Action in Beijing in Art. 167 states undertook to ensure that corporations including transnationals comply with existing national and international law.

3. Implementation at the international level

159. The effective implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) should take into account the integration of sustainable human settlements development with broader environmental, social and economic considerations. The main actors at the global level for the implementation and follow-up of the Habitat Agenda will continue to be Member States of the United Nations, the United Nations General Assembly, the Economic and Social Council, the Secretary-General of the United Nations, the United Nations Commission on Human Settlements and its Secretariat, the United Nations Centre for Human Settlements (Habitat), and all other specialized agencies of programmes in the United Nations system engaged in activities pertaining to the provision of adequate shelter for all and sustainable human settlements development in an urbanizing world.

4. Tracking progress on the Global Plan of Action

160. **The implementation of the Habitat agenda will require the discharging of obligations incurred in Conventions, Treaties, Covenants Declarations, Conference action plans and General Assembly resolutions.** Member States of the United Nations shall *exert concerted efforts to achieve the implementation* **implement** of the Habitat Agenda through bilateral, sub-regional, regional and international mechanisms for cooperation as well as through the United Nations system and the Bretton Woods institutions. **The lending policy of the Bretton Woods institutions shall be determined by a set of principles extracted from a body of international United Nations instruments.**

161. The General Assembly, as the highest intergovernmental body is the principal policy-making and appraisal organ on matters relating to the follow-up of Habitat II. At the Special Session of the General Assembly convened for 1997 for the purpose of an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of *sustainable socially equitable and environmentally sound* development. Also, the Assembly should include the follow-up to the Conference in its agenda as an item entitled "Implementation of the Outcome of the Second United Nations Conference on Human Settlements (Habitat II)." In its fifty-first session, it should review the outcome of the conference as well as the steps required to implement the Habitat Agenda;

162. The General Assembly should hold a special session in the year 2006 for an overall mid-term review and appraisal of the implementation of the outcome of Habitat II and should consider further actions and initiatives.

163. The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with relevant General Assembly Resolutions and ECOSOC Decisions, would oversee system-wide coordination in the implementation of the Global Plan of Action and make recommendations in this regard. The Council should be invited to review at its substantive session in 1997 the implementation of the Global Plan of Action. As coordinating body, the Council should be invited to review in 1997 the role and functioning of the Commission on Human Settlements, taking into account the need for synergy and effective coordination with other related commissions and conference follow-up, and with a view to ensure a clear division of labour and coordination of multi-year programmes of work. In addition, it should consider dedicating one high-level segment before the year 2001 to human settlements and implementation of the Global Plan of Action with the active involvement and participation, inter alia, of the specialized agencies, including the World Bank and IMF.

164. The Economic and Social Council (ECOSOC), may convene meetings of high-level representatives to promote international dialogue on the critical issues pertaining to adequate shelter for all and sustainable human settlements development as well as on policies for addressing them through international cooperation.

165. The ECOSOC, in the context of its role under the Charter of the United Nations vis-à-vis the General Assembly and in accordance with the relevant General Assembly resolutions, would facilitate system-wide coordination in the implementation of the outcome of Habitat II and make recommendations in this regard. It should look at ways to strengthen, consistent with the mandates of the Charter of the United Nations, the role and authority, structures, resources and processes of ECOSOC, for bringing economic and social development agencies into a closer working relationship with it so that it can review progress made towards implementing the outcome of Habitat II.

166. The General Assembly and ECOSOC should promote sub-regional and regional cooperation in the implementation of the Habitat Agenda. In this regard, the regional commissions, in cooperation with the regional intergovernmental organizations and banks, should convene meetings at the highest political levels to review progress made towards implementing the outcome of Habitat II, exchange views on their respective experiences, particularly in the best practices, and adopt appropriate measures. The regional commissions should report to the Council on the outcome of such meetings.

167. As a functional commission assisting the Economic and Social Council, the Commission on Human Settlements should have an important role in monitoring, within the United Nations system, the implementation of the Global Plan of Action.

168. The mandate of the Commission will be strengthened and expanded to incorporate and implement the Habitat Agenda. Similarly, UNCHS (Habitat) will be strengthened and revitalized in accordance with the relevant resolutions of the General Assembly with a view to enabling it to effectively implement the expanded mandate contained in the Habitat Agenda under the overall policy direction of the United Nations Commission on Human Settlements. UNCHS should be evolved into a highly competent technical secretariat capable of implementing the Habitat Agenda. For the purpose, UNCHS (Habitat) will be restructured and strengthened to deal effectively with the Habitat Agenda.

169. The United Nations Commission on Human Settlements under the United Nations Economic and Social Council will have the following main objectives:

(a) To promote integrated and cohesive policies aimed at achieving the goals of the provision of adequate shelter for all and sustainable human settlements development in all countries in accordance with the Habitat Agenda;

(b) To track the progress in the implementation of the Habitat Agenda and activities related to shelter provision and sustainable settlements development, including the relevant commitments contained in Agenda 21;

(c) To assist countries and regions in increasing and improving their own efforts to solve shelter and human settlements problems;

(d) To receive and analyze relevant inputs from governments, local authorities and relevant non-governmental organizations in the context of the overall implementation of the Habitat Agenda;

(e) To promote greater international cooperation in order to increase the availability of resources to developing countries, especially those in Africa and the least developed countries;

(f) To provide appropriate recommendations to the General Assembly through the Economic and Social Council on the basis of the analysis and synthesis of the information received and to inform the Commission on Sustainable Development;

(g) To facilitate cooperation and partnerships in this domain among all countries and regions.

170. The United Nations Commission on Human Settlements will have the following main functions and responsibilities:

(a) To develop and promote policy objectives, priorities and guidelines regarding existing and planned programmes of work in the fields of adequate shelter and sustainable human settlements, as contained in the recommendations of the United Nations Conference on Human Settlements (Habitat II) and endorsed by the General Assembly;

(b) To lead the United Nations system and to cooperate with other international organizations in the field of adequate shelter and sustainable human settlements and to propose, when appropriate, ways and means by which the over-all policy objectives and goals in these fields within the United Nations system might be best achieved;

(c) To ensure that adequate shelter for all and sustainable human settlements development are implemented in harmony with the recommendations adopted by the United Nations Conference on Environment and Development, particularly Chapter 7 of Agenda 21 and the declarations and plans of action relating to shelter and human settlements adopted by the World Summit on Children; the World Conference on Human Rights; the Global Conference on Sustainable Development of Small Island Development States; the International Conference on Population and Development; the World Summit on Social Development; and the Fourth World Conference on Women;

(d) To promote the implementation of the Habitat Agenda recommendations pertaining to national actions recommended by the United Nations Conference on Human Settlements (Habitat II);

(e) To study in the context of the Habitat Agenda new issues and problems with a view to evolving solutions for adequate shelter for all and sustainable human settlements, particularly those of a regional or international character;

(f) To continue to give overall policy guidance and carry out supervision of the operations of the United Nations Centre for Human Settlements, including the United Nations Habitat and Human Settlements Foundation;

(g) To review and approve periodically the utilization of funds at its disposal for carrying out shelter and human settlements development activities at the global, regional and sub-regional levels;

(h) To monitor and evaluate the progress made toward achieving the goals of The Habitat Agenda and recommend appropriate measures at the mid-term review to be undertaken by the year 2006 and alternative actions as deemed necessary to enhance the dynamic nature of the Agenda;

(i) To evaluate, at the mid-term review, through an international meeting or conference, the effective contribution of the private sector in the implementation of the Habitat Agenda.

171. The United Nations Centre for Human Settlements, UNCHS (Habitat), located in Nairobi, shall continue to service the Commission on Sustainable Human Settlements and serve as the focal point for actions and coordination of activities related to adequate shelter for all and sustainable human settlements action within the United Nations system. The Centre shall be headed by an Executive Director, at the level of Under-Secretary-General, who shall report to the Secretary-General of the United Nations. The Centre shall be entrusted, inter alia, with the following responsibilities:

(a) To ensure the harmonization of adequate shelter for all and sustainable human settlements development programmes planned and carried out by the United Nations system;

(b) To assist the Commission of Human Settlements in formulating recommendations for coordinating adequate shelter and sustainable human settlements development activities in the United Nations system, to keep them under review and to assess their effectiveness;

(c) To execute adequate shelter and human settlements development programmes and projects;

(d) To serve as the focal point for a global exchange of information about adequate shelter for all and human settlements development;

(e) To provide substantive support to the Commission on Human Settlements;

(f) To deal with interregional issues relating to adequate shelter for all and human settlements development;

(g) To supplement the resources of the regions in formulating and implementing adequate shelter for all and human settlements development programmes and projects when so required;

- (h) To promote and consolidate collaboration with all partners including private sector and non-governmental organizations in the Habitat Agenda for adequate shelter and human settlements development;
- (i) To maintain and update a global directory of consultants and advisers to supplement the skills available within the United Nations system and, where necessary, to assist in the recruitment of experts at the global level, including those belonging to developing countries;
- (j) To initiate public information activities on adequate shelter for all and human settlements development in cooperation with the Office of Public Information of the United Nations Secretariat;
- (k) To promote increased use of audio-visual and information technology relating to adequate shelter and human settlements development;
- (l) To carry out any other mandate, responsibilities and functions entrusted to it by the United Nations General Assembly.

172. The United Nations Centre for Human Settlements (Habitat) and the secretariats of the regional economic commissions as well as the principal financial and technical institutions and all other partners at the regional and global levels should consolidate and expand cooperation and coordination in the fields of adequate shelter for all and sustainable human settlements development.

173. Within their mandates, other subsidiary bodies of the Economic and Social Council, such as the Commission on and Commission on Social Development should give due regard to human settlements issues, as set out in the Global Plan of Action.

174. To promote implementation of the Global Plan of Action at the regional and sub-regional levels, the regional commissions of the United Nations, in cooperation with the regional inter-governmental organizations and banks, could convene, on a biennial basis, a meeting at a high political level to review progress made towards implementing the outcomes, exchange views on respective experiences and adopt the appropriate measures. The regional commissions should report to the Economic and Social Council through the appropriate mechanisms on the outcome of such meetings.

175. The Secretary General is invited to ensure effective coordination of the implementation of the Global Plan of Action, and adequate consideration of human settlements needs in all activities of the United Nations. The Administrative Committee on Coordination (ACC) should review its procedures at the inter-agency level to ensure system-wide coordination and full participation of its

entities in the implementation of the Global Plan of Action. These entities should examine their programmes to determine how they can best contribute to the coordinated implementation of the Global Plan of Action. ACC should be invited to establish a task force on The Habitat Agenda. UNCHS (Habitat) should be added to the membership of ACC and to the task force on The Habitat Agenda.

176. The Secretary General is invited to continue to ensure effective functioning of the United Nations Centre for Human Settlements (Habitat). In conjunction with the review of the mandate of the Commission on Human Settlements, the functions of the Centre should be assessed by the Economic and Social Council.

177. The important role of the Committee on Economic, Social and Cultural Rights in monitoring those aspects of the Statement of Principles and Commitment on Global Plan of Action that relate to compliance, by States Parties, with the International Covenant on Economic, Social and Cultural Rights should be emphasized.

178. To strengthen their support for actions at the national level and to enhance their contributions to an integrated and coordinated follow-up by the United Nations, specialized agencies and other organizations of the United Nations system should identify the specific actions they will undertake to meet the priorities identified in the Global Plan of Action.

179. In order to improve the efficiency and effectiveness of United Nations organizations in providing support to the efforts for the provision of adequate shelter for all and sustainable human settlements development at the national level, and to enhance their capacity to achieve the objectives of Habitat II, there is a need to renew, reform and revitalize the various parts of the United Nations system, in particular its operational activities. All specialized agencies and related organizations of the United Nations system are invited to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to Habitat II. Relevant governing bodies should review their policies, programmes, budgets and activities in this regard.

(a) The United Nations Development Programme (UNDP) should enhance its efforts to support the implementation of The Habitat Agenda through its network of field offices;

(b) The International Labour Office (ILO) should coordinate and support concrete actions at the policy and programme levels for the implementation of the Habitat Agenda with regard to the expansion and protection of employment and work;

(c) The United Nations Children's Fund (UNICEF) should consider integrating its Urban Basic Service Programmes, the Mayors Defenders of Children Initiative, and the Decentralization of the UNICEF National Plans of Action with the Habitat Agenda through broad partnerships for sustainable community development and community management;

(d) The United Nations Conference on Trade and Development (UNCTAD) should contribute to analyzing and monitoring major trends of urbanization and impact of urban and rural policies in connection with changes in the global economic environment;

(e) The United Nations Environment Programme (UNEP) should develop and promote policies to enhance the environment and integrate environmental considerations in human settlements development and adequate shelter for all and catalyze action to achieve these goals at the international, regional, sub-regional and national levels;

(f) The United Nations Fund for Population Activities (UNFPA) in coordination and cooperation with other United Nations entities, should pursue activities related to basic social services for all;

(g) The United Nations Industrial Development Organization (UNIDO) in implementing the Habitat Agenda should address areas which require the competitiveness of export-oriented enterprises and competitive local and national enterprise growth;

(h) The World Health Organization (WHO) should in the implementation of The Habitat Agenda be guided by the global importance of health issues, the linkage of those issues to sustainable human settlements and adequate shelter, and the close relationship between public health and basic urban and rural services and the need to place human beings at the centre of development.

180. International financial institution should **be proactive and be involved with driving BEST endogenous practices** through **requiring that funding being conditional on compliance with (MINS 1997) — mandatory, international normative standards and technical regulation drawn from international instruments, and in this way** contribute to the mobilization of resources for the implementation of The Habitat Agenda. To this end, the relevant institutions are urged to take the following measures:

(a) The World Bank, the International Monetary Fund, the regional and sub-regional development banks and funds, and all other international finance organizations *should shall* undertake to require **mandatory international**

normative standards (MINS) drawn from principles in international instruments as a condition to funding projects; In addition they should further integrate adequate shelter for all and sustainable human settlement development goals in their policies, programmes and operations, including by giving higher priority to these goals, where applicable, in their lending programmes;

(b) The Bretton Woods institutions and other organizations and bodies of the United Nations system should work together with concerned countries particularly developing countries to improve policy dialogues and develop new initiatives **to ensure socially equitable and environmentally sound development** *that structural adjustment programmes promote sustained economic growth*, with particular attention to the necessity to provide adequate—**affordable, accessible, safe and environmentally sound, with tenure security** shelter for all and **socially equitable and environmentally sound sustainable human settlement** development to people living in poverty and vulnerable groups;

(c) The United Nations system, **shall actively institute mandatory international normative standards (MINS) in 1997—the last year of the decade dedicated to the promotion and the furthering of international law, and ensure that the Bretton Woods institutions be guided by these international standards in accessing to** including the Bretton Woods institutions and specialized agencies, should expand and improve their cooperation in the field of adequate shelter for all and sustainable human settlements development to ensure that the efforts are complementary and, where possible, should combine resources in joint initiatives for adequate shelter for all and sustainable human settlements development build around the objectives of Habitat II;

(d) The World Trade Organization (WTO) should consider **how it might through promoting and requiring adherence to the principles established in international instruments** drive *contribute* to the implementation of The Habitat Agenda, including activities in cooperation with the United Nations system, **and specifically the promotion of BEST practices.**

5. Indicators, best practices and performance evaluation

181. It is essential to evaluate the impact of policies, strategies and actions on the provision of adequate shelter and the achievement of sustainable human settlements development. The results of these evaluations will be considered by the relevant United Nations functional commissions, including the United Nations Commission on Human Settlements. UNCHS (Habitat), together with other relevant organizations, will establish an appropriate process for analyzing and monitoring major trends of urbanization and the impact of urban policies. In particular, information on the impact of urbanization on vulnerable and disadvantaged groups, including children, should be collected.

182. All partners of The Habitat Agenda, including local authorities, the private sector and communities, will regularly monitor and evaluate their own performances in the implementation of The Habitat Agenda through comparable human settlements and shelter indicators and documented best practices, the guidelines for which will be provided by UNCHS (Habitat). The data collection and analysis capabilities of all these partners will be strengthened and assisted at national, sub-regional and global levels.

183. As part of their commitment to strengthening their existing shelter- and settlements-related data collection and analysis capabilities, Governments at the appropriate levels, including local authorities, should continue to identify and disseminate best practices, develop and apply shelter and human settlements development indicators. This and other relevant information, as appropriate, will be used for assessing the national implementation of the global plan of action. Such information could be considered within the framework of an appropriate consolidated reporting system of the United Nations, taking into account the different reporting procedures in the economic, social and environmental fields.

184. UNCHS (Habitat) will be designated as the Global Habitat Observatory to promote, monitor and evaluate the trends and progress in the implementation of The Habitat Agenda through locally, nationally and regionally supported indicators and best practices programmes. It should continue to produce and publish the Global State of Human Settlements Report and other periodical monitoring and evaluation publications to track the progress on the implementation of The Habitat Agenda.

185. UNCHS as focal point should:

(a) Set up an advisory secretariat/centre to assist Member States in developing their national housing and urban indicators for at least one major city;

(b) Set up a research centre to assist member states in undertaking studies and research on sustainable approaches and methods concerning building materials and construction technology and disseminate such information to all Member States.]

END

Preliminary comment based on having only had an opportunity to look at the Habitat document for a couple of days.

Apart from the following reference in Article 2 of the Habitat II Agenda to Habitat I as having occurred there is no reference in the Habitat II agenda to Habitat 1.

4 Having considered the experience since the United Nations Conference on Human Settlements (Habitat), held in Vancouver, Canada, in 1976, Habitat II r

There were many far reaching substantive provisions in Habitat I that should have formed the basis from which Habitat II could reach further.

The Habitat II Agenda is calling for commitments often in areas where states have undertaken previous obligations which they have never discharged. Habitat II agenda, like so many recent conference agendas is not sufficiently acknowledging previous obligations from the precedents of legally binding conventions, treaties, covenants and from "ethical expectations" from Declarations and general assembly resolutions. In the case of Habitat II, the obligations undertaken in Habitat I have been virtually ignored.

An integrated human settlement policy

- (i) be formulated through a truly interdisciplinary approach, concurrently with policies relation to other aspects of social and economic development
- (ii) be consistent with the preservation, restoration and improvement of the natural and man-made environment, cognizant of the positive role of environment in national economic and social development.
- (v) be considered in all efforts to implement the New International Economic Order

Many of the obligations are communicated in the following ways:

(1) through the use of strong change language

In many cases the concepts might be included but the language is stronger in the habitat I document than in the Habitat II Agenda

In many cases the concepts conveyed by the language in Habitat I are not included in Habitat II

(2) through condemnation of practices

Many of the inequitable and ecologically unsound practices that were condemned in Habitat I are no longer condemned in the Habitat Agenda

(3) through proposal of solutions and actions

Many of the solutions proposed in Habitat I go beyond what states are prepared to agree to in Habitat II

BRIEF CONTENT ANALYSIS OF HABITAT I

ADEQUATE SHELTER

Adequate shelter and services - basic human right

8. adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better-balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

adequate shelter...places an obligation

8. adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavor to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better-balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

AGRICULTURE (PREY TO SPECULATION AND URBAN ENCROACHMENT) "SPECULATION" "NOT USED IN HABITAT II

(a) Agricultural land, particularly on the periphery of urban areas, is an important national resource; without public control land is a prey to speculation and urban encroachment.

(b) Change in the use of land especially from agricultural to urban, should be subject to public control and regulation.

(c) Such control may be exercised through

(i) zoning and land-use planning as a basic instrument of land policy in general and control of land-use changes in particular;

(ii) Direct intervention, e.g. the creation of land reserves and land banks purchasing compensated expropriation and/or pre-exemption, acquisition of development rights, conditioned leasing of public communal land, formation of public and mixed development enterprises;

(ii) Legal controls, e.g. compulsory registration, changes in administrative boundaries, development building and local permits, assembly and re-plotting;

Recommendation D3

Recapturing plus value.

(a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to the public at large the benefits of the unearned increase in land values.

(b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies.

(c) Specific ways and means include:

(i) levying of appropriate taxes, e.g. capital gains taxes, land taxes and betterment charges, and particularly taxes on unused or under-utilized land;

(ii) Periodic and frequent assessment of land values in and around cities and determination of the rise in such values relative to the general level of prices;

(iii) Instituting development charges or permit fees and specifying the time-limit within which construction must start;

BASIC NEEDS

Recommendation C 12

In the less developed countries, nearly two thirds of the population do not have reasonable access to safe and ample water supply, and even a greater proportion lack the means for hygienic waste disposal

(b) Safe water supply and hygienic waste disposal should receive priority with a view to achieving measurable qualitative and quantitative targets serving all the population by a certain date; targets should be established by all nations and should be considered; by the forthcoming united nations conference on water.

(c) in most countries urgent action is necessary to

(i) adopt programmes with realistic standards for quality and quantity to provide water for urban and rural areas by 1990, if possible.

(ii) adopt and accelerate programmes for the sanitary disposal of excreta and waste water in urban and rural areas;

(v) reduce inequalities in service and access to water as well as over-consumption and waste of water supply;

CONSERVATION

Conservation and recycling technologies

21 Due attention should be given to implementation of conservation and recycling technologies. (III 21 Habitat 1)

CONSUMPTION (CONDEMNATION)

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

DISARMAMENT (NOT in TEXT HABITAT II)

12. The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

Armament Arms 150 in brackets in Habitat II

12. The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

3. Economic development should lead to the satisfaction of human needs and is a necessary means towards achieving a better quality of life, provided that it contributes to a more equitable distribution of its benefits among people and nations. In this context particular attention should be paid to the accelerated transition in developing countries from primary development to secondary development activities, and particularly to industrial development.

ENDOGENEOUS TECHNOLOGY

18. Governments and the international community should facilitate the transfer of relevant technology and experience and should encourage and assist the creation of endogenous technology better suited to the sociocultural characteristics and patterns of population by means of bilateral or multilateral agreements having regard to the sovereignty and interest of the participating States. The knowledge and experience accumulated on the subject of human settlements should be available to all countries. Research and academic institutions should contribute more fully to this effort by giving greater attention to human settlements problems. (III 18 Habitat 1)

Recommendation C4

Designs and technologies for shelter infrastructure and services

C. the solutions arising from such choices should therefore be:

(kk) based on the best possible use of available local materials and local resources within a process of constructive rationalization allowing for the effective use of locally existing know-how and unskilled labour in countries with abundant **human power** manpower, thereby generating employment and income.

(iv) Conceived to utilize traditional techniques suitable adapted to new materials

(v) emerging from original indigenous research

(vi) Planned so as to take full account of their environmental impact

ENVIRONMENTAL AND CULTURAL PRESERVATION

2. It is the responsibility of Governments to prepare spatial strategy plans and adopt human settlement policies to guide the socioeconomic development efforts. Such policies must be an essential component of an over-all development strategy, linking and harmonizing them with policies on industrialization, agriculture, social welfare, and environmental and cultural preservation so that each supports the other in a progressive improvement in well-being of all **humanity** mankind. (III 2, Habitat I)

Energy renewable [NO MENTION OF SOLAR MENTIONED IN HABITAT II]

Recommendation C. 5

NOTE "RENEWABLE" is mentioned in 3 sections 71, 100 101 which are all still in brackets

ENERGY (NOTE ENERGY CONSERVATION MENTIONED ONLY IN 137 IN HABITAT II THAT IS STILL BEING NEGOTIATED)

Human settlements are consuming more and more energy just when mankind has become aware of the need to cease environmentally degrading and wasteful use of non-renewable energy resources.

(i) reducing energy consumption by changes in land-use planning, building design, living patterns and appropriate transportation systems including emphasis on mass transportation.

(ii) Identifying and developing new sources of energy and promoting more efficient use of energy resources, for example through innovative approaches in design and management and although financial and other incentives for energy conservation and through disincentives for wasteful consumption (Recommendation C. 5 Habitat i)

(iv) emphasizing where possible the use of renewable over non-renewable energy sources and the rationalization of technologies which are currently known to be hazardous to the environment.

(vi) Developing and implementing special small-scale power generating, delivery and use systems more appropriate for water supply, rural electrification, and district heating and cooling, including the utilization of solar and geothermal energy and heat pumps as appropriate.

ENVIRONMENT AS COMMON HERITAGE (NOT IN TEXT) OF HABITAT II)

11. The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable in the long term. The environment is the common heritage of mankind and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired by a deep respect for the protection of the environmental resources upon which life itself depends. (II, 11 Habitat I)

EQUITABLE DISTRIBUTION

3. Economic development should lead to the satisfaction of human needs and is a necessary means towards achieving a better quality of life, provided that it contributes to a more equitable distribution of its benefits among people and nations. In this context particular attention should be paid to the accelerated transition in developing countries from primary development to secondary development activities, and particularly to industrial development. (II, 3 Habitat I)

b) Human settlements policies should aim to improve the condition of human settlements particularly by promoting a more equitable distribution of the benefits of development among regions; and by making such benefits and public services equally accessible to all groups. (Rec. A 4, b Habitat I)

(c) this can be done through:

(i) the location of public sector investments;

(ii) the allocation of direct subsidies and priority of investment, to selected disadvantaged regions and groups

(iii) the use of incentives and disincentives-fiscal, legal and other to favour or discourage selected activities or areas

(iv) The creation of special employment, training and social services opportunities training and social services opportunities in favour of the most deprived

(v) the deliberate improvement of conditions in the most disadvantaged settlements, so as to enhance attraction of such areas in relation to others;

(vi) Measures to improve the quality of life of vulnerable groups which have special needs-such as children, the elderly, the handicapped and the disabled. Such measure includes provision of basic social services, adequate shelter and social and physical access to facilities.

Recommendation C 11

Infrastructure policy

(a) The unequal distribution of wealth between population groups, within human settlements and between urban and rural settlements is exacerbated by the inequalities in access to goods, services and information.

(b) Infrastructure policy should be geared to achieve greater equity in the provision of services and utilities, access to places of work and recreational areas as well as to minimize adverse environmental impact.

(c) this implies

(i) Enforcement of minimum and maximum standards of infrastructure for all segments of the population

(ii) More efficient use of resources and elimination of excessive consumption through development and implementation of maximum standards, education, conservation and other appropriate measures;

HOMELESS OF THOSE DISPLACED BY NATURAL OR

15 The highest priority should be placed on the rehabilitation of expelled and homeless people who have been displaced by natural or *man-made anthropogenic* catastrophes, and especially by the act of foreign aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

INDIGENOUS PEOPLES

i(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved. (recommendation D5 Patterns of ownership Habitat I)

Condemnation of displacement of native population

(e) In all occupied territories, changes in the demographic composition, or the transfer or uprooting of the native population, and the destruction of existing human settlements in these lands and/or the establishment of new settlements for intruders, is inadmissible. The heritage and national identity must be protected. Any policies that violate these principles must be condemned.

INFORMATION ACCESS

(c) This implies

(vi) development and use of methods for assessing economic, social and environmental impacts from proposed projects in a form useful to the public;

(vii) Consideration of land use characteristics including ecological tolerances and optimum utilization of land so as to minimize pollution, conserve energy, and protect and recover resources;

(viii) Undertake the necessary studies on precautions that can be taken to safeguard life and property in case of natural disaster.

INTERDISCIPLINARY APPROACH ADVOCATED

(i) be formulated through a truly interdisciplinary approach, concurrently with policies relation to other aspects of social and economic development (Rec. A 2, Habitat I)

LAND OWNERSHIP

recommendation D 5

patterns of ownership

(i) Many countries are undergoing a process of profound social transformation; a review and restructuring of the entire system of ownership rights is, in the majority of cases, essential to the accomplishment of new national objectives.

(b) Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.

(c) special attention should be paid to:

(i) Redefinition of legal ownership including the rights of women and disadvantaged groups and usage rights for a variety of purposes;

(ii) Promoting land reform measures to bring ownership rights into conformity with the present and future needs of society;

(iii) Clear definition of public objectives and private ownership rights and duties which may vary with time and place;

(iv) Transitional arrangements to change ownership from traditional and customary patterns to new systems, especially in connection with communal lands, whenever such patterns are no longer appropriate.

(v) Methods for the separation of land ownership rights from development rights, the latter to be entrusted to a public authority;

(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved.

MEANINGFUL EMPLOYMENT [NOT IN HABITAT II TEXT] EMPLOYMENT

5. In fact, the very construction of the physical components of human settlements—be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities. (Chapt II A. 5 Habitat)

NEW INTERNATIONAL ECONOMIC ORDER (REFERENCE TO 1974 RESOLUTION IGNORED IN HABITAT II)

4. To achieve universal progress in the quality of life, a fair and balanced structure of the economic relations between States has to be promoted. It is therefore essential to implement urgently the New International Economic Order based on the Declaration and Programme of Action approved by the General Assembly in its sixth special session, and on the Charter of Economic rights and Duties of States. (II 14, Habitat I)

14. Human settlements are characterized by significant disparities in living standards and opportunities. Harmonious development of human settlements requires the reduction of disparities between rural and urban areas, between regions and within regions themselves. Governments should adopt policies, which aim at decreasing the differences between living standards and opportunities in urban and non-urban areas. Such policies at the national level should be supplemented by policies designed to reduce disparities between countries within the framework of the New International Economic Order. (II 14, Habitat II)

NUCLEAR DISARMAMENT (see ALSO section on Waste related to choices of energy)

12. The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be

utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

PUBLIC PARTICIPATION E. (AGENDA ITEM 10 E)

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize productive employment. (III 11, Habitat I)

17. Participation is an integral part of the political processes of decision-making; in a field as complex as human settlements, it is also a necessity because the task is too great for Governments to accomplish without mobilizing the interest of inhabitants, using their ingenuity and skills and harnessing otherwise untapped resources.

28. Public participation is the dynamic incorporation of the people in the economic, social and political life of a country which would ensure that the beneficiary is an effective participant in collective decisions with regard to the common good.

39. A co-operative effort of the people and their Governments is a prerequisite for effective action on human settlements. The magnitude and intractability of the problems are too great for Governments to act alone. Citizen participation should be an integral part of the decision-making processes on the full range of human settlement issues. Citizens must be provided opportunities for direct involvement in the decisions that profoundly affect their lives. Such participation can heighten citizen awareness of the complexity and inter-relatedness of the problems and the urgent need for concerted action. Involvement of citizens can also be an important means of making creative use of their ingenuity and skills, thus making effective use of often untapped resources.

40 Participation can be conceived, from the top downwards, as the involvement of the higher echelons of government in the decision-making of smaller groups; laterally, as the co-operation between parallel or competing sectoral interests; or, from the base upwards, as the direct involvement of residents in the making of decisions and implementation of programmes which concern them. The first two forms of participation are the basis of strategies, planning procedures, implementation of programmes and, in general, management of human settlements; the last, under the label of popular participation, is becoming an indispensable element of a truly democratic process.

73 Citizen participation, by definition, cannot be achieved by fiat. But it can be facilitated by removal of political and institutional obstacles and by providing information in clear and meaningful terms. It can also be stimulated by providing opportunities for early and continuing involvement in the selection of alternatives. The inaccessibility of information and the absence of appropriate mechanisms for the expression of alternative views are often major stumbling blocks for effective involvement of citizens in shaping their future.

95 Public participation implies not only efforts to convey information but also a very important effort of education and formation to allow both specialist and public participation to play a determining role in evaluating the economic, technical and administrative consequences of the measures under consideration

PARTICIPATION OF WOMEN

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize productive employment. (III 11, Habitat I)

PROVIDING FOR THE PROTECTION, PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENT (Preservation of the environment is not used in Habitat II) ... providing for the protection, preservation and enhancement of the environment. (II, 8 Habitat I)

REDUCTION OF DISPARITIES

4. It is of paramount importance that national and international efforts give priority to improving the rural habitat. In this context, efforts should be made towards the reduction of disparities between rural and urban areas, as needed between regions and within urban areas themselves, for a harmonious development of human settlements. (III 4 Habitat I)

PRIORITY OF SOCIAL SERVICES

Recommendation C 15
Social services

(b) the provision of health, nutrition, education, security, recreation and other essential services in all parts of the country should be geared to the needs of the community and receive an effective priority in national and development planning and in the allocation of resources

(c) Areas for priority action include the following:

(v0 Priority orientation of the above actions towards the promotion of health and the prevention of malnutrition, communicable diseases and other avoidable health risks and the provision of essential services and spiritual and physical recreational facilities;

PUBLIC CONTROL AND BENEFIT FROM LAND (NO MENTION OF PUBLIC CONTROL IN HABITAT II AGENDA

D. Land (Agenda item 10 (d)

Preamble

Land, because of its unique nature and the crucial role it plays in human elements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice. If left unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole.

2. Instead, the pattern of land use should be determined by the long-term interests of the community; especially since decisions on location of activities and therefore of specific land uses have a long-lasting effect on the pattern and structure of human settlements. Land is also a primary element of the natural and man-made environment and a crucial link in an often-delicate balance. Public control of land use is therefore indispensable to its protection as an asset and the achievement of the long-term objectives of human settlement policies and strategies.

Recommendation D1

Land resource management

(a) Land is one of the most valuable natural resources and it must be used rationally. Public ownership or effective control of land in the public interest is the single most important means of improving the capacity of human settlements to absorb changes and movements in population; modifying their internal structure and achieving a more equitable distribution of the benefits of development whilst assuring that environmental impacts are considered.

(b) Land is a scarce resource whose management should be subject to public surveillance control in the interest of the nation

(c) This applies in particular to land required for:

(v) The protection and enhancement of the natural environment especially in sensitive areas of special geographic and ecological significance such as coastal

regions and other areas subject to the impact of development, recreation and tourism activities.

(d) Land is a natural resource fundamental to the economic, social and political development of peoples and therefore Governments must maintain full jurisdiction and exercise complete sovereignty over such and exercise complete over such land with a view to freely planning development of human settlements throughout the whole of the natural territory. This resource must not be the subject of restrictions imposed; by foreign nations which enjoy the benefits while preventing its rational use.

SOCIAL JUSTICE (TERM NOT USED IN HABITAT II)

1. *Mankind Humanity* must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national governments and international community; aimed at mobilization of economic resources, institutional changes and international solidarity by:

(a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions

(b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups (especially children, women and the infirm) in order to ensure the provision of health, services, education, food and employment within a framework of social justice (Habitat I)

TRANSFER OF TECHNOLOGY QUALIFIED

19. Access should be granted, on more favourable terms, to modern technology, which should be adapted, as necessary, to the specific economic, social and ecological conditions and to different stages of development of the developing countries. Efforts must be made to ensure that the commercial practices governing the transfer of technology are adapted to the needs of the developing countries and to ensure that buyers' rights are not abused. (III 19 Habitat I)

TRANSNATIONAL CORPORATIONS (NO MENTION OF TRANSNATIONALS IN HABITAT II AGENDA)

17. Every State; has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I)

TRANSPORTATION (NO CONDEMNATION OF THE AUTOMOBILE IN HABITAT II AGENDA)

recommendation C 14 Transportation and communication

(a) Consideration should be given to the radical reversal of current trends, both in terms of facilities for and modes of transport in order to prevent further

deterioration of the situation where larger cities are congested with private vehicles which in most countries cater only to a minority while adequate public transport is unavailable to urban and rural residents.

(b) Policies on transportation and communication should promote desired patterns of development to satisfy the needs of the majority of the population, to assure the distribution of activities to favour mass transportation, and to reduce congestion and pollution by motor vehicles.

(c) This could be achieved through:

(i) a more deliberate use of land-use planning and policies for the location of traffic generating activities, in order to minimize the need for travel.

(ii) the active development of a system of public transportation with adequate incentives for its use in preference to individual use of motor vehicles

(vi) provide for the separation of pedestrian and motor circulation, as well as separate paths for bicycles, and other categories of vehicular traffic;

(vii) Over the short-term, transportation improvements should be designed to make more efficient use of existing highways and transit systems;

(vii) Innovative transportation systems need to be encouraged for reducing energy consumption and conserving resources and avoiding pollution

(x) The study of new techniques to avoid the air and environmental pollution caused by the present automobile system.

TRANSNATIONALS

17. Control over transnationals (NO PROVISION FOR CONTROL OVER TRANSNATIONAL)

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I

WASTE = RESOURCES

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates,

together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a))

(b) In the development of human settlements, the quality of the environment must be preserved. Pollution should be prevented by; minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource.

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load;

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste;

(iii) Innovative use of unavoidable waste as a by-product

(vi) Use of sources of energy which have a low or no waste production

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society;

URBAN SPRAWL

(a) Expected population growth and migration mean that urban expansion will be the most common and universal development challenge. However, urban expansion can take the form of urban sprawl, and it is then costly, wasteful and ecologically destructive. (Rec B, Habitat I)

(c) it requires special provisions for:

(i) securing legislation, legal instruments and regulations;

(iv) active participation of a well-informed public

(v) protection of ecosystems and critical land

(ix) Integration and improvement of squatter and marginal settlements.

WASTE = RESOURCES

recommendation C13

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(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society;

June June 1996 Habitat II June 3-14

() THAT IN 1996 ON THE OPENING OF THE CONFERENCE

EXHIBIT

1996 COMMENT ON HABITAT II AGENDA

Based on the version taken off the internet in March 1996

COMMENTS ON BRACKETED SECTIONS AND PROPOSALS FOR REVISIONS OF THE HABITAT II AGENDA

Joan Russow PhD Global Compliance Research Project Going beyond habitat I In Vancouver. announcer



At the habitat I forum was held at Jericho Beach where there was an exhibit of ecologically sound energy solutions

LEGEND of comment on Habitat II agenda

Existing text (plain Avant garde, 12 point)

Suggested deletions from existing text (italics)

text that is still bracketed (12 point avant garde outline)

Text that is still bracketed that is proposed for deletion (12 point avant garde outline italics)

proposed text by Global Compliance Project (12 point avant garde bold)

Introduced text as documentation (10 point indented avant garde plain)

Introduced text as documentation with deletions (10 point indented avant garde italics)

proposed text by Global compliance Project in introduced text (10 point avant garde bold)

original text with additions by states and NGOs (10 point courier plain)

proposed changes in original text with additions by states and NGOs (10 point courier bold)

~~Deletions by states (in original text (10 point courier plain strike-out)~~

Proposed deletion by Global Compliance Project (in 10 point courier italics)

**NOTE: JARGON [*] AND BUZZ WORD [\$], EUPHEMISMS [£]
UNNECESSARY COMPLICATION [%], OR VEILED INTENTION
ALERT. IN MANY SECTIONS INCLUDING SOME THAT HAVE
ALREADY BEEN NEGOTIATED THE LANGUAGE IN HABITAT II
misuse APPEARS TO BE AN UNFORTUNATE JARGONIZATION
OF MORE PROFOUND ORDINARY LANGUAGE. OFTEN THE
MARGINALIZED MEMBERS OF SOCIETY ARE EXCLUDED
FROM GENUINE INVOLVEMENT AND PARTICIPATION INTO THE
DECISION MAKING PROCESS THROUGH THE INTRODUCTION
OF JARGON ETC. [TO BE ADDED]**

PART 1 PREAMBLE

1. We recognize that **years of accrued state obligations to improve the quality of life through recognizing the right to shelter, the right to social security, the right to equality, the right to peace and the right to a safe environment have not yet been discharged. In 1974 through General Assembly resolutions we recognized “united determination to work urgently for the establishment of a new international Economic order based on equity,...interdependence, common interest and cooperation with systems which shall correct inequalities and address existing injustices... and to ensure steadily social development and peace and justice for present and future generations (Preamble, Declaration on the Establishment of an New International Economic Order, 1974).**

DOCUMENTATION OF PRECEDENT

RE: ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER AS ADVOCATED IN HABITAT 1 (REFERENCE TO A 1974 GENERAL ASSEMBLY RESOLUTION IGNORED IN HABITAT II)

To achieve universal progress in the quality of life, a fair and balanced structure of the economic relations between States has to be promoted. It is therefore essential to implement urgently the New International Economic Order based on the Declaration and Programme of Action approved by the General Assembly in its sixth special session, and on the Charter of Economic rights and Duties of States. (II 4, Habitat I)

Human settlements are characterized by significant disparities in living standards and opportunities. Harmonious development of human settlements requires the reduction of disparities between rural and urban areas, between regions and within regions themselves. Governments should adopt policies ;which aim at decreasing the differences between living standards and opportunities in urban and non-urban areas. Such policies at the national level should be supplemented by policies designed to reduce disparities between countries within the framework of the New International Economic Order. (II 14, Habitat II)

We affirm the imperative need **and urgency** to improve the quality of human settlements which profoundly affects the daily lives and well-being of *our* people. There is a sense of great opportunity and hope that a new world can be built in

which economic development, social development and environmental protection as interdependent and mutually reinforcing components of *sustainable development* **socially equitable and environmentally sound development** can be realized through solidarity and cooperation within and between countries, and through effective partnerships at all levels. International cooperation and universal solidarity, guided by the ~~[[purposes and]]~~ principles of the Charter of the United Nations, **and by over 50 years of obligations accruing through Conventions, Treaties, and Covenants; and by over 50 years of expectations arising through Declarations, Conference action plans and General Assembly Resolutions** *In a spirit of partnership*, are crucial in order to improve the quality of life of the peoples of the world. **The constant vigilance by individuals and organizations of civil society is essential and should be facilitated through the undertaking by states to discharge previous obligations and fulfill previous expectations; and through the establishment of an International Court of Compliance where citizen can take evidence of state non-compliance.**

DOCUMENTATION OF PRECEDENT:

RE: PROMOTING NEW INTERNATIONAL ECONOMIC ORDER BASED ON EQUITY

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)

RE: ADVOCATING LOCAL SERVICES AND HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

- (a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;
- (b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups especially children, women

and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice (1 Habitat I)

DOCUMENT OF PRECEDENTS:

RE: UNDERTAKING TO GUARANTEE RIGHTS

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* ensure 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:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of **meaningful** 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;

- (f) 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.
(Elimination of all forms of discrimination, 1965)

ARTICLE 1 bis

Recognizing that it is only through the discharging at the global level of years of state obligations and through fulfilling at the global level of years of expectations that the goals of Habitat can be achieved

ARTICLE 2

The purpose of the second United Nations Conference on Human Settlements (Habitat II) is to address two themes of equal global importance: **the right to Adequate- shelter for all and Sustainable human settlements development. *in an urbanizing world.* The rights of Human beings limited by the carrying capacity of the ecosystem** are at the centre of concerns for **socially equitable and environmentally sound *sustainable* development**, including shelter for all **and socially equitable and environmentally sound *sustainable* settlements**, and they are entitled to a healthy and *productive meaningful* life in harmony with nature. As to the first theme, a large segment of the world's population lacks shelter and sanitation, particularly in developing countries. **Another segment of the world's population in developed countries has been experiencing the problem of urban sprawl, widening gaps between the rich and the poor, excessive environmental destruction as a result of unsustainable models of development.** We recognize that **the right to social security and [the right to adequate housing, as affirmed in the International Covenant of Cultural, Economic and Cultural rights, reaffirmed in the Convention of Elimination of all Form of Discrimination, reaffirmed in Chapter 7 of Agenda 21, and reaffirmed in the International Conference on Population and Development, 1994) which includes]** access to **affordable, accessible, inclusive, free-from illegal forced evictions, security of tenure, and environmentally sound, and safe and healthy shelter and basic services** is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of our urgent actions for the more than one billion people without decent living conditions. We **also recognized that there already exists a state obligation in international law to enshrine and guarantee this right, and that this state obligations has not yet been fully discharged by any of the member states of the United Nations.** Our objective is to achieve adequate shelter for all and especially for the deprived urban and rural poor **and landless poor** through an enabling approach to the development and improvement of shelter that is environmentally sound. **Our objective is also to strive to change peoples' attitudes towards the people in poverty and other marginalized groups, and towards those that are different. People in poverty should never be blamed for their condition, and there should be trust in not fear of those that are different.**

DOCUMENTATION OF PRECEDENTS

RE: RECOGNIZING THE WASTEFUL AND ECOLOGICAL DESTRUCTIVENESS OF URBAN SPRAWL

(a) Expected population growth and migration mean that urban expansion will be the most common and universal development challenge. However, urban expansion can take the form of urban sprawl, and it is then costly, wasteful and ecologically destructive. (Rec B, Habitat I)

(c) it requires special provisions for:

- (i) securing legislation, legal instruments and regulations;
- (iv) active participation of a well informed public
- (v) protection of ecosystems and critical land
- (ix) Integration and improvement of squatter and marginal settlements. (Habitat I)

RE: PLACING AN OBLIGATION TO PROVIDE ADEQUATE SHELTER AND SERVICES - AS A BASIC HUMAN RIGHT

Adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

RE: 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)

RE: ENSURING CONTINUED PROVISION OF BASIC SERVICES TO PEOPLE IN POVERTY 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)

RE: 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)

As to the second theme, socially **equitable and environmentally sound** development **of healthy, safe and environmentally sound communities-settlements** combines **social equity and environmentally sound development with** environmental protection and full *economic development, social development and environmental protection*, with full respect for all human rights and fundamental freedoms, including the right to development, and offers a means to achieving a world of greater stability and peace, built on ethical *and spiritual* vision. **To achieve this vision states shall undertake to ensure compliance with a body of established international principles by establishing mandatory international normative standards (MINS) related to the ensuring of social justice, the enshrining and guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, and the preventing of conflict and war. MINS shall be used to drive industry to adopt BEST (Best Environmentally Sound Traditions) practices.**

DOCUMENTATION OF PRECEDENTS

RE: EXERCISING EFFECTIVE CONTROL OVER TRANSNATIONAL CORPORATIONS

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I

RE: STATE REQUIREMENT TO ENSURE COMPLIANCE

states to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167 Platform of Action UN Conference on Women: Equality, Development and Peace).

[Democracy, and transparent, representative and accountable governance and administration throughout society *in all sectors of society* are indispensable foundations for the realization of **socially equitable and environmentally sound sustainable** development. However, the lack of **socially equitable and environmentally sound** development and the existence of widespread absolute poverty inhibit the full and effective **assurance of the enjoyment of human rights** and render fragile democracy and popular participation.]

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOR PARTICIPATION

11 Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be **ensured guaranteed**. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize *productive meaningful* employment. (III 11, Habitat I)

RE: ADVOCATING THE EXPRESSION “SOCIALY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT” TO REPLACE THE EXPRESSION “SUSTAINABLE DEVELOPMENT”

The expression “socially equitable and environmentally sound development” was used in the International Conference on Population and 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)

NOTE: [In the Habitat Agenda the expression “environmentally sound” is used as often as Sustainable Development —a term that reflected neither the real equitable nor environmental component so necessary in development.]

ARTICLE 3

3. Recognizing the global nature of these issues, the international community, in convening Habitat II, has decided that **the collective political will to discharge previous obligations, and to fulfill previous expectations, as well as the undertaking of new commitment is essential for achieving these goals. a concerted global approach could greatly enhance progress toward achieving these goals. As recognized in Agenda 21 (UNCED) [The cross-national and global impacts of unsustainable patterns of production and consumption, particularly in industrialized countries, environmental degradation, demographic changes, widespread and persistent poverty, and social and economic inequality are clearly visible.]. As also confirmed through Environmental Conventions such as the Vienna Convention on Ozone Depletion with the Montreal Protocol, the Convention on Biological Diversity and the Framework Convention on Climate Change, the global community has undertaken to discharge its international obligations related to conserving and protecting the environment through banning ozone depleting substances, through preserving biodiversity, and through reducing and eliminating climate change agents. It is recognized that the discharging of these obligations is essential to the establishment of socially equitable and environmentally sound community development.**

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF UNSUSTAINABLE PATTERN 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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well

as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

**RE: ACKNOWLEDGING THE IMPACT ON AGRICULTURE (PREY TO SPECULATION AND URBAN ENCROACHMENT)
(Sections from Habitat I)**

(a) Agricultural land, particularly on the periphery of urban areas, is an important national resources; without public control land is a prey to speculation and urban encroachment. (Habitat I)

(b) Change in the use of land especially from agricultural to urban, should be subject to public control and regulation. (Habitat I)

(c) Such control may be exercised through
(i) zoning and land-use planning as a basic instrument of land policy in general and control of land-use changes in particular;
(ii) Direct intervention, e.g. the creation of land reserves and land banks purchasing compensated expropriation and/or pre-exemption, acquisition of development rights, conditioned leasing of public communal land, formation of public and mixed development enterprises; (Habitat I)

(ii) Legal controls, e.g. compulsory registration, changes in administrative boundaries, development building and local permits, assembly and re-plotting;

RESTRUCTURING LAND OWNERSHIP

recommendation D 5

patterns of ownership

(a) Many countries are undergoing a process of profound social transformation; a review and restructuring of the entire system of ownership rights is, in the majority of cases, essential to the accomplishment of new national objectives.

(b) Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.

- (c) special attention should be paid to:
- (i) Redefinition of legal ownership including the rights of women and disadvantaged groups and usage rights for a variety of purposes;
 - (ii) Promoting land reform measures to bring ownership rights into conformity with the present and future needs of society;
 - (iii) Clear definition of public objectives and private ownership rights and duties which may vary with time and place;
 - (iv) Transitional arrangements to change ownership from traditional and customary patterns to new systems, especially in connection with communal lands, whenever such patterns are no longer appropriate.
 - (v) Methods for the separation of land ownership rights from development rights, the latter to be entrusted to a public authority; (Habitat I)

The sooner communities, and local governments, *partnerships among the public, and private and community sectors* join efforts to create comprehensive, bold and innovative **plans strategies** for shelter and human **communities settlements**, the better the prospects will be for the safety, health and well-being of people and the brighter the outlook for solutions to global environment and social problems. **As previously recognized in Habitat I, communities should take more control over the planning and ownership of public lands and that greater benefit should accrue to the public from the sale of land.**

RE: REDISTRIBUTING BENEFITS TO THE PUBLIC

Recommendation D3

Recapturing plus value.

(a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to the public at large the benefits of the unearned increase in land values. (Habitat I)

(b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community),

unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies. (Habitat I)

(c) Specific ways and means include:

(i) levying of appropriate taxes, e.g. capital gains taxes, land taxes and betterment charges, and particularly taxes on unused or under-utilized land; (Habitat I)

(ii) Periodic and frequent assessment of land values in and around cities and determination of the rise in such values relative to the general level of prices; (Habitat I)

(iii) Instituting development charges or permit fees and specifying the time-limit within which construction must start; (Habitat I)

RE: CONSERVING OF ENERGY

ENERGY (NOTE ENERGY CONSERVATION MENTIONED ONLY IN 137 IN HABITAT II THAT IS STILL BEING NEGOTIATED)

Human settlements are consuming more and more energy just when Humanity *mankind* has become aware of the need to cease environmentally degrading and wasteful use of non-renewable energy resources. (Habitat I)

(i) reducing energy consumption by changes in land-use planning, building design, living patterns and appropriate transportation systems including emphasis on mass transportation.

(ii) Identifying and developing new sources of energy and promoting more efficient use of energy resources, for example through innovative approaches in design ... and although financial and other incentives for energy conservation and through disincentives for wasteful consumption (Recommendation C. 5 (Habitat I)

(iv) emphasizing where possible the use of renewable over non-renewable energy sources and the rationalization of technologies which are currently known to be hazardous to the environment. (Habitat I)

(vi) Developing and implementing special small-scale power generating, delivery and use systems more appropriate for water supply, rural electrification, and district heating and cooling, including the utilization of solar and geothermal energy and heat pumps as appropriate. (Habitat I)

ARTICLE 4

4. **Having acknowledged the applicability of previous international instruments to the Habitat II Agenda, having been forced to acknowledge that many previous obligations have not been discharged and expectations have not been fulfilled including those arising from Habitat I, and having considered the experience since the United Nations Conference on Human Settlements (Habitat I), held in Vancouver, Canada, in 1976, Habitat II reaffirms the results from relevant conventions, treaties covenants, declarations, resolutions and conference action plans recent world conferences and has developed them into an agenda for human communities settlements: the Habitat Agenda. Among many of the relevant obligations included in Habitat II are those existing in the following Conventions or Conventions: The Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, the International Covenant of Cultural, Economic, Cultural Rights, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, along with all the Conventions and Treaties related to the Environment and Peace, In addition, Habitat II incorporates expectations arising from General Assembly resolutions, Declarations and conference action plans from recent conferences such as Agenda 21 from the United Nations Conference on Environment and Development -- The Earth Summit -- held in Rio de Janeiro in 1992, produced Agenda 21. At this Conference, the international community agreed to a framework for the sustainable development of human communities settlements. and other conference action plans from Each of the other conferences, including the Fourth World Conference on Women (Beijing, 1995); the World Summit for Social Development (Copenhagen, 1995); the International Conference on Population and Development (Cairo, 1994); the Global Conference on the Sustainable Development of Small Island Developing States (Barbados, 1994); and the World Conference on Human Rights (Vienna, 1993), as well as the World Summit on Children (New York, 1990) and the World Conference on Education for All (Jomtien, Thailand, 1989) and Habitat I also address important socially equitable and environmentally sound development social, economic and environmental issues, including components of the sustainable development agenda, for which successful implementation requires action at the local, national and international levels. The Global Strategy for Shelter to the Year 2000, adopted in 1988, which emphasizes the need for improved production and delivery of shelter, revised national housing policies, and an enabling means of ensuring adequate shelter strategy, offers useful guidelines for the realization of adequate shelter for all in the next century.**

ARTICLE 5

During the course of history, urbanization has been associated with economic and social progress, *the promotion of literacy and education, the improvement of the general state of health, greater access to social services, and cultural, political and religious participation.* **Unfortunately urbanization and progress have also been associated with increased violations of human rights, unmitigated environmental degradation, perpetuated unsustainable patterns of economic consumption, widened gaps between the rich and poor (the enfranchised and disenfranchised), increased abuse of the marginalized, and increased incidents of conflict, violence and crime.** The growth of cities and towns causes social, **economic and environmental changes that go beyond city boundaries, through urban sprawl** The growth of cities and towns causes social, **economic and environmental changes that go beyond city boundaries, through urban sprawl and industrial conversion of productive land and of areas worthy of preservation.**

Cities and towns have been engines of growth **often beyond the carrying capacity of the ecosystem that contains them** and incubators of civilization or **destroyers of culture** and have facilitated or **repressed** the evolution of knowledge, culture and tradition, *as well as of industry and commerce.*

Urban **communities settlements**, properly planned *and managed*, **in harmony with rural communities, within the carrying capacity of the ecosystem and within a system of preserved ecosystems could** hold the promise for **socially equitable and environmentally sound** human development and for **the preservation of nature and for** protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Habitat II deals with all settlements - large, medium and small - and reaffirms the need for universal improvements in living and working conditions. **While** decentralized, participatory planning *and management which* are important features of a successful urban future, **the planning should be grounded in fundamental principles related to the enshrining and guaranteeing of human rights, the ensuring of social justice, the preserving, protecting and conserving of the environment, and the promoting of peace.** It should be acknowledged that although there has been some increased participation by individuals and groups of civil society in bringing about the necessary global changes for the establishment of socially equitable and environmentally sound development of communities, there is a long way to go to achieve the necessary *Democratization has enhanced such access and meaningful participation and involvement for of civil society actors, and for public-private partnerships;*

ARTICLE 6

6. To overcome current problems and to ensure *future progress in the improvement of economic, social and environmental conditions* **socially equitable and environmentally sound** in human settlements, we must begin with a recognition of the challenges facing cities and towns. According to current projections, by the turn of the century, more than three billion people - one-half of

the world's population - will live and work in urban areas. The most serious problems confronting cities and towns and their inhabitants include **severe environmental degradation resulting from either lack of mandatory regulations that drive industry, or from institutional governments/industry collusion that weakens the resolve to establish or enforce regulations;** inadequate financial resources **to promote socially equitable and environmentally sound development,** lack of **meaningful** employment opportunities **in BEST practices,** spreading homelessness and expansion of squatter settlements, increased poverty and a widening gap between rich and poor arising from **the imposition of over-consumptive models of development and of ill-conceived structural adjustment programs,** growing insecurity and rising crime rates **caused by the failure to ensure social equity including the positive human rights of the right to social security, health care, shelter, food etc.**

DOCUMENTATION OF PRECEDENTS

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities. (Chapt II A. 5 Habitat 1)

RE: PREVENTING WASTE AND MISUSE OF RESOURCES IN WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

RE: REDUCING OF AVAILABLE RESOURCES THROUGH EXCESSIVE MILITARY EXPENDITURES

Excessive military expenditures, including global military expenditures and arms trade or trafficking, and investments for arms production and acquisition have reduced the resources available for social development. As a result of the debt burden and other economic difficulties, many developing countries have undertaken structural

adjustment policies. **Moreover, there are structural adjustment programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly in the heavily indebted countries, during the last decade. (Art. 15 Platform of Action, UN Conference on Women: Equality, Development and Peace, 1995)**

RE: REASSESSING STRUCTURAL ADJUSTMENT PROGRAMS
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)

RE: ACCOMMODATING THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, mal-conceived structural adjustment programs . In addition displacement occurs through** natural or *man-made* **anthropogenic** catastrophes, and especially by the act of foreign **and internal** aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

RE: PREVENTING CRIME

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)

inadequate and deteriorating building stock, services and infrastructure, lack of health and educational facilities, improper land use, insecure land tenure, rising traffic congestion, increasing pollution, lack of green spaces, inadequate water supply and sanitation, uncoordinated urban development, and an increasing vulnerability to disaster **including for example the continued production of toxic, hazardous and atomic wastes , the continued reliance on non-renewable sources of energy or on unsafe sources of energy such as that of civil nuclear energy, the continued visits of nuclear powered military vessels in urban ports and of the continued development and testing of nuclear weapons.**

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING PUBLIC CONTROL AND BENEFIT FROM LAND

D. Land (Agenda item 10 (d))

Preamble

Land, because of its unique nature and the crucial role it plays in human elements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole (Habitat I)

2. Instead, the pattern of land use should be determined by the long-term interests of the community, especially since decisions on location of activities and therefore of specific land uses have a long-lasting effect on the pattern and structure of human settlements. Land is also a primary element of the natural and man-made environment and a crucial link in an often delicate balance. Public control of land use is therefore indispensable to its protection as an asset and the achievement of the long-term objectives of human settlement policies and strategies. (Habitat I)

Recommendation D1

Land resource

a Land is one of the most valuable natural resources and it must be used rationally. Public ownership or effective control of land in the public interest is the single most important means of improving the capacity of human settlements to absorb changes and movements in population, modifying their internal structure and achieving a more equitable distribution of the benefits of development whilst assuring that environmental impacts are considered. (Habitat I)

(b) Land is a scarce resource whose management should be subject to public surveillance control in the interest of the nation

(c) This applies in particular to land required for:

(v) The protection and enhancement of the natural environment especially in sensitive areas of special geographic and ecological significance such as coastal regions and other areas subject to the impact of development, recreation and tourism activities. (Habitat I)

(d) Land is a natural resource fundamental to the economic, social and political development of peoples and therefore Governments must maintain full jurisdiction and exercise complete sovereignty over such and exercise complete over such land with a view to freely planning development of human settlements throughout the whole of the natural territory. This resource must not be the subject of restrictions imposed by foreign nations which enjoy the benefits while preventing its rational use. (Habitat I)

All of these have seriously challenged the capacities of governments, particularly those of developing countries, at all levels to realize *economic development, social development and environmental protection, which are interdependent and mutually reinforcing components of socially equitable and environmentally sound development*, the framework for our efforts to achieve a higher quality of life for all people. Rapid rates of international and internal migration to, as well as population growth in, cities and towns, and unsustainable patterns of production and consumption raise these problems in especially acute forms. In these cities and towns, large sections of the world's urban population live in inadequate conditions and are confronted with serious problems, including environmental problems, that are exacerbated by inadequate planning *and managerial capacities*, and **by unsustainable patterns of production and consumption** lack of investment *and technology* in **BEST (best environmentally sound Traditions) practices (prevention technology that does it right the first time); too often environmentally unsound technologies have been introduced as a result of north/south transfer and then the “coupling” clean-up technologies are introduced. The continued introduction of these ecologically unsound technologies contributes to environmental degradation, undue stress on the**

disadvantaged, dependency on external “solutions” that could be equally bad or even worse than the problem they were intended to solve. These ecologically unsound technologies and technological fixes perpetuate a cycle of attempted rectification of error, and contribute to insufficient mobilization of financial resources to ecologically sound technologies and inappropriate allocation of financial resources to ecologically unsound technologies such as non-renewal sources of energy or to the production of substances and activities that cause environmental degradation and are harmful to human health. In the Rio Declaration states were urged to prevent the transfer of substances and activities that could cause environmental degradation or be harmful to human health to other states; this would mean that no state should transfer substances such as toxic, hazardous, or atomic wastes or activities that would produce these wastes to other states.

DOCUMENTATION OF PRECEDENTS RELATED TO TRANSFER OF HARMFUL SUBSTANCES

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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.

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.

as well as by a lack of social and economic opportunities.

In the case of international migration, migrants have **[particular]** needs for housing and basic services, education, **meaningful** employment, and social integration

without a loss of cultural identity, and they are to be given adequate protection and attention within host countries.

DOCUMENTATION OF PRECEDENTS

RE: 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)

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 people in poverty 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)

RE: 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, place of birth, **nature of residence** or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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).

RE: 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)

RE: 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)

ARTICLE 7

7. In the process of globalization and growing interdependence, rural settlements represent a great challenge and opportunity for renewed **socially equitable and environmentally sound** developmental initiatives at all levels and in all fields. Many rural settlements, however, are facing a lack or an *inadequacy of economic opportunities* **inadequate infrastructure of environmentally sound practices**, especially **meaningful** employment, and of infrastructure and services, particularly those related to water, sanitation, health, education, communication, ecologically-**sound public** transportation and **ecologically safe and sound renewable** energy. Appropriate efforts and **BEST practices technologies** for rural development can

help to reduce, inter alia, imbalances, unsustainable practices, poverty, isolation, environmental pollution and insecure land tenure. Such efforts can contribute to improving the linkage of rural settlements with the mainstream of economic, social and cultural life, to assuring sustainable communities and safe environments, and to reducing pressures on urban growth.

DOCUMENTATION OF PRECEDENTS

RE: ADVOCATING RADICAL REVERSAL OF TRANSPORTATION TRENDS (

recommendation C 14 Transportation and communication

(a) Consideration should be given to the radical reversal of current trends, both in terms of facilities for and modes of transport in order to prevent further deterioration of the situation where larger cities are congested with private vehicles which in most countries cater only to a minority while adequate public transport is unavailable to urban and rural residents. (Habitat I)

(b) Policies on transportation and communication should promote desired patterns of development to satisfy the needs of the majority of the population, to assure the distribution of activities to favour mass transportation, and to reduce congestion and pollution by motor vehicles. (Habitat I)

(c) This could be achieved through:

(i) a more deliberate use of land-use planning and policies for the location of traffic generating activities, in order to minimize the need for travel. (Habitat I)

(ii) the active development of a system of public transportation with adequate incentives for its use in preference to individual use of motor vehicles (Habitat I)

(vi) provide for the separation of pedestrian and motor circulation, as well as separate paths for bicycles, and other categories of vehicular traffic; (Habitat I)

(vii) Over the short-term, transportation improvements should be designed to make more efficient use of existing highways and transit systems;

(vii) Innovative transportation systems need to be encouraged for reducing energy consumption and conserving resources and avoiding pollution (Habitat I)

(x) The study of new techniques to avoid the air and environmental pollution caused by the present automobile system. (Habitat I)

RE: RECOGNIZING IMPACT OF INCREASED 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)

RE; DEVELOPING MASS TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 8

8. Cities, towns and rural settlements are linked through the **environment, transportation, energy and through** the movements of goods, , resources and people. Urban-rural linkages have a crucial importance for the sustainability of human settlements. As rural population growth has outpaced the generation of **meaningful** employment and economic opportunities, rural-to-urban migration has steadily increased, particularly in developing countries, which has put enormous pressure on urban infrastructure and services already under serious stress. It is urgent to eradicate rural poverty and to improve the quality of living conditions, as well as to create **meaningful** employment and educational opportunities in rural settlements, regional centres and secondary cities. Full advantage must be taken of the complementary contributions and linkages of rural and urban areas **through socially equitable and environmentally sound development. by balancing their different economic, social and environmental requirements.**

ARTICLE 9

9. More people than ever are living in absolute poverty and without adequate shelter. Inadequate shelter and homelessness are growing plights in many countries **including the most affluent countries of the North**, threatening standards of health, security and even life itself. ~~[[Everyone *should* shall be~~ entitled to an adequate- **high standard of living, including adequate—affordable, accessible, safe and healthy food, clothing and inclusive adequate — affordable, accessible, safe and environmentally sound, with**

tenure security housing, and to the continuous improvement of living conditions.] All the states signatory to the international Covenant of Social Cultural and Economic Rights have “recognize the right of everyone to an adequate standard of living, including food, clothing and housing” (Art. 11.1 International Covenant of Economic, Social and Cultural Rights — ICESCR, 1966). In addition, states have undertaken the international obligation to recognize the “right of everyone to social security (Art. 9), and “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” (Article 12, ICESCR).

DOCUMENTATION OF PRECEDENT

RE: PROVIDING FOR THE HOMELESS

The highest priority should be placed **on providing support services for economic and social dislocation** on the rehabilitation of expelled and homeless people who have been displaced by **economic, political, and institutional practices, and by inequitable distribution of benefits, unfair expropriation, mal-conceived structural adjustment programs . In addition displacement occurs through** natural or *man-made anthropogenic* catastrophes, and especially by the act of foreign **and internal** aggression. In the latter case, all countries have the duty to fully co-operate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

RE: ACKNOWLEDGING ADEQUATE SHELTER AND SERVICES - BASIC HUMAN RIGHT. OBLIGATION ON GOVERNMENTS TO ENSURE ADEQUATE SHELTER

8. adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self-help and community action. Governments should endeavour to remove all impediments hindering attainments of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend difference social groups, occupation, housing and amenities. (III 8 Habitat I)

RE: PROMOTING OF EQUITABLE DISTRIBUTION OF BENEFITS

(b) Human settlements policies should aim to improve the condition of human settlements particularly by promoting a more equitable

distribution of the benefits of development among regions; and by making such benefits and public services equally accessible to all groups. (Rec. A 4,b Habitat I)

(c) this can be done through:

(i) the location of public sector investments;

(ii) the allocation of direct subsidies and priority of investment, to selected disadvantaged regions and groups

(iii) the use of incentives and disincentives-fiscal, legal and other to favour or discourage selected activities or areas

(iv) The creation of special employment, training and social services opportunities training and social services opportunities in favour of the most deprived

(v) the deliberate improvement of conditions in the most disadvantaged settlements, so as to enhance attraction of such areas in relation to others;

(vi) Measures to improve the quality of life of *vulnerable marginalized* groups which have special needs-such as children, the elderly, the handicapped and the disabled.

Such measures include: provision of basic social services, adequate shelter and social and physical access to facilities. (Habitat I)

Recommendation C 11

Infrastructure policy

(a) The unequal distribution of wealth between population groups, within human settlements and between urban and rural settlements is exacerbated by the inequalities in access to goods, services and information.

(b) Infrastructure policy should be geared to achieve greater equity in the provision of services and utilities, access to places of work and recreational areas as well as to minimize adverse environmental impact.

(c) this implies

(i) Enforcement of minimum and maximum standards of infrastructure for all segments of the population

(ii) More efficient use of resources and elimination of excessive consumption through development and implementation of maximum standards, education, conservation and other appropriate measures;

(Habitat I)

9 bis. The rapidly increasing number of displaced persons including refugees, other displaced persons in need of international protection and internally displaced

persons, as a result of natural and human-made disasters in many regions of the world, is aggravating the shelter crisis, highlighting the need for a speedy solution to the problem on a durable basis.

9 ter. Acknowledging that often the lack of respect and trust of youth, and the exclusion of youth from the decision making process have contributed to a reciprocal lack of trust on the part of youth, and thus affirming that t *The rights and needs of children and youth and of future generations have to be taken fully into account [recognizing the rights, duties and responsibilities of parents and other persons legally responsible for children, consistent with the Convention on the Rights of the Child].* Special attention needs to be paid to participatory processes dealing with the shaping of cities, towns and neighbourhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment. Special attention must be paid to shelter needs of **vulnerable children from marginalized groups**, such as street children, refugee children and children who are victims of sexual exploitation.

DOCUMENTATION FOR PRECEDENT

RE: 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)

ARTICLE 10

10. *Although All many countries, particularly developing countries, lack the necessary legal, institutional, financial, technological and human resources to respond adequately to rapid urbanization., many local authorities are taking on these challenges with open, accountable and effective leadership and are eager to bring people into the sustainable and the political will to achieve socially equitable and environmentally sound development process.* Enabling structures that facilitate independent initiative and creativity, and that encourage the wide range of **genuine community involvement and participation partnerships,**

including with the **members in private sector enterprises that are advocating strong mandatory regulations to facilitate and drive socially equitable and environmentally sound development**, within and between countries, should be promoted. Furthermore, empowering all people, especially *[(members of)] vulnerable marginalized* and disadvantaged groups and people living in poverty, to participate equally and effectively in all activities related to human settlements is the basis for civic engagement, facilitated by the national authorities. Indeed, the Habitat Agenda provides a framework to enable people to take responsibility for the promotion and creation of **socially equitable and environmentally sound human sustainable human settlements**.

10 bis. [Human settlements problems are of multidimensional nature that has its main roots in poverty and underdevelopment and, in many countries, is aggravated by the scarcity of resources. It is recognized that human settlements are not isolated from the social and economic development of countries and that they cannot be set apart from the need for a favourable international framework for sustained economic growth and sustainable development.]

ARTICLE 11

11. There are critical differences regarding human **communities settlements** in different regions and countries and within countries. These differences, specific situations and varying capacities of each community and country need to be taken into account in the implementation of the Habitat Agenda. **Even though these critical differences exist there are overarching principles that have been agreed to internationally within which to group these differences; these principles are related to the enshrining and the guaranteeing of human rights, the preserving, protecting and conserving of the environment, the ensuring of social justice and the enabling of socially equitable and environmentally sound development.** *[(International, regional, sub-regional and national institutional arrangements, including the enhancement of the Commission on Human Settlements and the United Nations Centre for Human Settlements (Habitat) as the global focal points and allocation of resources, are central to the implementation of the Habitat Agenda.].* **In addition, it is essential that UNCHS recognize that the successful implementation of Habitat II depends on the necessity of examining the interdependence of issues and continually work with agencies involved in Environment, Human Rights, and Peace promotion.**

ARTICLE 12

12. The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles, **previous obligations incurred and expectations created and new commitments undertaken**, a positive vision of **socially equitable and environmentally sound development of sustainable**

human settlements -- where all have adequate shelter, a healthy and safe environment, basic services, and *productive*, **environmentally sound** and freely chosen **meaningful** employment. The Habitat Agenda will guide all efforts to **finally** turn this vision, **which has been articulated through multiple international forums for over 50 years** into reality.

**PART II.
GOALS AND PRINCIPLES, OBLIGATIONS, AND EXPECTATIONS**

ARTICLE 13

13. We, the States participating in the United Nations Conference on Human Settlements (Habitat II) ~~[,are have undertaken committed to a political, economic, environmental, ethical and spiritual vision of human settlements based on the principles of equality, solidarity, partnership, human dignity, respect and cooperation, through obligations incurred and expectations created in international instruments. [We adopt the We undertake to observe the goals and principles, discharge obligations and fulfill expectations inherent in ensuring the right to of adequate shelter for all as agreed in previous international instruments and to socially equitable and environmentally sound human settlements. sustainable human settlements development in an urbanizing world]. [We believe that the observance of principles, the discharging of obligations and the fulfilling of expectations attaining these goals will promote ensure a world more stable and free from injustice and conflict and contribute to just, comprehensive and lasting peace and to global equitable economic and social development and environmental protection.] [Civil, ethnic and religious strife, violation of human rights, nuclear armament, armed conflicts, alien and colonial domination, foreign aggression and occupation, international economic imbalance, coercive economic measures, poverty, organized crime, and terrorism in all its forms are destructive to socially equitable and environmentally sound development sustainable human settlement development and should therefore be renounced by all States.] At the national level we will reinforce and attain peace by promoting ensuring tolerance, non-violence and respect for diversity, and by settling disputes by peaceful means, by undertaking to reduce the production of arms, moving towards the ultimate elimination of arms production, and to discharge the obligation to eliminate the production and testing of weapons of mass destruction. At the local level, the prevention of crime and the promotion of sustainable communities are essential to the attainment of safe and secure societies. Crime prevention through social justice, equity and equality including the right to social security, the right to shelter and satisfaction of basic needs within a community of trust. development is essential to crime prevention one crucial key to these goals. At the international level, we will promote ensure international peace and security by undertaking immediately the substantial reduction the global military budget to that of 1981 the year in which there was a general assembly resolution calling for the freezing and reducing of the military budget and make and support all efforts to settle international disputes by peaceful means in accordance with the Charter of the United Nations.] We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and by over 50 years of~~

obligations incurred and expectations undertaken through international instruments and we reaffirm our commitment to ensure the realization of the human rights set out in international instruments [including the right to adequate housing as provided for] in the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural 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 that the right to adequate housing should shall be realized progressively*]. We reaffirm that all human rights - civil, cultural, economic, political and social - are universal, indivisible and interdependent and interrelated. We subscribe to the following principles and goals to guide us in our actions.

ARTICLE 14

14. Equitable human settlements are those in which all people, without discrimination of any kind as to race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin, nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or, social origin*, property, *birth, nature of residency* or other status have equal access to safe and **healthy** housing, infrastructure, health services, adequate food and water, education and open spaces. In addition, such human settlements provide equal opportunity for a *productive meaningful* and freely chosen livelihood; equal access to economic resources[*, including the right to inheritance*],/As agreed in the **Convention on the Elimination of All Forms of Discrimination** 5 d (vi) The right to inherit;

ARTICLE 16

16. [*Sustainable socially equitable and environmentally sound development is essential to human settlements development, while giving full consideration for the needs and necessities of achievement of economic growth in all countries, particularly in developing countries. Special consideration needs to be given to the specific situation of countries with economies in transition.*] Human settlements shall be planned, developed and improved in a manner that takes full account of **sustainable socially equitable and environmentally sound** development principles **observed and expectations created and all its components, as set out** in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development. Sustainable human settlements development ensures **socially equitable and environmentally sound economic development, meaningful** employment opportunities and social **justice progress**, in harmony with the environment. It incorporates, among the principles of the Rio Declaration which are equally important and other outcomes of the United Nations Conference on Environment and Development, that of the precautionary *approach* principle,

pollution prevention, respect for the carrying capacity of ecosystems, and preservation of natural heritage and socially equitable and environmentally sound opportunities for future generations. Production, consumption and transportation should be **developed** *managed* in ways that protect and conserve the stock of resources while drawing upon them. Science and technology have a crucial role in shaping sustainable human settlements and sustaining the ecosystems they depend upon. **As expressed in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Humanity from 1975, there is continued 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”.** Sustainability of human settlements entails their balanced geographical distribution or other appropriate distribution in keeping with national conditions, promotion of **socially equitable and environmentally sound development** *economic and social development*, and human health and education, the **conservation and protection of** *maintenance* of biodiversity *promotion of economic and social development*, human health and education, and cultural diversity, as well as air, water, vegetation and soil qualities at standards sufficient to sustain human life and well-being for all time.

DOCUMENTATION OF PRECEDENTS

RE: CONDEMNING OF EXCESSIVE CONSUMPTION

16. Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 6 Habitat I)

Re: Precautionary principle

The expression “the Precautionary Principle” is used throughout the UNCED documents in Agenda 21, Convention on Biological Diversity, The Framework Convention on Climate Change, and the Rio Declaration

RE: ENSURING ENVIRONMENTAL AND CULTURAL PRESERVATION

It is the responsibility of Governments to prepare spatial strategy plans and adopt human settlement policies to guide the socioeconomic development efforts. Such policies must be an essential component of an over-all development strategy, linking and harmonizing them with policies on industrialization, agriculture, social welfare, and environmental and cultural preservation so that each supports the other in a progressive improvement in well-being of all **humanity** *mankind*. (III 2, Habitat I)

RE: PRESERVING OR PROTECTING NATURAL HERITAGE

- 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)
- 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)
- 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)

RE: PROTECTING ENVIRONMENT AS COMMON HERITAGE

11. The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable in the long term. The environment is the common heritage of **humanity** *mankind* and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired by a deep respect for the protection of the environmental resources upon which life itself depends. (II, 11 Habitat I)

RE: PROCLAIMING USE OF SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT FOR STRENGTHENING INTERNATIONAL PEACE AND SECURITY

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),

ARTICLE 17

17. The quality of life of the people depends, among other economic, social, environmental and cultural factors, on the physical conditions and spatial characteristics of our villages, towns and cities. City lay-out and aesthetics, land-use patterns, population and building densities, transportation and ease of access for all to basic goods, services and public amenities have crucial bearing on the livability of settlements. This is particularly important to *vulnerable marginalized* and disadvantaged persons, many of whom face barriers in access to shelter and in participating in shaping the future of their settlements. People's needs for community and their aspirations for more livable neighbourhoods and settlements should guide the process of **planning**, and **designing, management and maintenance** of human settlements. Objectives of *this endeavour* include protecting public health, providing for safety and security conditions, education, and social integration, promoting equality, respect for diversity and cultural identities, **increased ing** accessibility for persons with disabilities, and **preservation** of natural heritage and cultural heritage—historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care **through**

living within the carrying capacity of the ecosystem. [The preservation of **natural heritage** and historical monuments and buildings, particularly in the case of those declared by UNESCO as part of the **cultural and natural patrimony** of humanity, should be assisted through international cooperation.] **including states undertaking to sign and ratify the convention on the Protection of Cultural and Natural Heritage, and to enact the necessary legislation to ensure that significant cultural and natural heritage are protected and presented for international world heritage designation.**² It is also of crucial importance that spatial diversification and mixed uses of types of housing and services be promoted at the local level in order to meet the diversity of needs and expectations.

DOCUMENTATION OF PRECEDENTS

RE: PRESERVING, PROTECTING AND ENHANCING OF THE ENVIRONMENT

Every State has the right to exercise full and permanent sovereignty over its wealth, natural resources and economic activities, adopting the necessary measures for the planning ... of its resources, providing for the protection, preservation and enhancement of the environment. (II 8 Habitat I)

RE: PRESERVING OF NATURAL HERITAGE

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)

ARTICLE 19

19. All people have basic rights and must also accept their responsibility to respect and protect the rights of others - including **the rights of** future generations - and to contribute actively to the common good. **Socially equitable and environmentally sound Sustainable** human settlements are those that, inter alia, generate a sense of citizenship and identity, cooperation and dialogue for the common good, and a spirit of voluntarism and civic engagement, where all people are encouraged and have equal opportunity **for genuine community involvement and participation including the participation of those who have usually been marginalized from**

the decision making process to participate in decision-making and development. Governments at all appropriate levels, including local authorities, have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and public-private—**individuals and enterprises that engage in BEST (Best environmentally sound Traditions) practices or socially equitable and environmentally sound development— cooperation partnerships**, and helping people to understand and exercise their rights and responsibilities through open and effective participatory processes, universal education and information dissemination.

ARTICLE 20

**20. Partnerships Cooperation among countries and among all individuals and groups in society actors within countries from public, private, voluntary, and community-based organizations, the cooperative sector, non-governmental organizations and individuals are essential to the achievement of socially equitable and environmentally sound sustainable human settlements Genuine community involvement and participation in decision making from the determining of the terms of reference and throughout the process is essential to achieving socially equitable and environmentally sound human settlements. To be inclusive particularly for the benefit of groups that are usually marginalized all decision making processes shall avoid jargon, buzz words, euphemism, unnecessary compilation or veiled intention. development and the provision assurance of adequate shelter for all and basic services. Partnerships can integrate and mutually support objectives of broad-based participation through, inter alia, forming alliances, pooling resources, sharing knowledge, contributing skills and capitalizing on comparative advantages of collective actions. The processes can be made more effective by strengthening civil organizations at all levels. Every effort must be made to encourage collaboration and partnership of all sectors of society and among all actors in decision-making processes as appropriate. **

ARTICLE 21

21. Solidarity with those who are less fortunate, disadvantaged and *vulnerable marginalized groups*, including people living in poverty, as well as **commitment to tolerance, non-discrimination and cooperation among all people, families and communities are foundations for social cohesion. Solidarity, cooperation and assistance should be enhanced by the international community as well as by States and all other relevant institutions and bodies actors to respond to challenges of socially equitable and environmentally sound development in human settlements development.** The international community and governments at

all appropriate levels are called upon to **discharge obligations and fulfill expectations** through enacting the necessary legislation to **ensure socially equitable and environmentally sound development** *the promote sound and effective policies and instruments, thereby* and through strengthening cooperation among governments and non-governmental organizations, as well **through providing as to mobilize** complementary resources to meet these challenges.

ARTICLE 22

22. [To safeguard the global needs and rights *interest* of present and future generations in human settlements including the right to a safe environment, the right to natural heritage, the right to social security and shelter, and to socially equitable and environmentally sound development including social justice is one of the fundamental goals of the international community. The implementation of the Global Plan of Action will require a willingness to make the necessary attitudinal changes, particularly in relation to respecting and trusting the present generation of youth, and in relation to ensuring the rights of the present generation of youth, of marginalized people in global societies, and the rights of future generations; and a flow of new and additional financial support from different sources including from reducing of the global military budget and from deferred taxes from corporations including transnational corporations and to transfer resources to developing countries in order to cover the incremental costs of the socially equitable and environmentally sound actions they have to undertake to address *deal with human settlements* problems and to accelerate socially equitable and environmentally sound development *sustainable development*.] In additions compensation shall be sought from corporations that have violated human rights, caused environmental degradation, and contributed to conflict and war.

DOCUMENTATION OF PRECEDENT

RE DESIGNATING OF HERITAGE OF OUTSTANDING INTEREST

- 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* **[humanity]** 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)

- 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)

RE: CONSERVING BIODIVERSITY FOR FUTURE GENERATIONS

- 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)
- 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)

Part III.

OBLIGATIONS DISCHARGED, EXPECTATIONS FULFILLED AND COMMITMENTS UNDERTAKEN

[The Global Plan of Action *is* shall be revised to be *drawn up* in full conformity with the purposes and principles of the Charter of the United Nations, and with the over-51 years of obligations incurred in Treaties, Conventions, and Covenants, and of expectations created in Declarations, General Assembly Resolutions and Conference Agendas. *The implementation of the recommendations contained in this plan of action is the sovereign right of each State consistent with national laws and development priorities, as well as with full respect for the various religious, ethical values, cultural backgrounds and philosophical convictions of its people, and in conformity with universally recognized international human rights.*]/4 The implementation of the recommendations in this plan of action should reflect sovereign equality as specified in the original Charter of the United Nations. Sovereign equality does not mean that states have the sovereign right to not comply with obligations or fulfill expectations from previous international instruments.

COMMENT ON OBLIGATIONS AND EXPECTATION

We are mindful *that since* the formation of the United Nations, member states of the United Nations have undertaken in UN system governing bodies obligations reflected in Charters, Treaties, Covenants, Conventions, and have created expectations reflected in Declarations, General Assembly Resolutions, and Conference Agendas, and that if these fifty-one years of obligations had been honored and acted upon, respect for human rights could have been ensured, preservation and protection of the environment could have been preserved, protected and conserved, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled,

Cognizant that only when these obligations are discharged and expectations fulfilled will we have the global community that is socially equitable and environmentally sustainable.

RECOGNIZING that for fifty-one years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby if a government holds itself out to do something even if not legal 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 obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

States undertake to introduce the following resolution in the General Assembly.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

ARTICLE 23

23. [Embracing the foregoing principles of compliance and equality through the discharging of obligations, through the fulfillment of expectations and through the undertaking of commitments we, as participating States in this Conference, *commit ourselves* undertake to implement the Habitat Agenda including through sub-national, national, sub-regional and regional plans of action and other policies and programmes drafted and executed in cooperation with all individuals and members of civil society that embrace the international principles related to enshrining and guaranteeing human rights, to preserving, protecting and preserving the environment, and to ensuring social justice and the prevention of conflict and war **key actors** at all levels and supported by the international community. In implementing these commitments we shall give special attention to the circumstances and needs of people who are homeless, living in poverty, or are in some other way disadvantaged or marginalized *vulnerable*, especially those who are women, children, older people, indigenous people, displaced people or people with disabilities.]/6 In addition, we recognize *taking into account* that there shall be respect for nature beyond human purpose and that human beings are crucial in the promotion of *are at the centre of concerns* for *sustainable* socially equitable and environmentally sound development, including adequate shelter for all and sustainable human settlements development, and they are entitled to a healthy and *productive meaningful* life in harmony with nature.]/5

A. ADEQUATE SHELTER FOR ALL

ARTICLE 24

24. [We reaffirm our *commitment to the progressive realization* obligation to ensure enactment of the right to adequate— affordable, accessible, tenure security, safe, healthy and environmentally sound— housing, as set out in numerous international instruments. In this context, we recognize the fundamental obligation of governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods, and to foster and facilitate genuine involvement and participation in the development of the community.] We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter which is healthy, safe, secure, accessible and affordable and which includes basic services, facilities and amenities and the enjoyment of freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards./7

ARTICLE 25

25 displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

DOCUMENT FOR PRECEDENT

RE: PRESERVING LAND RIGHTS OF INDIGENOUS PEOPLES

i(vii) The land rights of indigenous peoples so that their cultural and historical heritage is preserved. (recommendation D5 Patterns of ownership Habitat I)

RE: CONDEMNING DISPLACEMENT OF NATIVE POPULATION

(e) In all occupied territories, changes in the demographic composition, or the transfer or uprooting of the native population, and the destruction of existing human settlements in these lands and/or the establishment of new settlements for intruders, is inadmissible. the heritage and national identity must be protected. Any policies that violate these principles must be condemned.

RE: ESTABLISHING SUFFICIENT PROTECTING 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)

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)

RE; 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)

RE: 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)

RE: 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)

RE: [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)

RE: 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)

RE: 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, **sexual orientation**, 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)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

RE: 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)

RE: 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**

ARTICLE 25a-g

[[a) Ensuring consistency and coordination of macroeconomic policies and shelter policies, means for action and methods and strategies, in order to support the providing of resources *resource mobilization*, the generating of meaningful employment *generation* and the eradicating of poverty;]

(a bis.) Ensuring that women and men have equal access to resources, including credit opportunities, and the right to inheritance and ownership of land and property;

(b) Ensuring legal security of tenure and equal access to serviced land including through a diverse range of tenure options;

(c) Promoting broad, non-discriminatory access to open, efficient effective and appropriate housing finance mechanisms including credit opportunities for all;

(d) Promoting construction methods, materials and technologies that are affordable, safe, efficient, accessible and emphasize greater use of local materials (**endogenous- as undertaking in Habitat I**) and human resources, encourage and support design efficiency and energy-saving methods, and which are environmentally sound and protective of human health;

(e) Through public, community and through **promoting BEST practices enterprises private sector** initiatives increasing the supply of affordable housing and tenure options, including rental, cooperative and home ownership;

(f) Promoting rehabilitation, upgrading and maintenance of existing housing stock;

(f bis.) Providing basic services, and promoting supply of facilities and amenities;

(f ter.) Recognizing and respecting clear and enforceable rights and obligations of both owners and tenants;

(g) Eradicating discrimination in the access to shelter which is based on race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin**, **nationality, place of birth, refugee or immigrant status**, *colour*, sex, **sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or, social origin*, property, *birth*, **nature of residency** or other status

ARTICLE 25h

[[h) Promoting shelter and basic services for the homeless, internally displaced, migrants, indigenous groups and victims of natural and human-made disasters;]

[[i) Promoting access to local basic facilities for education and primary and universal health services;]]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: 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)

RE: 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)

RE: AFFIRMING UNIVERSAL ACCESS TO EDUCATION

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. (ICPD)

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 an essential tool for achieving the goals of equality, development, **environmental integrity** and peace (71 Platform of Action).

RE: 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, requires a complete restructuring of the educational system. 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.

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 socioeconomic, political global structure to a new vision of education that is one of tolerance cooperation and intellectual stimulation.

RE: ENSURING UNIVERSAL ACCESS TO HEALTH CARE

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)

ARTICLE 25 j

[(j) Formulating or strengthening of measures to provide (legal) migrants, migrant workers and their families access to adequate housing and social services.]

DOCUMENTATION OF PRECEDENTS

RE: RECOGNIZING THE PRIORITY OF SOCIAL SERVICES

Recommendation C 15
Social services

(b) the provision of health, nutrition, education, security, recreation and other essential services in all parts of the country should be geared to the needs of the community and receive an effective priority in national and development planning and in the allocation of resources

(c) Areas for priority action include the following:
(v0 Priority orientation of the above actions towards the promotion of health and the prevention of malnutrition, communicable diseases and other avoidable health risks and the provision of essential services and spiritual and physical recreational facilities;
(Recommendation C 15, Habitat I)

RE: 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).

International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

[(k) Protecting within the national context, the traditional rights to land and other resources of pastoralists, fishery workers and nomadic and indigenous people and strengthening land management;]

[(l) Avoiding forced illegal evictions, when possible; when unavoidable, to strive for rehabilitation.]

B. SUSTAINABLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND HUMAN SETTLEMENTS

ARTICLE 26

[26. We recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring *the goal of socially equitable and environmentally sound sustainable human settlements in an urbanizing world* by developing economies that will preserve, protect and conserve the environment, and that will make efficient use of limited resources, through BEST practices, within the carrying capacity of ecosystems and by providing all people with equal opportunities for a healthy, safe and *productive meaningful* life in harmony with nature and with natural and cultural heritage and spiritual and cultural values, ensuring social justice *progress*.

DOCUMENTATION OF PRECEDENTS

RE: BEING WITH THE CARRYING CAPACITY OF ECOSYSTEMS

Recommended extensively throughout all literature on Ecology and the Environment. The need for socially equitable and environmentally sound development within the carrying capacity of ecosystems is an essential principle of sustainability.

ARTICLE 27

27. We further *commit ourselves to the objectives of:* recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring the following:

(a) *Promoting ensuring* socially integrated human settlements, combating segregation, discriminatory and other exclusionary policies and practices and recognizing and respecting the rights of all, *especially women and the poor*; including those who have been discriminated on the basis of gender, sex sexual orientation, marital status, age, disabilities, race, tribe, or culture, colour, ethnicity, national, ethnic or social origin, nationality, place of birth, refugee or immigrant status, aboriginal ancestry, religion or conviction, language, political or other opinion, socioeconomic conditions, nature of residency and other status

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: ENSURING EQUALITY BEFORE THE LAW

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law

shall prohibit any discrimination and guarantee to all persons equal and

effective protection against discrimination on any ground such as race,

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

RE; 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

RE: 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)

ARTICLE 27 b-h

(b) Ensuring the acknowledging and harnessing the potential of the informal sector, where appropriate, in providing housing and services for the people in poverty *poor*;

(c) Ensuring *Promoting* changes in production and consumption patterns and settlements structures that will protect **natural environment natural resources - including water, air, bio-diversity, energy and land - providing a healthy living environment for all;**

(d) Ensuring *Promoting spatial development* the development of spatial patterns that reduce transport demand, as well as that create *creating* efficient, effective and environmentally sound publicly owned transportation systems that improve accessibility to work, goods, services and amenities;

(e) Preserving natural ecosystems and protecting agricultural *productive* land in urban and rural areas and protecting fragile ecosystems from the negative impacts of human settlements;

(f) Preserving, protecting and maintaining natural, historic and cultural heritage, including traditional shelter and settlements patterns and *pathways*, as appropriate, as well as landscapes and urban flora and fauna in open and green spaces;

DOCUMENTATION OF PRECEDENTS.

RE: PRESERVATION OF HERITAGE OF OUTSTANDING INTEREST

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)

Noting the recognition of the World Heritage committed meeting in 1993 when the committee recognized the protection of cultural pathways

(g) Ensuring cooperative socially equitable and environmentally sound development and meaningful employment *Enabling competitive and sustainable economic development that will attract investments, generate employment and provide revenues for human settlements development;*

(h) *Alleviating* preventing and eliminating undesired impacts of structural adjustment and economic transition on human settlements by undertaking to develop a socially equitable and environmentally sound alternative with genuine community participation and involvement; and

COMMENT

RE: RE-EXAMINING THE IMPACT OF STRUCTURAL ADJUSTMENT PROGRAMS

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. (Global Compliance Research Project)

DOCUMENTATION OF PRECEDENT

RE: SUPPORTING REVIEW OF STRUCTURAL ADJUSTMENT

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)

RE: CRITICIZING OF STRUCTURAL ADJUSTMENT PROGRAMS

Concerned about the negative impact on the poor, especially women and children, of the International Monetary Fund and World Bank structural adjustment policies (Women's Action Agenda, 1992)

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)

RE: CONTRIBUTING OF STRUCTURAL ADJUSTMENT TO DETERIORATION OF PUBLIC HEALTH SYSTEMS

In many countries, especially in developing countries, in particular the least developed countries, a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatization of health-care systems without appropriate guarantees of universal access

to affordable health care, further reduces 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 their roles within the family and the community, are often not acknowledged; hence they do not receive the

necessary social, psychological and economic support (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

RE: ASSESSING IMPACT OF STRUCTURAL ADJUSTMENT ON WOMEN AND GIRL CHILDREN

22. Macro and micro-economic policies and programmes, including structural adjustment, have not always been designed to take account of

their impact on women and girl children, especially those living in poverty. Poverty has increased in both absolute and relative terms, and

the number of women living in poverty has increased in most regions.

There are many urban women living in poverty; however, the plight of women living in rural and remote areas deserves special attention given

the stagnation of development in such areas. In developing countries, even those in which national indicators have shown improvement, the majority of rural women continue to live in conditions of economic underdevelopment and social marginalization (93 Platform of Action. UN Conference on Women: Equality, Development and Peace)

RE: PROPOSING DEBT FORGIVENESS

Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, through the immediate

implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief (Habitat II) measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities; (61 c Platform of Action. UN Conference on Women: Equality, Development and Peace)

. ARTICLE 27 J

(i) **Preventing and reducing the impact of natural and human-made disasters on human communities settlements, by enshrining the notion of healthy community as “healthy, safe and environmentally sound communities,” by eliminating patterns of consumption and development that have increased societal vulnerability to disasters, by promoting and funding BEST practices, and by embracing a culture of safety.**

DOCUMENTATION OF PRECEDENTS

RE: PROMOTING A 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)

This principle involves the commitment to act to prevent rather than to [correct]

"to promote a 'culture of safety' in all countries, especially those that are disaster-prone, the following activities should be carried out:
(Agenda 21, 7.60)

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)

RE: PREVENTING DISASTER

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 Traditions** *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).

RE: 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)

RE: 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).

RE: 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)

RE: 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)

**RE: 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 Reduction, 1994).

**RE: 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 Disaster Reduction 1994)

**RE: 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)

**RE; 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)

C. Means of Discharging Obligations and Fulfilling Expectations *Enabling Action*

ARTICLE 28

28. We recognize that through international agreements we have incurred obligations, and created expectations and we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring the *We commit ourselves to the strategy of enabling all key actors, in the public, private and the community sectors, the genuine involvement and participation of individuals and groups of civil society to play an effective role - at national, state/provincial, metropolitan and local levels-in the socially equitable and environmentally sound development of human settlements and shelter development.*

ARTICLE 29

29. We further ensure *commit ourselves to the objectives of:*

(a) *Exercising public authority and The using of public resources with openness transparency and accountability;*

(b) *The Decentralizing within a framework of overarching international principles, authority and resources, as appropriate, as well as functions and responsibilities to the level most effective in addressing needs of people in their settlements;*

(c) *Promoting The establishing of institutional and legal frameworks and capacity-building conducive to civic engagement and to inclusive genuine community involvement and participation in socially equitable and environmentally sound development of settlements broad-based participation in human settlements development;*

(d) *The providing of capacity-building for the socially equitable and environmentally sound development of human settlements management and development;*

(e) *The supporting of institutional and legal enabling frameworks for mobilizing providing financial resources for socially equitable and environmentally sound development of human settlements sustainable shelter and human settlements development;* and

(f) *The promoting equal access to reliable information, utilizing, where appropriate, modern communications technology and networks.]*

[Gender Equality

29 bis.. We recognize that through international agreements we have incurred obligations related to the equality of women from the inception of the United Nations Charter and throughout subsequent human rights documents, and we recognize that further expectations have recently been created in the Platform of Action from the UN Conference on Women: Equality, Development and Peace, we thus commit ourselves to discharging these obligations and fulfilling these expectations by ensuring *We commit ourselves to the goal of gender equality in human settlements development. We further commit ourselves to the objectives of ensure:*

(a) Integrating gender perspectives in human settlement-related policies, programmes and projects, and the promotion of the full and equal participation of women in human settlement planning and decision-making; and

(b) Developing methodologies for incorporating gender perspectives in shelter planning, development and evaluation, such as the collection, analysis and dissemination of gender-disaggregated data and information, and the development of gender-based indicators.]

D. Financing shelter and human settlements

[30. We commit ourselves to **undertake to strengthening existing financial mechanisms and, where appropriate, developing new sources of funding mechanisms** for financing the implementation of the Habitat Agenda, such as **funding from a substantial reduction of the global military budget, from deferred taxes from corporations or transnationals, or from compensation for environmental degradation.**

COMMENT:

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81.

which will mobilize increased sources of finance - public, private, multilateral and bilateral - at international, regional, national and local levels; and will promote the efficient, effective and accountable resource allocation and management.]

[31. We further commit ourselves to the objectives of :

(a) Stimulating national and local economies, through **ensuring socially equitable and environmentally sound development** *enabling competitive and sustainable economic development, that will attract public and international financial resources and private investments, generate employment and increase revenues, providing a stronger financial base to support shelter and human settlements development;*

(b) Strengthening fiscal and financial management capacity, at all levels, to fully develop the taxation base, pricing mechanisms and other sources of revenue;

(c) Enhancing public revenue through the use, as appropriate, of fiscal instruments which are conducive to environmentally friendly practices, in order to promote direct support for **socially equitable and environmentally sound development** *sustainable human settlements;*

(d) Strengthening regulatory and legal frameworks such as **MINS 1997 to drive the development, promotion and implementation of BEST (Best Environmentally Sound Traditions) practices** *to enable markets to work and to facilitate independent initiative and creativity, as well as to encourage a wide range of partnerships to finance shelter and human settlements development;*

(e) Promoting increased equitable access to credit for all;

(g) targeting, where appropriate, subsidies to those who are not served by the market, and promoting appropriate credit mechanisms and other instruments to address their needs.]

E. International cooperation/12

ARTICLE 32

[32. We commit ourselves - in the interests of international peace, security, justice and stability - to **reduce the global military budget by 50 % and to reallocate the financial resources saved from the reduction to economic and social as undertaken through General Assembly Resolutions in 1981. In addition we commit to enhancing international cooperation and partnerships which will assist in the to implement implementation of the national and the global plans of action and the attainment of the goals of the Habitat Agenda,**

by contributing to and participating in multilateral, regional and bilateral cooperation programmes and institutional arrangements and *technical and financial assistance programmes*; by the interchange of **BEST (Best Environmentally Sound Traditions) practices** *exchange of appropriate technology*; by the collection, analysis and dissemination of information about shelter and human settlements, and by international networking.]

ARTICLE 33

[33. We further commit ourselves to the objectives of:

(a) Striving for the fulfillment of the accepted target of 0.7 per cent of gross national product for official development assistance **for socially equitable and environmentally sound development** as soon as possible; as well as increasing, within it, the share for funding for **socially equitable and environmentally sound development human settlements and shelter development**;

(b) Using resources and economic instruments in an effective, efficient and equitable manner, at the local, national, regional and international levels; and

(c) Promoting responsive international cooperation between public, *private* **BEST practices enterprises** and non-profit, non-governmental and community organizations.]

F. Assessing the discharging of obligations and the fulfillment of expectations *progress*

ARTICLE 34

[34. We commit ourselves to monitor and evaluate, within our own countries, efforts to implement national plans of action, striving to ensure efficiency and effectiveness in meeting the goals of adequate shelter for all and sustainable human settlements development.] **In addition we also commit to discharge our previous obligations incurred through Conventions, Treaties and Covenants by signing what we have not yet signed, ratifying what we have not yet ratified, enacting legislation to ensure compliance, and establishing an enforcement infrastructure to ensure the discharging of these obligations and the fulfilling of these expectations, and we commit to fulfilling previous expectations created through Declarations, General Assembly Resolutions and Conference action statements. To demonstrate our commitment to over 50 years of obligations and expectations we also commit to the establishment of an International Court of Compliance where citizens can take evidence of state non-compliance with obligations and**

expectations. For this purpose we pledge to support a General Assembly Resolution in the 51 session of the United Nations to commemorate the culminating of the Decade devoted to the promotion and furtherance of International Law.

ARTICLE 35

[35. We further commit ourselves to the objective of enhancing the role and strengthening the institutional capacity of UNCHS (Habitat) as an agency of coordination and cooperation assisting the Member States of the United Nations to monitor and evaluate the implementation of the Habitat Agenda, using *shelter and urban indicators and best BEST (Best Environmentally Sound Traditions) practices* as a basis for assessing global conditions and trends in shelter and **socially equitable and environmentally sound development human settlements development.**]

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

A. Introduction

ARTICLE 36

36. Twenty years ago in Vancouver, at the First United Nations Conference on Human Settlements (Habitat I), the world community adopted an agenda for human settlements development. Since then, there have been remarkable changes in population and social, political, environmental and economic circumstances **that could have with the needed international and national political will have permitted the fulfillment of the expectations of Habitat I. affect strategic outlook.** These changes have led many Governments to adopt and promote enabling policies to facilitate actions by individuals, families, communities and the private sector to improve human settlements conditions. However, it is estimated that at least 1 billion human beings still lack adequate shelter and are living in unacceptable conditions of poverty, mostly in developing countries.

ARTICLE 37

37. While the rate of population growth is on the decline, during the past twenty years world population has increased from about 4.2 billion to about 5.7 billion, with nearly one third under 15 years of age, and an increasing number of people living in towns, cities, and mega-cities. By the turn of the century, humankind will be crossing a threshold where over 50 per cent of the population live in urban areas. Meeting the needs of the nearly 2 billion more people expected in the coming two decades and managing human settlements towards sustainability will be a daunting task. In developing countries, in particular, rapid urbanization and the growth of towns, cities, and mega-cities, where public and private resources tend to concentrate, represent new challenges and at the same time new opportunities: there is a need to address the root causes of these phenomena, including rural to urban migration.

ARTICLE 38

38. [Globalization of the world economy and deepening interdependence among nations presents challenges and opportunities as well as risks and uncertainties for the future of the world economy. As a result, the level of economic development has increased in some countries, while the situation in a large number of them remains critical and uncertain. At the same time, the gap between developing and developed countries, the poor and rich - countries as well as people - has widened. New communications technology makes information much more widely accessible and accelerates all processes of change. In many societies, new issues of social cohesion and personal security have emerged and the issue of solidarity has become

central. Poverty, unemployment, environmental degradation, social disintegration and the increasing movement of people, as well as intolerance and violence have also emerged as critical factors. We must keep these new conditions in view as we draw up **plans for socially equitable and environmentally sound human settlements strategies** for the first two decades of the twenty-first century.

ARTICLE 39

39. While Habitat II is a Conference of States and there are many things national Governments can do to enable local communities to solve problems, the **people actors** who will determine success or failure in improving the **condition of human settlements condition** are mostly found at the community level *in* with the public, *private* the **BEST practices enterprises**, and **the individuals and groups of civil society non-profit sectors**. It is they, local authorities, **in Best practices enterprises and other [stakeholders], individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society** who are on the front line in achieving the goals of Habitat II. **Although the principles and standards arising from obligations and expectations should be established at the international level**, structural causes of the problems have often to be dealt with at the national and sometimes the international level, **progress the discharging of obligations and the fulfillment of expectations** will depend to a large degree on local authorities, **with genuine community involvement and participation civic engagement and the forging of partnerships** at all levels of government with the *private sector* the **BEST practices enterprises**, and **the individuals and groups of civil society, such as** the cooperative sector, non-governmental and community-based organizations., *workers and employers and civil society at large*.

ARTICLE 40

40. Habitat II is one in an extraordinary series of World Conferences held under the auspices of the United Nations over the past five years. All addressed important issues of people-centred **sustainable socially equitable and environmentally sound development**. **These Conferences, though significant, should not minimize the extensive obligations previously incurred by states in conventions, treaties and covenants, and the extensive expectations created in Declarations, General Assembly resolutions and other pre-1992 conference action plans**. It is easy with short institutional memory to ignore past obligations and expectations. Habitat II provides a unique opportunity to incorporate significant obligations and expectations from pre-1992 international instruments with post-1992 international instruments including **the four previous conferences in this series**. *including sustained economic growth and equity, for which successful implementation requires action at all levels, particularly at the local level. Strategies on social, economic, environmental, disaster reduction, population, disability and gender issues will have to be*

implemented in urban and rural areas and, in particular, where the problems are acute and generate tension.

ARTICLE 41

41. In Habitat II, Governments at all levels, **the BEST practices enterprises**, and **the individuals and groups of civil society** *the community and the private sector* considered how the achievement of the two principal goals of "Adequate shelter for all" and "socially equitable and environmentally sound *Sustainable* human settlements *development in an urbanizing world*" can be furthered at the local level through an enabling process in which individuals, families and their communities play a central role **through genuine community involvement and participation**. **The implementation of the Habitat Global Plan of Action requires the genuine involvement and participation of governments at all levels, the BEST practices enterprises, and the individuals and groups of civil society** *This is what is special about the Habitat II Global Plan of Action and its strategies for implementation. Implementation of these measures will need to be adapted to the specific situation of each country and community.*

ARTICLE 42

42. *The strategy of* **The implementation of** the Global Plan of Action is **dependent based on enabling element the involvement and participation of citizens in a process that is honest, genuine and open transparency and participation**. *Under this strategy,* **government** efforts are based on establishing legislative, institutional and financial frameworks that will enable **the BEST practices enterprises, and the individuals and groups of civil society** to fully contribute to **socially equitable and environmentally sound development** *[sustainable development, including sustained growth]* and enable all women and men to work with each other and in their communities with governments at all levels, **to establish terms of reference**, determine collectively their future, decide on priorities for action, identify and allocate resources fairly and *build partnerships* **work cooperatively** to achieve common goals. **This cooperative process will set up** the conditions for women and men to exercise their individual rights and responsibilities equally and to engage their abilities effectively in activities that will improve and sustain their living environments (b);

Enablement creates:

(a) A situation in which the full potential and resources of all actors in the shelter production and improvement process are mobilized;

Article 42 (c)

42 (c) The conditions for organizations and institutions to interact and network, **building fostering and ensuring genuine community involvement and**

participation *partnerships* for socially equitable and environmentally sound development [*sustained economic growth and sustainable development*];

...

Part IV.

GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

B. Adequate shelter for all/14

ARTICLE 44

44. [Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All nations without exception have *some form of an obligation to provide for in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects.*]

[The provision of adequate housing for everyone requires action not only by governments, but by **all society working cooperatively sectors of society**, including the **BEST practices enterprises**, and the **individuals and groups of civil society private sector, non-governmental organizations**, local authorities, as well as by international organizations (community)] *Within the overall context of an enabling approach, governments* should take appropriate action [in order to promote, protect and, ensure *the progressive realization of the enactment of the right to adequate housing*]. These include, but are not limited to, **ensuring the following**:

1. *Providing Adequate* legal protection from, and effective remedies against discrimination of any kind in housing as to *race, colour, sex, language, religion, political or other opinion, national or social origin, [[property, birth or other status];* race, tribe, or culture, **colour**, ethnicity, **national ethnic or social origin**, **nationality, place of birth, refugee or immigrant status, colour, sex, sexual orientation, marital status, disabilities, age**, language, religion **or conviction**, political or other opinion, *national or, social origin*, property, *birth*, **nature of residency** or other status
2. *Providing* Legal security of tenure and equal access to land among all, including women and those living in poverty, as well as effective protection [from illegal forced evictions]/15;
3. *Adopting* Policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means, by inter alia:
 - a) Expanding the supply of affordable housing through *appropriate* regulatory measures, **including rent control** and market incentives;

- b) Increasing affordability through provision of subsidies and rental and other forms of housing assistance to people living in poverty;
- c) Supporting community-based, cooperative and non-profit rental and owner occupied housing programmes;
- d) Promoting supporting services to homeless and other *vulnerable marginalized* groups;
- e) *Mobilizing Providing* innovative [~~domestic~~] financial and other resources - public and private - for housing and community development;
- f) Creating and promoting market based incentives to encourage the private sector to meet the need for affordable rental and owner occupied housing;
- g) Promoting **socially equitable and environmentally sound** *sustainable spatial* development patterns and **environmentally sound** transportation systems that improve accessibility to goods, services amenities and work.

4. Effective monitoring and evaluation of housing conditions including the extent of homelessness and inadequate housing and, in consultation with the affected population, to formulate and adopt appropriate housing policies and implement effective *strategies* means and plans to address these problems.

ARTICLE 47

47. International and national cooperation at all levels will be both necessary and beneficial in promoting adequate shelter for all. This is especially needed in areas that are affected by war or by natural, industrial or technological disasters, and in situations in which reconstruction and rehabilitation needs surpass national resources.

ARTICLE 48

48 ter. [To ensure the continuing *progress* discharging of obligations and the fulfilling of expectations in the enactment of the right to *toward realizing* an adequate standard of living for all, national and local governments , *as appropriate*, should adopt:

(a) Provisions to ensure:

(i) freedom from discrimination based on race, ethnicity, gender, family composition, and disability status in housing and credit markets, and specifically, recognition that the right to an adequate standard

of living pertains to every person, including those in female-headed households; and

(ii) legal security of tenure and equal access to land among all, including women and people living in poverty;

(b) Policies aimed at making housing habitable, affordable, and accessible, including:

(i) creation of *market-based* incentives to encourage the **BEST practices enterprises** to meet the need for affordable rental housing and home ownership;

48 (ii) promoting spatial development patterns and **safe and environmentally sound public transportation systems** that improve accessibility to goods, services and amenities;

NOTE WORDING ALREADY AGREED TO IN ARTICLE 44 G

DOCUMENTATION OF PRECEDENTS

RE: PREVENTING 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)

RE: PROVIDING SAFE AND *LESS POLLUTING* BEST PRACTICES — BEST ECOLOGICALLY SOUND TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

ARTICLE 48 (iii—viii)

(iii) *mobilizing* providing innovative sources of domestic finance - public and private - for housing and community development;

(iv) expanding the supply of affordable housing through appropriate regulatory and market incentives;

(v) promoting socially equitable and environmentally sound development through working cooperatively with genuine community involvement and participation *sustainable economic development through community partnerships*;

(vi) increasing affordability through provision of rental assistance to people living in poverty, and through establishing, and extending rent controls;

(vii) supporting community-based programmes that provide shelter and supportive services to the homeless;

48 (viii) **Preserving, protecting and maintaining historical and cultural and Natural heritage, and urging non-party states to sign and ratify the Convention on the Protection of Cultural and Natural Heritage]**

DOCUMENTATION OF PRECEDENT.

RE: PROTECTING HERITAGE OF OUTSTANDING INTEREST

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* **[humanity]** 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)

ARTICLE 51 (b-h)

51 (b) **[Take full account of the need for Ensure socially equitable and environmentally sound *sustained economic growth, of sustainable development principles and of the basic needs for human development and health*];/17**

(c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

(d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of **governments and individuals and groups of civil society**. *the private and public sectors.*

52 (g) Encourage the development of environmentally sound and affordable construction methods, and production and distribution of building materials, including strengthening the local building materials industry, based as far as possible on locally available resources;

(h) Promote, *where appropriate*, the use of labour-intensive construction and maintenance **BEST practices technologies** that generate **meaningful** employment in the construction sector for the underemployed labour force found in most large cities, at the same time promoting the development of skills in the construction sector.

ARTICLE 53

53. In many countries, *markets serve as the primary housing delivery mechanism*, and hence their effectiveness and efficiency are important to the goal of **sustainable socially equitable and environmentally sound** development. It is the responsibility of Governments to create an enabling framework for a well-functioning housing market. The housing sector should be viewed as an integrating market in which trends in one segment affect performance in other segments. Government interventions are required to address the needs of disadvantaged and **vulnerable marginalized** groups, who are insufficiently served by markets.

ARTICLE 55 (d)

55 D [(d) Apply transparent, comprehensive, easily accessible and progressive taxation and incentive mechanisms to stimulate efficient, environmentally sound and equitable use of land, and exploit the full potential of land-based and other forms of **regulations and taxation** in mobilizing financial resources for service provision by local authorities;]

ARTICLE 57 (c)

57 [(c) Encourage the multiplicity and diversity of intervention of *all [stakeholders,]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process**

men and women alike, acting within the market system;] (d) Develop a legal framework of land use aimed at balancing the need for construction with the protection of the environment, minimizing risk and diversifying uses;

ARTICLE 58

58. To eradicate legal and social barriers to the ~~equal and equitable~~ access to land, especially the access of women, people with disabilities and other *vulnerable marginalized* groups, Governments, at the appropriate levels, in partnership with the private sector, non-governmental organizations, the cooperative sector, and community-based organizations should:

ARTICLE 58a

(a) Address the cultural, ethnic, religious, social and disability-based causes that result in the creation of barriers that lead to segregation and exclusion, including by encouraging **principle-based education founded upon international principles related to promoting and fully enshrining and guaranteeing respect for human rights; to preserving, conserving and protecting the environment; to creating a global structure that respects the rule of law, to achieving a state of peace through prevention and peaceful resolution of conflicts; justice and security, and to participating in socially equitable and environmentally sound development. and training for peaceful conflict resolution;**

ARTICLE 59 e

59 (e) *Capitalize on* **Draw upon** the potential contribution of key ~~stakeholders~~ in the private formal and informal sectors, and support the engagement of non-governmental organizations, community organizations and the private sector in participatory and collective initiatives and mechanisms appropriate to conflict resolution; **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process**

ARTICLE 63

63. To facilitate **equitable** access to housing for those not served by existing finance mechanisms, Governments *should review and rationalize, where appropriate, systems of subsidies by policies that will ensure their viability, [equity] and transparency, thus allowing that* many people without access to credit and land to enter the market.

(e) Ensuring access to basic infrastructure and services

ARTICLE 65

65. To safeguard the health, safety, welfare and improved living environment of all people and to provide adequate and affordable basic infrastructure and services, Governments at the appropriate levels, including local authorities, should promote:

(a) The supply of and access to adequate quantities of safe drinking water;

[(b) Adequate sanitation and [technically] [environmentally sound] waste systems management, based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

ARTICLE 66

66. To ensure the [equitable] provision of basic infrastructure and service delivery systems, Governments at the appropriate levels, including local authorities, should:

(a) Work with all *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision related to** *in* providing serviced land and *in* to allocating adequate space for basic services, as well as for recreational and open space in the development of new schemes and the upgrading of existing ones;

(g) Promote dialogue among all *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision** to help provide basic services and infrastructure.

ARTICLE 69

69. To respond effectively to the requirements for **healthy and environmentally safe and sound** *appropriate* planning, design, construction, maintenance, and rehabilitation of shelter, infrastructure and other facilities, Governments at the appropriate levels should:

(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, **and as agreed in the “Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;**

DOCUMENTATION OF PRECEDENT

RE: 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)

RE: SUPPORTING ENDOGENOUS TECHNOLOGY

Governments and the international community should facilitate the transfer of relevant technology and experience and should encourage and assist the creation of endogenous technology better suited to the sociocultural characteristics and patterns of population by means of bilateral or multilateral agreements having regard to the sovereignty and interest of the participating States. The knowledge and experience accumulated on the subject of human settlements should be available to all countries. Research and academic institutions should contribute more fully to this effort by giving greater attention to human settlements problems. (III 18 Habitat 1)

Recommendation C4

Designs and technologies for shelter infrastructure and services

C. the solutions arising from such choices should therefor be:

(kk) based on the best possible use of available local materials and local resources within a process of constructive rationalization allowing for the effective use of locally existing know-how and unskilled labour in countries with abundant **human power** manpower, thereby generating employment and income.

(iv) Conceived to utilize traditional techniques suitable adapted to new materials

(v) emerging from original indigenous research

(vi) Planned so as to take full account of their environmental impact (Habitat

l)

ARTICLE 70

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *[stakeholders, individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision]* should:

(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

(b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.** and establish a public mechanism to enforce them;

(c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the **intertransfer of BEST (Best Ecologically Sound Traditions) practices technology recognizing that in many cases traditional practices could be the most ecologically sound.**

(d) With *adequate* attention to safety needs, **and BEST (Best Environmentally Sound Traditions) Practices**, reformulate and adopt building standards and by-laws, **and to ensure compliance to safety and Best practices, where appropriate**, to promote and permit the use of low-cost **endogenous** building materials in housing schemes, as well as by using such materials in public construction works;

(e) Where appropriate, promote partnerships with the private sector and non-governmental organizations to create mechanisms for the commercial production and distribution of basic building materials for self-help construction programmes;

(f) Evaluate on a regular basis *the progress the discharging of obligations and the fulfilling of expectations made in the pursuit of the above pertinent to the above* objectives.

ARTICLE 71a

71 [(a) Intensify and support research efforts to find substitutes for or *optimize the use of* non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to move through “the transition form the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition establish a time-table for the phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, hydro-power and biomass,... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, (Section 9. Subsection 9 g Agenda 21, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by ;minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and

measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)

(vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

ARTICLE 72

72. *Vulnerability is the inability to compete on an equal basis for resources and opportunities. Vulnerability Marginalization* is often caused by *the marginalization in and exclusion from the socioeconomic mainstream and decision-making processes*. If *vulnerability marginalization* is to be **eliminated reduced**, there is a need to *improve and ensure the discharging of obligations* to recognize the right of *access by members of vulnerable marginalized groups to healthy, safe and environmentally sound shelter, to social security, the right to be free from hunger, the right to be free from hunger as undertaken by states parties to the International Covenant of Social, Cultural and Economic Rights 1966. This would include access to finance, infrastructure, basic social services, safety nets and a genuine community involvement and participation in decision-making processes from the determining of the terms of reference and throughout the process.* [. [Depending on local conditions in the housing sector and the availability of legal protections *ensuring guaranteeing equal access to resources and opportunities, vulnerable marginalized individuals come from disadvantaged groups, such as people living in poverty, homeless persons, older persons, women, youth, children (particularly street children), persons with disabilities, [documented] migrants, internally displaced persons, people affected by natural and technological disasters and environmental degradation, minorities and indigenous peoples.*] With regard to shelter, members of *vulnerable marginalized groups* are especially at risk when they may have no security of tenure or where they lack basic services or face disproportionate environmental and health impacts, or because they may be excluded, either inadvertently or deliberately, from the housing market and services.

DOCUMENTATION OF PRECEDENT

RE: INCLUDING MIGRANTS IN LIST OF DISADVANTAGED GROUPS

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)

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)

72 ter. ~~[Inadequate shelter or lack of shelter contributes to a loss of dignity and health in the lives of refugees.]~~ There is a need to strengthen the support for the international protection of and assistance to refugees, especially refugee women and refugee children who are particularly vulnerable. Actions

RE: 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).

RE: 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).

ARTICLE 73

73. To remove barriers and eradicate discrimination in the provision of

shelter, Governments at the appropriate levels, including local authorities, *should shall:*

(c) *Work with the private sector* **Ensure that** cooperatives and local communities and other *[stakeholders]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision work to raise the awareness of the need to** eliminate prejudice and discrimination in housing transactions and provision of services;

ARTICLE 74

74. To provide for the shelter needs of *vulnerable marginalized* groups, Governments at appropriate levels, including local authorities, in cooperation with all *[stakeholders]*, **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision as appropriate, should shall:**

(a) *Provide, where appropriate, targeted and transparent* **Ensure that** subsidies, social services and various types of safety nets **are provided** to the most *vulnerable marginalized* groups;

(b) Work with **the BEST practices enterprises, and the individuals and groups of civil society** *the private and non-profit sectors and including* community-based organizations *and other actors* to provide adequate shelter for members of *vulnerable marginalized* groups, making special efforts to remove all physical constraints to the independent living of persons with disabilities and of older persons;

(c) Strive to provide special living facilities and shelter solutions for members of *vulnerable marginalized* groups, as appropriate, such as shelters for women subjected to violence or shared living arrangements for persons with mental or physical disabilities;

(d) Provide an environment that enables *vulnerable marginalized* groups to participate in the social, economic and political life of their community and country.

ARTICLE 75

75. To reduce **marginalization of individuals and groups vulnerability,** Governments at appropriate levels, including local authorities, should:

(a) Work with non-governmental organizations and community-based organizations to assist members of *vulnerable marginalized* groups to obtain secure tenure;

(b) Composite [Enact and enforce laws to protect people from illegal evictions]; and **to retain, and if not in place, to institute rent-control systems.**

(b) [Protect by law all people from illegal evictions, including dismantling of rent-control systems, and, where evictions are unavoidable, ensure that they are strictly according to the law];

(b ter.)

(c) Promote and support self-help housing programmes and initiatives;

(d) *Promote, where appropriate, Ensure* compliance with and enforcement of all health and environmental laws, *especially* in low-income areas with *vulnerable marginalized* groups

DOCUMENTATION OF PRECEDENT

RE: ENSURING CORPORATE COMPLIANCE WITH THE LAW;

“all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.” (UN Conference on Women: Equality, Development and Peace. Section 167).

(d bis.) Facilitate actions aimed at, inter alia, ensuring legal security of tenure, capacity-building, and improving access to credit, which, apart from subsidies and other financial instruments, can provide safety nets that reduce *vulnerability marginalization*;

(e) Pursue policies that will provide information to and consultation with *vulnerable marginalized* groups;

(f) Facilitate the availability of legal information and assistance to *vulnerable marginalized* groups;

(g) Promote the use of tools for disaster prevention, mitigation, and preparedness in order to reduce the vulnerability of populations to natural, man-made and technological disasters. -----

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

C. Sustainable human settlements development in an urbanizing world
Article 76—

ARTICLE 76

76. [Rapid urbanization, the concentration of urban population in large cities, the sprawl of cities into wider geographical areas and the rapid growth of mega-cities are among the most significant transformations of human settlements.] By the year 2000 more than half of the world's population will live in urban areas and approximately 40 per cent of them will be children. Urban areas will strongly influence the world of the twenty-first century, and urban and rural populations will be increasingly interdependent for their economic [,environmental] and social well-being. Among the economic and social factors influencing this process are population growth and voluntary and involuntary migration, real and perceived **meaningful** employment opportunities, cultural expectations, changing consumption and production patterns and serious imbalances and disparities among regions.

ARTICLE 77

77. [77 ter. Given the magnitude of the challenges that human settlements pose, society must value and take advantage of the wisdom, knowledge and skills of every person. **To draw upon the wisdom, knowledge and skills of citizens is the basis for genuine community involvement and participation. Individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision should be involved in the decision making process. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the implementation and evaluation of the process.**

Urban settlements *hold a held the* promise for human development and protection of the world's natural resources through their **potential** ability to support large numbers of people while limiting their impact on the natural environment. Yet, *many* cities are witnessing harmful patterns of growth, of production and consumption, of land use and of mobility, as well as degradation of their physical structure. Such problems are often synonymous with soil, air and water pollution, waste of resources and destruction of natural resources. Some human settlements are also subject to limited water supply, sanitation, drainage, and to dependency upon toxic and non-renewable energy fuel sources and irreversible loss of bio-diversity. Many of these trends are aggravated or accelerated by high population growth and the magnitude of rural-to-urban migration. **[As recognized in Agenda**

21 UNCED Demographic factors, combined with poverty and lack of access to resources *[[in some areas]]* and excessive consumption and wasteful production patterns in others/*unsustainable patterns of production and consumption, particularly in industrialized countries, cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit sustainable socially equitable and environmentally sound development.*] Therefore, a largely urbanized world implies that *sustainable socially equitable and environmentally sound* development will depend very largely on the capacity of urban and metropolitan areas to manage production and consumption patterns, and the transport and waste disposal systems needed to preserve the environment.

ARTICLE 78

78. *In the process of urbanization, Policies and programmes for socially equitable and environmentally sound sustainable development of human settlements in both rural and urban areas require strong sub-national governmental institutions working in partnership with all [stakeholders]. individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. This genuine community involvement and participation shall include determining the terms of reference and having input throughout the decision making process.* Such institutions are still weak in many countries, and their effectiveness is threatened by increasing problems of political regionalism and ethnic strife. All of these concerns and demands require a regional and cross-sectoral approach to human settlements planning which places emphasis on rural/urban linkages and treats villages and cities as two ends of a human settlements continuum in a common ecosystem.

ARTICLE 79

79. Increasingly, cities have a network of linkages that extends far beyond their boundaries. *[Sustainable Socially equitable and environmentally sound urban development should consider the carrying capacity of the entire ecosystem supporting such development, including the prevention and mitigation of adverse environmental impacts occurring outside urban areas].* The unsafe disposal of waste leads to the degradation of the natural environment: aquifers, coastal zones, ocean resources, wetlands, natural habitats, forests and other fragile ecosystems are affected, as are the homelands of the indigenous people. *[Trade in hazardous, toxic and atomic waste and substances shall should not be carried out . /in accordance with relevant international agreements by parties to those agreements].* Rapid urbanization in coastal areas is causing the rapid deterioration of coastal and marine ecosystems.

DOCUMENTATION OF PRECEDENTS

RE: DEFINING OF BIODIVERSITY AND ECOSYSTEM

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)

“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)

RE: REDUCING 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)

RE: RECOGNIZING 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)

RE: 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)

Social impact assessment takes into account affordability, accessibility, access to work, transport and services, environmental, health and security considerations. (CP)

ARTICLE 80

80. The diversity of types of human settlements is a key component to creating just and sustainable societies. The living and working conditions in all human settlements, including regional urban centres, rural service centres, rural hamlets, rural communities, market towns and villages, must be improved, with particular emphasis on shelter, social and physical infrastructure, and services. The maintenance and development of rural settlements require sustainable agriculture and **ecologically sound forest practices** *forestry activities* and improved agricultural **BEST practices** *technologies*, economic diversification and expanded **meaningful** employment opportunities created by encouraging appropriate and environmentally **sound sustainable** investment in industry and related economic production and service activities.

ARTICLE 81

81. International cooperation, including city-to-city cooperation, is both necessary and mutually beneficial in promoting **socially equitable and environmentally sound sustainable** human settlements *development*. Depending on the context and needs of the cities, towns and villages within each country and region, special attention should be paid to the most critical issues, such as changing production and consumption patterns; **as requiring the phasing out of non-renewable or unsafe sources of energy, and** the conserving of energy and the promoting of efficiency; **as ensuring socially equitable and environmentally sound resource and land use** *sustainable resource and land-use management*; Other critical issues are **the eradicating of poverty** *eradication*; **the stabilizing of population with necessary reproductive choice and social programs, the providing of universal health care; the ensuring of a safe ,environmentally sound water supply, sanitation and waste** *as resource system management*; **the preventing of disaster** *prevention, mitigation, preparedness and management*; **the preserving and protecting of** cultural, natural and historical heritage; **the preserving, protecting and conserving of the** *environmental protection*; **the driving of industry to embrace BEST practices; the establishing** of infrastructure; and basic services, such as health and education facilities and services. Habitat II provides an opportunity **to explore the interdependence of these issues within a framework of obligations incurred and expectations created, and** to focus on the effect that current patterns of human settlement development will have on our ability **to discharge the obligations incurred through Conventions, Treaties and Covenants, and to fulfill the expectations created through Declarations, General Assembly Resolutions and Conference Action Statements.** *achieve the objectives established at recent United Nations*

conferences. Close attention to trends in urban development is essential to the viability of **socially equitable and environmentally sound sustainable** human settlements development in rural and urban areas alike.

ARTICLE 82

[[82 Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other *vulnerable marginalized* and disadvantaged groups from gaining access to suitable land, the location of which does not pose economic, environmental or health risks to the residents because of such reasons as proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment, **especially within the carrying capacity of the ecosystem** and the overall system of settlements is one of the basic tasks to be undertaken in achieving a **socially equitable and environmentally sound sustainable** urbanized world. The *tools means to for* achieving a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, **and revitalization and management**. National, sub-national and local policies and problems need to be integrated. [The precautionary principle/*approach* and the use of environmental and social impact assessment are essential].

bis. Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from harmful effects of human settlements. Special attention should be paid to **ensuring that trade in hazardous, including atomic, and toxic wastes and substances should not be carried out, and to guiding potentially hazardous activities away from the fragile areas. Oceans and the atmosphere should be protected from land-based sources of pollution, where appropriate.]** Through mandatory international normative standards (INS, 1997), states shall invoke and ensure compliance with the precautionary principle. States shall ensure, as agreed in the Platform of Action, UN Conference on Women, that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167).

DOCUMENT OF PRECEDENTS

RE: PROVIDING ACCESS TO WATER

In the less developed countries, nearly two thirds of the population do not have reasonable access to safe and ample water supply, and even a greater proportion lack the means for hygienic waste disposal

(b) Safe water supply and hygienic waste disposal should receive priority with a view to achieving measurable qualitative and quantitative targets serving all the population by a certain date; targets should be established by all nations and should be considered by the forthcoming united nations conference on water.

(c) in most countries urgent action is necessary to

(i) adopt programmes with realistic standards for quality and quantity to provide water for urban and rural areas by 1990, if possible.

(ii) adopt and accelerate programmes for the sanitary disposal of excreta and waste water in urban and rural areas;

(v) reduce inequalities in service and access to water as well as over-consumption and waste of water supply;

RE: INVOKING THE PRECAUTIONARY PRINCIPLE

The precautionary principle has been enunciated in international documents since at least the 1972 United Nations Conference on Humans and the Environment (Stockholm Convention), where it appeared in a rudimentary form; it was then reinforced in the 1982 UN Resolution 37/7, the World Charter of Nature, and then re-enunciated throughout the UNCED documents.

The precautionary principle has been enunciated " as follows:

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

(version of precautionary principle in BC Working Group on Developing Criteria for Standards, 1994)

The precautionary principle shall be applied to all potentially harmful emissions, contaminants, agents of pollutants, or re concentrated substances—created through imbalance in bio-geochemical cycles. States shall ensure that in all their activities and in the activities of corporations

including transnational corporations there is adherence to the anticipatory principle. In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). In the international documents different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

DOCUMENTATION OF PRECEDENTS

RE: ENSURING DOUBT-DRIVEN ACTION

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 not proceed (World Charter of Nature)

RE: ENSURING PREVENTIVE MEASURES

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)

RE: ENSURING CRADLE-TO-GRAVE

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)

RE: ENSURING THE MONITORING FROM CRADLE TO GRAVE

Governments, in collaboration with industry and appropriate international organizations, should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (20.20 e Hazardous wastes)

RE: ENSURING 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)

RE: ENSURING 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)

RE: ENSURING 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)

RE; REVISITING 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)

RE; INVOKING 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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1994)

The anticipatory principle shall be followed as a pro-active measure to ensure that substances and processes which are harmful to the environment or to human health are prevented from entering the environment. One aspect of the anticipatory principle is to determine in advance before extracting resources whether the extraction causes environmental harm or is culturally inappropriate to indigenous peoples whose territory is beyond the treaty frontier.

ARTICLE 83

83 Many cities are using peripheral land for urban-related purposes in a wasteful manner while existing serviced land and infrastructure may not be adequately developed and used. To avoid unbalanced, unhealthy and unsustainable growth of human settlements, it is necessary to promote land-use patterns that minimize transport demands, save energy and protect open and green spaces. Appropriate urban density and mixed land-use guidelines are of prime importance for urban development. National, sub-national and local policies and development plans must be carefully re-examined to ensure optimal land use and geographically better balanced economic development, including the protection of indispensable agricultural land; land that sustains biodiversity, water quality and groundwater recharge; fragile areas, including coastal areas; and other sensitive areas in need of protection. Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic development. Vegetation creates natural habitats and permits a better absorption of rainwater by natural means, which implies savings in water management. Green areas and vegetation also play an important part in reducing air pollution and in creating more suitable climatic conditions, thereby improving the living environment in cities. Healthy and environmentally sound agricultural activities and the provision of common land should be integrated into the planning of urban and peri-urban areas.

ARTICLE 84e

84 (e) *Encourage* **Ensure genuine community involvement and participation among the public, private and voluntary sectors and other [stakeholders of individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]** in the caring for and the using *managing* land resources for **socially equitable and environmentally sound sustainable** urban development; **Urban and rural communities will not be environmentally sound until states shall undertake to ensure the phasing out of hazardous, toxic and nuclear activities, and actively promote and funding Best Environmentally Sound Technology (BEST).**

[(e bis.) Promote urban planning, housing and industrial siting initiatives that ban and thus prevent discourage the siting of hazardous, toxic or nuclear industrial facilities in residential areas;] in any sensitive ecosystem, or eventually in any location. No toxic, hazardous or atomic wastes shall be produced after 1997. States shall immediately reduce and eventually eliminate the production of toxic, hazardous and atomic wastes, and states shall promote and fund active conversion to BEST (Best Environmentally Sound Traditions) practices.

[(e ter.) Seek to prevent *or minimize* pollution and exposure to pollution from industrial facilities, while also promoting urban planning, housing and industrial siting initiatives that **ban discourage the disproportionate** siting of polluting industrial facilities, and in particular the **disproportionate siting of industrial facilities** in areas inhabited by people living in poverty or members of other *vulnerable* marginalized and disadvantaged groups;]

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: [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)

ARTICLE 84f & i

84 f*(f) Develop and support the implementation of improved land-**care and use management** practices that deal comprehensively with competing urban land requirements for housing, industry, commerce, infrastructure, transport, green spaces and forested areas, taking into account the need of spaces for everyday activities such as playgrounds, **wilderness, forests**, parks, sports and recreation areas and areas suitable for gardening and urban agriculture;

(i) Institutionalize a participatory approach to **socially equitable and environmentally sound sustainable** human settlements through the development and support of **means and methods strategies and mechanisms** that encourage open and inclusive dialogue among all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, with special attention to the needs and

priorities of women, minorities, children, youth, people with disabilities, older persons and persons living in poverty and exclusion;

ARTICLE 85

85. To develop and support improved and integrated land- **care and use management**, Governments at the appropriate levels, including local authorities, **should shall**:

(a) Develop integrated land information and mapping systems;

[[*(b) Consider, as appropriate, Establishing local structures, such as commissions and tribunals for the enforcement of **land management socially equitable and environmentally sound** laws and regulations in order to make enforcement and appeals more **equitable, efficient and effective**;*]

[[*(c) Develop the land market through the establishment of an effective and environmentally sound legal framework in order to mobilize/which encompasses lands with diverse tenure systems*];

(d) Develop, with the participation of all [*stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.*], comprehensive and environmentally sound land-**care/use strategies** at the local level.

ARTICLE 86

86. Promoting equitable, socially viable, **environmentally sound** and stable human settlements is inextricably linked to reducing and eradicating poverty. We share the concerns of the First United Nations Decade for the Eradication of Poverty which also acknowledges [*the increasing feminization of poverty*]. Poverty has various manifestations, which include homelessness and inadequate housing. The eradication of poverty requires, inter alia, sound macroeconomic policies **linked to BEST practices** aimed at creating **meaningful** employment opportunities, equal and universal access to economic opportunities, (and special efforts to facilitate such access for the disadvantaged); education and training that will promote sustainable livelihoods through freely chosen **productive meaningful** employment and work, and basic social services, including health facilities. **However, Although** there are no universal solutions which can be applied, **there are principles reflected in obligations incurred and expectations created through international instruments that can provide a framework for assisting in the achieving of the vision of Habitat II.** People living in poverty must be empowered through freely chosen participation in all aspects of political, economic and social life. Other **key elements of actions to reduce poverty a poverty reduction strategy** include **policies geared to ensuring**[*reducing inequalities,*

increasing opportunities, providing access to resources and **[(meaningful employment] income;**] providing social protection for those who cannot support themselves; recognizing the special needs and skills of women; developing human resources; improving and making more accessible infrastructure, including communication facilities; and **[(taking comprehensive national responsibility for meeting)]** the basic needs of all.

ARTICLE 87

87. To promote **and provide** **[(equitable)]** *the provision of services* in human settlements, Governments at the appropriate level, including local authorities, **shall should:**

[(a) Formulate and implement integrated settlement development policies which ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; meaningful employment and livelihood; primary and universal health-care, including reproductive and sexual health care and services; safe drinking water and sanitation; adequate— affordable, accessible, healthy and safe, environmentally sound shelter with tenure- security; and access to open and green spaces; giving special priority to the needs and rights of women and children who often bear the greatest burden of poverty;] As already committed to in the UNCED documents and in the Platform of Action UN Conference on Women: Equality, Development and Peace.

DOCUMENTATION ON PRECEDENTS

RE: ENSURING FOOD SELF SUFFICIENCY

"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 UNCED)

RE: PROVIDING FOOD SECURITY

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)

RE: 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)

RE: PROMOTING HEALTH CARE

Governments should establish measures that will directly or indirectly set up an effective primary health care and maternal health care system accessible to all " (3.7.e Combating Poverty)

the provision of a safe water supply and sanitation and the promotion of a safe food supply and proper nutrition. Particular attention should 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...education and appropriate services regarding responsible planning of family size... values... (6.3. Protecting and promoting health UNCED)

RE: PROVIDING ACCESS TO HEALTHY SHELTER

Access to safe and healthy shelter is essential to a person's physical, psychological, social and economic well-being and should 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, UNCED)

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. (3.7.o Combating Poverty, UNCED)

" provide the poor with access to fresh water and sanitation (3.7. p Combating Poverty, UNCED)

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

RE: IMPROVING HEALTH AND ENVIRONMENT

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, UNCED)

RE: SATISFYING BASIC HUMAN NEEDS OF DRINKING WATER

freshwater resources are an essential component of the earth's hydrosphere and an indispensable part of all terrestrial ecosystems. (18.7 Fresh water, UNCED)

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. (18.8. Fresh water, 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. (18.58 Freshwater UNCED)

"Water is a finite resource, essential for the sustenance of life on earth (18.2 Freshwater UNCED)

"water is needed in all aspects of life (18.6 fresh water UNCED)

ARTICLE 87 b

(b) Where appropriate, re-direct public resources to enable community-based *management provision* of services and infrastructure and promote the participation of *the private sector, local business entrepreneurs that engage in service industries and BEST practices*, local residents, including people living in poverty, women, people with disabilities, indigenous people and members of disadvantaged groups, in the identification of public service needs, spatial planning and the design, provision and maintenance of urban infrastructure and open and green spaces.

ARTICLE 88

88. To promote social integration, Governments at the appropriate level, including local authorities, recognizing the importance of volunteer contributions and in close cooperation with non-governmental organizations, community-based organizations, the cooperative sector and public and private foundations, **shall should**:

(a) Prohibit **[a]]** discriminatory, exclusionary practices related to shelter, employment and access to social and cultural facilities;

(b) Offer opportunities and physical spaces to encourage positive interaction among culturally diverse groups;

(c) Involve marginalized and/or disadvantaged groups and individuals in the planning, decision-making, monitoring and assessment related to human settlements development;

[(d) Encourage, in cooperation with relevant *[stakeholder individuals and organizations of civil society with a wide range of experience and expertise,]*, the development of school curricula geared to conscious understanding and cooperation among diverse cultural groups, through the promotion of principle-based education—education based on the fundamental principles underlying International documents related to enshrining and guaranteeing respect for human rights, to preserving, protecting and conserving the environment, to enabling social justice, to achieving a state of peace; justice and security, and to participating in socially equitable and environmentally sound development.]

ARTICLE 90

General

90. In order to promote the genuine involvement and participation of women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision making process.

gender-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, in collaboration with women's groups and other [stakeholders [90 bis. [In order to develop the full potential of the youth and prepare them to take a responsible role in the development of human settlements, Governments at the appropriate levels, including local authorities and in partnership with private sector, non-governmental youth organizations and other non-governmental organizations as well as community-based organizations, should:

[90 ter. In order to promote disability-sensitive planning and management of human settlements, Governments at the appropriate levels, including local authorities, should:

(a) Adopt, *where appropriate*, by-laws, standards and norms and develop planning guidelines that take into consideration the needs and situations of and in consultation with **women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized from the decision making process, and ensure their genuine involvement and participation from the determination of the terms of reference and throughout the planning of human settlements, development of human settlements and decision making processes about human settlements.**

[(a) Integrate youth concerns into all relevant national, sub-national and local policies, strategies, programmes and projects;

[(a bis.) Enable youth by supporting and valuing their ability to play an active and creative role in building sustainable communities;

(b) Promote representative structures, *while* ensuring full and equal participation *women's* [and equal opportunities for] and equal access to **all levels of** education and training *of for women, people living in poverty, people with disabilities, youth, the elderly, citizens in rural areas, indigenous peoples, migrant workers, refugees, and any other status that may have been marginalized in or from the educational system.*

Data Generation

[(c) Generate and disseminate disaggregated data, while ensuring that such statistics are collected, compiled, analyzed and presented by age, sex and work status; set up monitoring mechanisms in government structures and integrate the results into mainstream policies for sustainable human settlements developments;

Equal access

(d) Eliminate legal and customary barriers, where they exist, to women's equal access to and control of land and finance

[(e) Ensure equal access to housing, land and public services in the urban and rural areas in line with the International Convention on the Elimination of All Forms of Discrimination against Women.]

[(f) Develop policy and guidelines and provide services that would enable persons with disabilities to be housed in community-based settings;

[(g) Promote equal access to all levels of education and skills development for persons with disabilities;

[(h) Provide equal access to basic education, while paying special attention to people living in poverty and to youth living in rural areas, and addressing constraints created by distance, lack of educational facilities and social or economic barriers;

(i) Promote equal access to all levels of education for girls, **youth, young with young** and women;

Equal opportunity

(j.) Foster economic policies that have a positive impact on the **meaningful** employment and income of women workers in both the formal and informal sectors and adopt specific measures to address women's unemployment, in particular their long-term unemployment;

[(k) Develop and implement programmes that enable people with disabilities to have an equal opportunity to realize an income sufficient to attain an adequate standard of living;

[(l) Promote representative structures, ensuring full and equal opportunities for participation of persons with disabilities;

[(m) Take special action to reduce the drop-out rate at all levels of education through increased relevance and quality education, and to facilitate the access of school leavers to sustainable livelihood **and meaningful employment;**

Genuine involvement and participation in decision making

(n) Develop policy guidelines and programmes that encourage and actively pursue the involvement of women's groups in all aspects of community development related to environmental infrastructure and the provision of basic urban services and encourage women's own cooperatives, as well as their membership in other cooperatives;

(o) Recognize that women, as primary family caregivers, spend a greater proportion of time in the home and community [and therefore, as experts in their own home and community, should participate fully and equally in all aspects of community development, especially environmental infrastructure and basic services];

[(p) Consider in the planning process that persons with disabilities are often involved in the informal sector and use their homes for business or market activities.]

[(q) Recognize that people with disabilities are experts in their own housing and community requirements and should be decision-makers, designers and implementers of them;

Enhance awareness of issues

[(r) Enhance community awareness of issues facing homeless and refugee women, especially those issues related to physical and sexual abuse, and design appropriate community responses;]

[(s) Enhance community awareness of health care issues facing persons with disabilities, such as physical and sexual abuse and substance abuse, and design appropriate community responses;

Establish programmes

(t) Establish programmes that address the [~~severe/absolute~~] poverty found among rural women, focusing on their need for adequate shelter and **meaningful** employment;

Encourage awareness-raising

[u) Encourage awareness-raising campaigns and other actions developed and implemented by youth that are aimed at promoting the appreciation by the youth of historical, natural and cultural heritage and at increasing their consciousness of the environmental values and environmental implications of their consumption and behavioral choices, especially those related to sustainable human settlements development.]

ARTICLE 91

91. To prevent and reduce violence and crime, especially at the local levels, Governments, **working cooperatively in partnership with all [*stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who have been excluded through fear and mistrust]**, should:

(a) Design, create and maintain livable human settlements that encourage the use of public spaces as centres of community life so that they do not become places for criminal activity;

[[a bis.) *Guarantee* **Ensure** basic education to all;] [(a ter.) Assist crime prevention through social development by finding ways to help communities deal with underlying factors that undermine community safety and result in crime, including by addressing poverty and inequality as the two basic components of the social development approach;]

(b) Encourage youth and children, in particular street children, to become [*stakeholders* i] **involved** in **determining** their own future and their community's future through education, recreation, and job training and counseling that can attract *private sector investment support from individuals and organizations of civil society support from non-profit organizations*; . **Children and youth shall be respected and trusted.**

(b bis.) Enhance women's safety in communities through the promotion of a gender perspective in crime prevention policies and programmes by increasing in those responsible for implementing these policies the knowledge and understanding of the causes, consequences and mechanisms of violence against women;

(c) Establish programmes designed to improve the skills of local leadership in group facilitation, conflict resolution and intervention;

(d) As appropriate, promote personal security and reduce fear by improving police services, making them more accountable to the communities they serve, and by encouraging and facilitating, whenever appropriate, the formation of lawful community-based crime prevention measures and systems;

(e) Provide accessible, affordable, impartial, prompt and humane local systems of justice by, inter alia, facilitating and strengthening, where appropriate, existing traditional institutions and procedures for the resolution of disputes and conflicts;

(e bis.) Encourage the establishment of programmes and projects based upon voluntary participation, especially of children, youth and older persons, to prevent violence, including violence in the home, and crime;

(e ter.) The concerted and urgent action to dismantle international and national sex trafficking networks.

ARTICLE 93

93. [**Socially equitable and environmentally sound** *Sustainable* human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and decrease disparities in their quality of life. People are entitled to a healthy and *productive meaningful* life in harmony with nature; furthermore, improved health can also contribute more to economic and social development.]

ARTICLE 94

The health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Childrens' well-being is a particularly reliable indicator for healthy urban environments. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is, therefore, essential to take a holistic approach to health, whereby both prevention and care are placed within the context of the environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and

capacities. [Education for all is a fundamental requirement for enabling women and men, young and old, to gain from improved practices and make use of and demand appropriate infrastructure and health and environmental services.]

ARTICLE 95

* [95. Many pollution-related risks to health are particularly high in urban areas, as well as in low-income areas, because of higher concentrations of pollutants from, inter alia, industry, traffic, fumes from cooking and heating devices, overcrowding and inadequate solid and liquid waste management. Environmental risks in the home and the work place may have a disproportionate impact on women's health because of women's different susceptibility to the toxic effects of various chemicals and given the nature of tasks that women frequently undertake. Environmental risks in the home may also have a disproportionate impact on children, and on future generations.]

(a) 95 bis. Many environmental contaminants, such as radioactive materials and persistent organic pollutants, work their way into the food chain and eventually into human beings, thus compromising the health of present and future generations.

DOCUMENTATION OF PRECEDENT

RE: ENSURING THE PRESERVATION OF SPECIES AND ECOSYSTEMS FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

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)

RE: NOT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO MEET THEIR OWN NEEDS

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)

(b) [95 ter. Unsustainable and wasteful production and consumption patterns [particularly in industrialized countries] also lead to increasing problems in waste management. It is essential to intensify efforts aimed at minimizing the

production and discharge of waste, and at recycling and reuse as much as possible, and disposing of the remainder in an environmentally sound manner. This will require changes in attitudes and consumption patterns, as well as in the design of buildings and neighbourhoods as well as innovative, efficient and sustainable modalities for waste management.]

(c) [95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

ARTICLE 96

96. To improve the health and well-being of all people throughout their life span, particularly the people living in poverty, Governments at the appropriate levels, including local authorities, *and in partnership with the genuine involvement and participation of other [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, shall *should*:

(a) Develop and implement national, sub-national and local health plans or strategies and strengthen environmental health services to prevent, mitigate and respond to diseases and ill health from poor conditions in living and working environments and the conditions of people living in poverty;

(b) Adopt measures to prevent and control air, water and soil pollution and to reduce noise levels, *where appropriate*, and develop, and develop and ensure access to appropriate preventive and curative health care systems in order to tackle related health problems; Ensure adequate research to assess how and to what extent women and children are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women and children, particularly women with low income, indigenous women and women belonging to minorities;

(c) Improve shelter conditions so as to mitigate health and safety risks, particularly risks to women, older persons, children and people with disabilities, which are associated with activities in the home;

(d) Build capacity at all levels for effective environmental health management, **develop** and implement programmes to ensure availability of access to a full range of affordable, **universal** [good quality/basic] health care services for women [throughout their life span, including reproductive health care]; **establish** *Develop* criteria for maximum permitted safe noise exposure levels and promote noise assessment control as part of environmental health programmes;

(e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene;

[(e bis.) Promote, where appropriate, planning and good design in human settlements, both in new developments and in upgrading and rehabilitation, while emphasizing aesthetic qualities as well as environmentally safe and sound *and sustainable* technical and functional qualities, enriching and enlightening the overall quality of life of the people;]

(f) Establish processes to increase the exchange of information **about BEST practices**, experience and technical assistance among national, sub-national and local governments, [including among governments at the same level] and *across sectors* for environmental health improvements;

[(f bis.) Ensure that due priority is given and adequate resources made available, at the national, regional and international levels, to combat the threat to individuals and public health posed by the rapid spread of HIV/AIDS globally and by the re-emergence of major diseases, such as tuberculosis, malaria, onchocerciasis (river blindness) and diarrhoeal diseases, in particular, cholera;]

(g) Promote safe and healthy work place conditions for men and women.

ARTICLE 97

97 . To improve environmental conditions and reduce industrial and domestic waste and other forms of health risks in human settlements, Governments at the appropriate levels and in partnership with all [*stakeholders* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.**] shall *should*:

(a) Develop and implement national and local [*sustainable socially equitable and environmentally sound development plans and*] policies and specific cross-sectoral programmes addressing all relevant chapters of Agenda 21.,

and in particular to ensure the fulfillment of expectations that arose from Agenda 21 These should be action-oriented and have clear targets and schedules;

(b) Develop laws and policies that specify appropriate ambient environmental quality levels and set targets for environmental improvements and identify instruments for their achievement appropriate to national and sub-national priorities and conditions;

(c) Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels;

[(d) Set high mandatory international normative environmental standards and technical regulations so as to drive and facilitate the selection and development of BEST (Best Ecologically Sound Traditions) practices appropriate technologies and their appropriate use;]

[(d bis.) Identify and address, as appropriate, the disproportionately high and adverse effects of policies and programmes on the human health or the environment of the people in poverty poor, minorities and other vulnerable marginalized populations;]

(
(d) Develop criteria and methodologies for the assessment of environmental impacts and resource requirements at the local level throughout the life cycle of products and processes;

(e) Provide incentives and disincentives to promote the use of clean production and energy- and water-saving processes and technologies **such as BEST practices that, among other things, can increase economic opportunities in the area of environmental technology, environmental clean-up and Environmentally sound friendly activities and products and can improve the attractiveness and competitiveness of human settlements for economic investments of other BEST practices;**

(f) Provide guidelines and training for the application of procedures for the assessment of environmental health impacts;

[(g) Undertake strategic environmental impact assessments of for development projects that may significantly have significant adverse environmental effects or that may affect the quality of the environment;]

(h) Support mechanisms **for working cooperatively with consultations and partnerships among [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly**

those marginalized members of society who may be adversely affected by any decision. 7] to prepare and implement local environmental plans and local Agenda 21's and specific *cross-sectoral integration of environmental health programmes*;

(i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed **for socially equitable and environmentally sound sustainable human settlements development**;

(j) In cooperation with the international community, promote the protection of the living environment and strive to restore contaminated land, air and water to levels acceptable for **socially equitable and environmentally sound sustainable human settlements**.

DOCUMENTATION OF PRECEDENT

RE: 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)

ARTICLE 98

98 [(a) Promote the conservation and *sustainable socially equitable and environmentally sound use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity*; the protection of biodiversity should be included within local **socially equitable and environmentally sound sustainable development planning activities**;

(aa) Incorporate the following principles *and strategies* in developing this integrated approach: the precautionary principle, the ecosystem *approach primacy principle*, pollution prevention principle, **staying-within-the-carrying-capacity principle**, and **avoidance of ecological footprint principle**;

(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and

conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

DOCUMENTATION OF PRECEDENTS

RE: CONSERVING BIODIVERSITY

To conserve and sustainably use biological diversity for the benefit of present and future generations, (preamble, Convention of Biological Diversity, UNCED, 1992)

RE: PREVENTING LONG TERM DECLINE OF BIODIVERSITY

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)

[(b) Protect existing forests, ensure environmentally sound forestry practices in areas designated for forestry, resources and promote afforestation around and within human settlements in order to fulfill basic needs relating to energy, construction, recreation and food security;

ARTICLE 98 e

98 (e) Ensure adequate the opportunity for genuine community involvement and participation *public participation* by all [*stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision,] at all levels of environmental decision-making, including in determining the “terms of reference” and throughout the decision making process]

DOCUMENTATION OF PRECEDENTS

RE: ENSURING GENUINE PUBLIC PARTICIPATION E.(AGENDA ITEM 10 E)

Since a genuine human settlement policy requires the effective participation of the entire population, recourse must therefore be made at all times to technical arrangements permitting the use of all human resources, both skilled and unskilled. The equal participation of women must be guaranteed. These goals must be associated with a global training Programme to facilitate the introduction and use of technologies that maximize *productive meaningful* employment. (III 11, Habitat I)

RE: MOBILIZING PARTICIPATION IN DECISION-MAKING

Participation is an integral part of the political processes of decision-making; in a field as complex as human settlements, it is also a necessity because the task is too great for Governments to accomplish without mobilizing the interest of inhabitants, using their ingenuity and skills and harnessing otherwise untapped resources. (III 17, Habitat I)

RE: ENSURING THE BENEFICIARY IS A PARTICIPANT IN COLLECTIVE DECISIONS

Public participation is the dynamic incorporation of the people in the economic, social and political life of a country which would ensure that the beneficiary is an effective participant in collective decisions with regard to the common good. (III 28, Habitat I)

RE: PROVIDING DIRECT INVOLVEMENT IN DECISIONS

A co-operative effort of the people and their Governments is a prerequisite for effective action on human settlements. The magnitude and intractability of the problems are too great for Governments to act alone. Citizen participation should be an integral part of the decision-making processes on the full range of human settlement issues. Citizens must be provided opportunities for direct involvement in the decisions that profoundly affect their lives. Such participation can heighten citizen awareness of the complexity and inter-relatedness of the problems and the urgent need for concerted action. Involvement of citizens can also be an important means of making creative use of their ingenuity and skills, thus making effective use of often untapped resources. (III 39, Habitat I)

RE: INVOLVING RESIDENTS IN THE MAKING OF DECISIONS

Participation can be conceived, from the top downwards, as the involvement of the higher echelons of government in the decision-making of smaller groups; laterally, as the co-operation between parallel or competing sectoral interests; or, from the base upwards, as the direct involvement of residents in the making of decisions and implementation of programmes which concern them. The first two forms of participation are the basis of strategies, planning procedures, implementation of programmes and, in general, management of human settlements; the last, under the label of popular participation, is becoming an indispensable element of a truly democratic process. (III 40, Habitat I)

RE: PROVIDING OPPORTUNITIES FOR EARLY AND CONTINUING INVOLVEMENT IN THE SELECTION OF ALTERNATIVES

Citizen participation, by definition, cannot be achieved by fiat. But it can be facilitated by removal of political and institutional obstacles and by providing information in clear and meaningful terms. It can also be stimulated by providing opportunities for early and continuing involvement in the selection of alternatives. The inaccessibility of information and the absence of appropriate mechanisms for the expression of alternative views are often major stumbling blocks for effective involvement of citizens in shaping their future.

95 Public participation implies not only efforts to convey information but also a very important effort of education and formation to allow both specialist and public participation to play a determining role in evaluating the economic, technical and administrative consequences of the measures under consideration (III 73 Habitat I)

ARTICLE 98 ter

*[98 ter. Water resources in communities management in human settlements presents an outstanding challenge of sustainable **socially equitable and environmentally sound** development. It combines the challenge of securing for **serve** all the basic human need of a reliable supply of safe drinking water and **meeting the competing** the needs of businesses that engage in **socially equitable and environmentally sound** development and **Best practices with local materials. Industry and Agriculture**, which are crucial to **socially equitable and environmentally sound economic** development and **food security and food self-sufficiency**, without compromising the ability of future generations to meet their water needs. *Meeting this challenge requires an integrated approach to water resources management that takes cognizance of the links between water, sanitation and health, between the economy and the environment, between cities and their hinterland, and harmonizes land-use planning and housing policies with water sector policies and ensures a comprehensive and coherent approach to setting and enforcing realistic standards. A strong political commitment, cooperation across disciplines and sectors, and an active partnership of all [stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.] will be essential to integrated water resources management. To this end, Governments, at the appropriate levels, and in partnership with other [stakeholder community-minded citizens and groups with a wide range of experience and expertise” including some members of the community that will be socially and environmentally disadvantaged by the decisions], should:**

DOCUMENTATION OF PRECEDENTS

RE: PROVIDING FOOD SECURITY AND FOOD SELF SUFFICIENCY

"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)

RE: 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)

RE: 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)

ARTICLE 99

[99. In a globalizing economy, the increasing occurrence of the transferring of substances or activities that cause environmental degradation or that are harmful to human health to other states (in violation of principle 14 of the Rio Declaration) and the increasing occurrence of trans-boundary pollution and the transfer across national borders and regions of technologies hazardous — including toxic and nuclear technologies — to the environment represent a serious threat to the environmental conditions of human settlements and the health of their inhabitants. Governments should therefore cooperate to develop further bilateral and multilateral legal mechanisms to implement Principle 13 of the Rio Declaration regarding "liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction." In this context, States should be guided by Principle 16 of the Rio Declaration which encourages the approach that the polluter should in principle bear the cost of pollution. The international community, international organizations and Governments should also seek appropriate preventive measures in cases of clear risk of major environmental accidents with trans-boundary effects.] in addition citizens can legitimately expect that states will comply with Principle 14 of the Rio Declaration which calls for the prevention of the transfer of substances and activities that are harmful to human health or to the environment to other states, and to principle 15 which calls for the

invoking of the precautionary principle which states that 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.

DOCUMENTATION OF PRECEDENT

RE: PROMOTING NEW AND RENEWABLE ENERGY

The basic and ultimate objective of this programme area is to reduce adverse effects on the atmosphere from the energy sector by promoting policies or programmes, as appropriate, to increase the contribution of environmentally safe and sound and cost effective energy systems, particularly new and renewable ones, through less polluting and more efficient energy production, transmission, distribution and use. This objective should reflect the need for equity, adequate energy supplies and increasing energy consumption in developing countries, and the need to take into consideration the situations of countries that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which countries have serious difficulties in switching to alternatives, and of countries highly vulnerable to adverse effects of climate change. (9:11 Atmosphere, UNCED)

RE: RESPECTING THE ATMOSPHERE THROUGH ENERGY ALTERNATIVES

Energy is essential to economic and social development and improved quality of life. Much of the world's energy, however, is currently produced and consumed in ways that could not be sustained if technology were to remain constant and if overall quantities were to increase substantially. The need to control atmospheric emissions of greenhouse and other gases and substances will increasingly need to be based on efficiency in energy production, transmission, distribution and consumption, and on growing reliance on environmentally sound energy systems, particularly new and renewable sources of energy./1/ All energy sources will need to be used in ways that respect the atmosphere, human health, and the environment as a whole (9.9. Atmosphere, UNCED).

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, services, industrial BEST practices production, and household and office activities. Current dependence on fossil-fuel-based energy sources in most urban centres leads to climate change, air pollution, and consequential environmental and human health problems, and [may] represent a serious threat to socially equitable and environmentally sound development. sustainable development. Sustainable energy production and use can be enhanced by encouraging shall be undertaken through energy conservation, energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness, and through the phasing out of the use of non-renewable or unsafe sources of energy. The socially equitable and environmentally sound development of Human settlements and energy policies should be actively coordinated. Regulations driving the phasing out of non-renewable and unsafe sources of energy will be essential to foster the promotion and development of BEST practices in the area of renewable environmentally sound alternative energy sources.

DOCUMENTATION OF PRECEDENTS

RE: 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)

RE: DEVELOPING SAFE, MORE EFFICIENT AND LESS POLLUTING TRANSPORTATION

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere)

(c) Promote **energy conservation and** energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling systems that make use of waste heat recovery, and co-generation of heating and electricity **providing co-generation is not used to justify the continued use of non-renewable or unsafe energy.** ;

(d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

(f) Introduce or amend user charges and/or other measures to promote the efficient use of household energy;

(g) Stimulate, through fiscal incentives or other measures, and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

(h) *Support programmes for* **Undertake the prevention,** reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

(i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption, **and to prepare the public for the required changes needed for the phasing out of non-renewable unsafe sources of energy;**

(j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings, **by requiring the phasing out of non-renewable unsafe sources of energy;**

(k) Encourage the **cautious** use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction **providing that this “environment industry” is not used to justify the continued production of toxic, hazardous, or atomic wastes, or to discourage the needed change to the production of safe renewable resources from production;**

(l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

ARTICLE 101 b

101 (b) **Introduce energy-pricing policies and use regulatory measures to drive the phasing out of non-renewable unsafe energy and to promote use of renewable and safe sources of energy, and the conservation of energy; and to improve efficiency of energy use in human settlements, while ensuring that people living in poverty and their families are not disadvantaged;**

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING ALTERNATIVE ENVIRONMENTALLY SAFE AND SOUND TECHNOLOGIES

"To develop and apply pollution control and measurement technologies for stationary and mobile sources of air pollution and to develop alternative environmentally [safe and] sound technologies; (see trans-boundary) (9.24 a Atmosphere)

RE: PROMOTING ALTERNATIVE ENERGY

Promote pilot plans and projects consisting of electrical, mechanical and thermal power (gasifiers, biomass, solar driers, wind-pumps and combustion systems) that are appropriate and likely to be adequately maintained. (14.95 a. Agriculture)

ARTICLE 104 f

104 (f) **Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion,** promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and **actively fund and promote** other alternative forms of energy;

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating **meaningful** employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities world wide. If other factors, such as population growth of and migration to cities, are addressed effectively through, inter alia, **requiring cities not to exceed the carrying capacity of the ecosystem that sustains them,** urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through **the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments**

*industry, together with trade and services, will provides the main impetus to this process. **by driving businesses to engage in socially equitable and environmentally sound practices.***

ARTICLE 110

110. Cities have traditionally served as economic centres and have become the primary providers of services. As engines of economic growth and development they function within a network of supporting economic activities located in their surrounding peri-urban and rural areas. For this reason, specific actions also need to be taken to develop and maintain efficient and affordable transport, information and communications systems and linkages with other urban centres and with rural areas and to seek reasonably balanced patterns of development, both geographically and economically. Rapid changes in production technologies and in trade and consumption patterns will lead to changes in urban spatial structures that, notwithstanding their nature, need to be addressed.

ARTICLE 111

111. Economic development and the provision of services can be enhanced through improved human settlements activities such as urban revitalization, construction, upgrading and maintenance of infrastructural facilities, and building and civil works. These activities are also important growth factors in the generation of employment, income and efficiency in other sectors of the economy. In turn, in combination with appropriate environmental protection policies, they result in the sustainable improvement of the living conditions of city residents as well as of the efficiency and productivity of countries.

Actions

ARTICLE 112

112. To establish an effective financial base for **socially equitable and environmentally sound** urban development **within the carrying capacity of the ecosystem**, Governments at the appropriate levels, including local authorities, in cooperation with trade unions, consumer organizations, **BEST practices enterprises** *business*, trade, and the financial sector, including *the* cooperatively organized **enterprises business sector** and non-governmental organizations, as appropriate, should:

(a) Formulate and implement financial policies which stimulate a broad range of urban **meaningful** employment opportunities;

(b) Encourage the formation of new public-private sector partnerships for institutions that are privately owned and managed but public in their function and purpose, and promote transparency and accountability of their operation.

ARTICLE 113

113. To provide opportunities for *productive meaningful* employment **and investment in BEST practices** *private investment*, Governments at the appropriate levels, including local authorities, in consultation with workers' and employers' organizations, chambers of commerce, industry, trade, consumer organizations, professional associations, and the financial sector, including the cooperative sector, and in the context of comprehensive urban planning, should:

(a) Implement **socially equitable and environmentally sound** *sustainable* urban development policies that take account of and respond effectively to the needs of locally owned enterprises **which engage in BEST practices**, and are not detrimental to the natural and human environment;

(b) Facilitate access to all levels of education and training;

(c) Promote an adequate supply and the environmentally sound allocation of sufficiently serviced land for the needs *of the business community, with due regard to the needs* of the small and medium sized-enterprises **which engage in BEST—Best Environmentally Sound Technology—practices**;

(d) Offer opportunities for urban economic activities by facilitating, **through regulatory schemes**, the access of new and emerging **socially equitable and environmentally sound** businesses, and small and medium-sized enterprises, including the informal sector, to credit and finance, and by streamlining legal and administrative procedures;

(e) Facilitate, where appropriate, the opportunity for urban horticulture; and encourage citizens **to convert lawns and other ecologically unsound use of land to indigenous plant reserves or into food producing areas; local markets and distribution of food to those in need.**

(f) Assist informal-sector enterprises to **embrace BEST practices** *become more productive and through the establishment of MINS 1997 they will have the opportunity of being* progressively integrated into the formal economy, **or of eventually replacing the “formal economy” that has been based on non-renewable use of energy, and on environmentally unsound technology**;

(g) Consider designating select areas for redevelopment within urban centres by providing packages of fiscal and financial incentives along with appropriate regulatory arrangements and the development of partnerships.

ARTICLE 114

114. To improve opportunities, **through regulatory schemes**, for the **small BEST practices enterprises businesses** and the micro-enterprise and cooperative sectors, Governments at the appropriate levels, including local authorities, in consultation with non-governmental organizations, community-based organizations, financial and vocational training institutions, should, as appropriate:

(a) **Discourage and phase-out activities that contribute to environmental degradation, to the violation of human rights, to the proliferation of arms or to the production of toxic, hazardous or atomic wastes, and facilitate the extension to the informal sector the protection of human rights in the field of labour and promote respect for the relevant International Labour Organization conventions, including those on the prohibition of forced and child labour, the freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination;**

(b) Promote and strengthen, as appropriate, programmes which integrate credit, finance, vocational training and technological transfer programmes of **BEST practices** in support of small and micro-enterprises and enterprises in the cooperative sector, particularly those developed and utilized by women, **providing that the technology transfer does not undermine endogenous practices;**

(c) Encourage fair treatment of the informal sector, promote the use of environmentally sound practices, and encourage links between financial institutions and non-governmental organizations that support the informal sector where it exists, and encourage financial institutions to **use Mandatory International Normative standards (MINS) to be the basis for conditional funding and to drive industry to BEST practices;**

(d) Integrate, where appropriate, the needs of the growing informal sector within planning, **and design and management** systems, including by promoting its **genuine involvement and** participation in the planning and decision-making process, and by strengthening its linkages with the formal economy;

(e) Promote training for small and micro-enterprises and enterprises in the cooperative sector, and support them in their efforts to improve their products, services, technology and distribution networks, and to identify new market opportunities.

ARTICLE 115

115. To strengthen urban economies *so they may be competitive in a globalizing economy*, Governments at the appropriate levels, including local authorities, in consultation with all *[stakeholder individuals and organizations of civil society*

with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.)), should, inter alia:

- (a) Improve education and enhance job training **in meaningful employment** in order to improve the quality of the local work-force;
- (b) Support the re-structuring of local **enterprises industries**, where appropriate, and develop urban infrastructure and services, promote a reliable, efficient and environmentally sound supply of energy and enhance telecommunication networks;
- (c) Review and revise, as appropriate, the regulatory framework in order **to drive BEST practices** and to attract private investment;
- (d) Prevent crime **not through increasing incarceration but through the strengthening of social programs** and enhance public safety in order to make urban areas more attractive for economic, social and cultural activities;
- (e) Encourage sound financial **and BEST** practices at all levels of Government;
- (f) Promote legislative action that may be necessary to implement the above.

ARTICLE 116

116. To *alleviate prevent* the adverse impacts of measures for structural and economic transition, Governments at the appropriate levels, including, where appropriate, local authorities, **shall should**:

- (a) Promote an integrated approach by promoting socially equitable and environmentally sound *addressing the social, economic and environmental consequences of reforms on the needs human settlements development needs*; **ensuring that genuine community involvement and participation shall be involved in determining the needs of the community in particular those of the people in poverty and marginalized groups.**
- (b) Promote the *integrated functioning of inclusive housing markets* so as to avoid segregation of the social housing sector;
- (c) Implement appropriate basic social programmes and adequate resource allocation, in particular those measures affecting people living in poverty, people with disabilities, other *vulnerable marginalized* segments of society, micro-enterprises and other **socially equitable and environmentally sound small enterprises businesses**;

(d) **Provide for genuine community involvement and participation in finding alternatives to the current ill-conceived structural adjustment programmes** *Review the impact of structural adjustment on social development by paying particular attention to gender-sensitive assessments;*

(e) *Design policies to promote* **Ensure a more equitable and enhanced access to income and resources;**

(f) Support, as appropriate, public and private enterprises in their efforts to adapt to the changing requirements of **BEST practices and of cooperative decision making processes which reflect genuine community involvement and participation** *technological and human resources development.*

9. Balanced development of settlements in rural regions

ARTICLE 117

117. Urban and rural areas are interdependent economically, socially and environmentally. At the turn of the century, a substantial proportion of the worlds population will continue to live in rural settlements, particularly in developing countries. In order to achieve a *more socially equitable and environmentally sound sustainable* future for the earth, these rural settlements need to be valued and supported. **Although in many cases**, insufficient infrastructure and services, lack of environmentally sound technology, and pollution resulting from the adverse impacts of unsustainable industrialization and urbanization contribute significantly to the degradation of the rural environment, in other cases it is the environmentally sound endogenous practices with local materials that offer the solution to the means of living within the carrying capacity of the ecosystem. Additionally, the lack of **appreciation of** employment opportunities in rural areas increases rural-to-urban migration **often to less meaningful employment** and results in a loss of human capacity in rural communities. Policies and programmes for the *sustainable socially equitable and environmentally sound* development of rural areas that integrate rural regions into the national economy require strong local and national institutions for the planning *and management* of human settlements that place an emphasis on rural-urban linkages, **that appreciates the innovative and environmentally sound traditional practices of the rural areas**, and that treat villages and cities as two ends of a human settlements continuum.

ARTICLE 118

118. Rural populations, including indigenous people, play an important role in **demonstrating to urban populations practices of living within the carrying capacity of the ecosystem, in providing evidence of BEST practices**, in ensuring food security and in sustaining the social and ecological balance over large tracts of land in many nations and thus contribute significantly to the task of

protecting biodiversity and fragile ecosystems and to the sustainable use of biological resources.

Actions

ARTICLE 119

119. To promote *sustainable* **socially equitable and environmentally sound** development of rural settlements and to reduce rural-to-urban migration, Governments at the appropriate levels, including local authorities, **shall should**:

(a) Promote the active **genuine involvement and** participation of all *stakeholders* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. §**, including those in isolated and remote communities, in ensuring the integrated consideration of the environmental, social and economic objectives of rural development efforts;

(b) Take appropriate measures to improve living and working conditions in regional urban centres, small towns and rural service centres;

(c) Foster a sustainable and diversified agricultural system in order to have vibrant rural communities;

(d) *Provide infrastructure, services and incentives for investment in rural areas*;

(e) Promote education and training in rural areas to facilitate **meaningful** employment and the use of BEST (**Best Environmentally Sound Traditions**) practices *appropriate technology*.

ARTICLE 120

120. To promote **BEST (Best Environmentally Sound Traditions) practices** *the utilization of new and improved endogenous technologies* and appropriate traditional practices in rural settlements development, governments at the appropriate levels, including local authorities, in cooperation with the private sector, should:

(a) Improve access to information on agricultural production, marketing and pricing in rural and remote areas by using, inter alia, advanced and accessible communication technologies;

(b) In cooperation with farmers' organizations, women's groups and other *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.]*, promote research and the dissemination of research findings in traditional, new and improved technologies for, inter alia, agriculture, aquaculture, forestry and agroforestry.

ARTICLE 121

121. In establishing policies **for socially equitable and environmentally sound development sustainable** *regional development and management*, Governments at the appropriate levels, including local authorities, should:

(a) Promote education and training programmes and establish procedures for the full participation of rural and indigenous people in the setting of priorities for balanced and ecologically viable regional development;

(b) Make full use of geographic information systems and environmental assessment methods for the preparation of environmentally sound regional development policies;

(c) Implement regional and rural development plans and programmes based on needs and economic viability, *[consistent with the goal of socially equitable and environmentally sound sustainable development]*;

(d) Establish an efficient and *transparent open* system for the allocation of resources to rural areas based on people's needs, *[consistent with the goal of sustainable socially equitable and environmentally sound development]*.

DOCUMENTATION OF PRECEDENTS

(From Russow, J. (1995) Charter of Obligations,

RE: PROMOTION OF TRADITIONAL METHODS OF AGRICULTURE

the promotion of ...systems such as traditional methods of agriculture, agroforestry, forestry, range and wildlife *care management*, which use, maintain or increase biodiversity (15.5 d Biodiversity, Agenda 21 UNCED 1992)

RE: UNDERTAKING PROJECTS WITH EMPHASIS ON TRADITIONAL ENVIRONMENT 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)

RE: COLLECTING AND RECORDING INFORMATION ON INDIGENOUS CONSERVATION

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)

RE: FOSTERING TRADITIONAL METHODS AND KNOWLEDGE

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)

RE: PROMOTING COLLABORATIVE RESEARCH WITH INDIGENOUS PEOPLE

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 (**s**) 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)

RE: ACKNOWLEDGING BENEFICIAL TRADITIONAL HEALTH CARE

Acknowledge and encourage beneficial traditional health care, especially that practised by indigenous women, with a view to preserving and incorporating the value of traditional health care in the

provision of health services, and support research directed to achieve this aim (Art.111 Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

ARTICLE 122

122. To strengthen [*sustainable* **socially equitable and environmentally sound development and**] **meaningful** employment opportunities in impoverished rural areas, Governments at the appropriate levels, including local authorities, should:

(a) Stimulate rural development by enhancing **meaningful** employment opportunities, providing educational and health facilities and services, improving housing, strengthening technical infrastructure for **BEST (Best Environmentally Sound Traditions) practices**, and encouraging rural enterprises and sustainable agriculture;

(b) Establish priorities for regional infrastructure investments based on *opportunities for economic return*, social equity and environmental quality and on the promoting **BEST (Best Environmentally Sound Traditions) practices** ;

(c) *Encourage the private sector to develop and strengthen contract-based wholesale markets and marketing intermediaries for rural products so as to improve and/or establish a cash-flow and futures contract economy in rural areas;*

(d) Promote equitable and efficient access to markets as well as, where appropriate, pricing and payment systems for rural products, especially of food items consumed in urban areas, **providing that rural areas will not be used for exploitative cash crops for foreign states as has often been done as a result of forced adherence to structural adjustment programmes;**

(d bis.) Promote products from rural areas in urban markets and rural service centers by improving the access to market information and distribution centres and networks;

(e) Reduce significantly or eliminate environmentally harmful **technologies**, subsidies and other programmes, such as those which stimulate the excessive use of pesticides and chemical fertilizers, and price control or subsidy systems that perpetuate unsustainable practices and production systems in rural and agricultural economies.

ARTICLE 123

123. An integrated approach is required to promote balanced and mutually supportive urban-rural development. To achieve this objective, Governments at the

appropriate levels, including local authorities, with the support of the relevant international and regional institutions, should:

(a) Provide an appropriate legal, fiscal and organizational framework that is suitable to strengthen the networks of small- and medium-sized settlements in rural areas;

(a bis.) Facilitate the development of efficient communication and distribution infrastructure for the exchange of information, labour, goods, services and capital between urban and rural areas;

(b) Promote broad cooperation among local communities to find integrated solutions for land-use, transport and environmental problems in an urban-rural context;

(c) *Pursue* **Ensure genuine community involvement and participation participatory approach to balanced and mutually supportive urban-rural development, based on a continuous dialogue among the *stakeholders* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.**] involved in urban-rural development.

10. Disaster prevention, mitigation, preparedness and post-disaster rehabilitation capabilities

ARTICLE 124

124. The impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, **such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes**; such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, **and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports**. Armed conflicts also have consequences that affect human settlements and the country as a whole and call for specific rehabilitation and reconstruction processes that may necessitate international involvement, at the request of the Government of the concerned country. The impact of such disasters and emergencies is especially severe in countries where prevention, preparedness, mitigation and response capacities are ineffective in dealing with such situations.

ARTICLE 125

125. **The most efficient and effective disaster response is to ensure first and foremost through a concerted effort that prevention of potential known adverse consequences (preventable disasters) will occur. In cases where there is no possibility to prevent the potential disaster,** The most efficient and effective disaster preparedness systems and capabilities for post-disaster response are usually provided volunteer contributions and local authority actions at the neighbourhood level. These can operate independently and irrespective of reduced, damaged or destroyed infrastructure or capacity elsewhere. Specific actions are also required at the appropriate levels of Government, including local authorities, **in cooperation and partnership with the private sector and** in close coordination with all community groups, to put into place disaster preparedness and response capacities that are coordinated in their planning but flexible in their implementation. The reduction of vulnerability **in the area of anthropogenic disasters** , as well as the capacity to respond to disasters is directly related **to the degree of willingness on the part of government to drive industry through regulations to ban and prevent potentially disastrous technologies, and on the part of financial institutions to refuse to fund disaster-possible technologies** and to some extent the degree of decentralized access to information, communication, and decision-making and the control of resources. National and international cooperation networks can facilitate rapid access to specialist expertise, which can help to build capacities for disaster **prevention and** reduction and, to provide early warning of impending disasters and to mitigate their effects. Women and children are the most affected in situations of disaster, and their needs should be considered in all stages of disaster **prevention and in restoration after disasters management.** Women's active involvement in disaster **prevention and in restoration after disasters planning and management** should be encouraged.

Actions:

ARTICLE 126

126. In improving natural and human-made disaster prevention, preparedness, mitigation and response, Governments at the appropriate levels, including local authorities, and in close consultation and cooperation with such entities as insurance companies, non-governmental organizations, community-based organizations, organized communities, the academic, health and scientific communities, **shall should:**

(a) **Legislated regulations that would ban and prevent technologies that could lead to disasters, and** develop, adopt and enforce appropriate norms and by-laws for land-use, building and planning standards, that are based on professionally established **assessments** of hazard and of vulnerability *assessments*;

(a bis.) **Ensure that serious public concern about an activity or technology that could lead to preventable disaster be taken into consideration and the activity or technology shall be prevented or banned, and ensure that the participation in preparing and planning for non-preventable disaster *planning and management* of all *[stakeholders individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society such as.]*, including women, children, the elderly, and people with disabilities, in recognition of their particular vulnerability to human-made and natural disasters;**

(b) **Ensure regulations that will prevent preventable anthropogenic disasters and encourage continued *mobilization* of domestic and international resources for disaster reduction activities for non-preventable disasters;**

(c) Promote and disseminate information on disaster-resistant construction methods and technologies for buildings and public works in general;

(d) Devise programmes to facilitate, where possible, voluntary relocation and access by all people to less disaster-prone areas;

(e) Develop training programmes on disaster-resistant construction methods for designers, contractors and builders. Some programmes should be directed particularly to small enterprises, which build the great majority of housing and other small buildings in the developing countries;

(f) Take measures to upgrade, where necessary, the resistance of important infrastructure, lifelines and critical facilities, in particular where damage can cause secondary disasters and/or constrain emergency relief operations.

[126 bis.) Given that since the development of nuclear technology the most significant preventable anthropogenic disaster has been the preventing of nuclear-related disasters, and given that the outcome of nuclear disasters, including from nuclear arms and nuclear civil reactors, has had irreversible consequences that cannot be considered to have been remediated other than by forced reallocation ; and continues to have unexpected consequences; the global community, if it is to embark upon the prevention of preventable disaster, shall prevent the continued production of nuclear arms, the mining of uranium for the producing of nuclear arms, the testing of nuclear arms, the circulating and harbouring of nuclear-armed or nuclear-powered military vessels, and the using of civil nuclear reactors. It should be noted that at the 1972 UN Conference on Human Environment (UNCHE) held in Stockholm the states globally adopted the commitment in Article 26 to “eliminate the production of weapons of mass destruction” and twenty years later a Nobel Laureate Declaration called for the phasing out of civil nuclear

reactors. As a consequence of the development and testing of nuclear weapons, disasters with irreversible environmental consequences have occurred and communities have been displaced, there has to be an acknowledgment that there is no acceptable remediation to these nuclear disasters. The least that can be done for those who have been affected by nuclear disasters is to ensure the safe resettlement of displaced populations especially those from for small island developing States and coastal regions. There also has to be an acknowledgement that there is no real restoration of sites that have been exposed to radiation from nuclear disasters, otherwise the perpetuation of the belief in the possibility of restoration could justify the continued nuclear associated technologies. and the restoration of economic activity to the affected areas, especially for small island developing States and coastal regions. Noting the special responsibility towards those people of the former United Nations Trust Territories who have been adversely affected as a result of the nuclear-weapons tests conducted during the period of the Trusteeship, all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants should consider giving appropriate assistance as may be required for remedial purposes in areas affected by radioactive contamination from nuclear weapons programmes.]

ARTICLE 127

(a) Pursue the objectives of prevention of major technological accidents and the limitation of their consequences, inter alia, through land use policies, **through the banning of technologies and preventing activities that could lead to disasters**, and promotion of safe technology **promotion of BEST (Best Environmentally Sound Traditions) practices. Prevention of disaster requires the establishment of Mandatory, International Normative Standards (MINS) that will drive industry to engage in BEST practices. Voluntary standards such as ISO 14,000 environmental management standards which evaluate nothing more than the corporations' compliance with self-selected environmental policy, without reference to external normative standards of performance, will be less affective than MINS for promoting BEST practices and thus for preventing anthropogenic disasters. In the interim during the phase-out period the potential environmental and social costs shall not longer be externalized from the operation of the industry/military activities.**

(b) **Ensure that dangerous activities are phased out and replaced by safe and environmentally sound practices, and in the interim take the necessary measures in order to control the siting of new developments surrounding dangerous industrial activities that may be liable to increase the risk of the effects of a major accident by appropriate consultation procedures to facilitate the implementation of the policy established under sub-paragraph (a) above;**

(c) Introduce a clear definition of roles and responsibilities and of communication channels among the various key functions of disaster preparedness and prevention including assessment, monitoring, prediction, prevention, relief, resettlement, and emergency response;

(d) Promote and encourage broad-based participation in disaster **prevention and** preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards

(e) **Strengthen, and/or develop global, regional and local resolve and political will to prevent preventable disasters by ensuring the phasing out of technologies that could lead to disasters, and to provide** early-warning systems to alert populations in case of a major **non-preventable occurrences technological accident**, and impending disasters.

ARTICLE 128

128. In preparing for and implementing post-disaster relief, rehabilitation, reconstruction and resettlement, Governments at the appropriate levels, including local authorities, in partnership with all *[[stakeholder individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society]]*, shall *should*:

(a) Establish or strengthen disaster preparedness and response systems, **in the case of non-preventable disasters**, that clearly define roles and responsibilities of, and communication channels between, the various functions and actors in disaster preparedness, and in post-event disaster management, including emergency management, relief and rehabilitation;

(b) Devise exercises to test emergency response and relief plans and promote research on the technical, social and economic aspects of post-disaster reconstruction and adopt effective strategies and guidelines for post-disaster reconstruction;

(c) Establish reliable communications, and response and decision-making capabilities, including at the national, local and community levels;

(d) Establish contingency plans, *management and* assistance systems and arrangements for rehabilitation, reconstruction and resettlement;

(e) Strengthen scientific and engineering capacities for damage assessment and monitoring and for special rehabilitation and reconstruction techniques;

- (g) Identify and support approaches to cope with the urgent shelter requirements of returnees and internally displaced persons;
- (h) Identify approaches to minimize interruption to attendance in schools;
- (i) Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict;
- (j) Ensure that the particular needs of women, children, persons with disabilities and *vulnerable marginalized* groups are considered in all communications, rescue, relocation, rehabilitation, and reconstruction;
- (k) Promote a cultural dimension in post-disaster rehabilitation processes.] -

Part IV.
GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION

D. Capacity-building and institutional development

1. Introduction

ARTICLE 129 j

(j) Reinforce measures to eradicate corruption **and institutional collusion between corporations including transnationals and state governments** and ensure greater **openness** *transparency*, efficiency and **genuine** community **involvement and participation in the preservation of the environment and in the use** *management* of local resources, **within the framework of Mandatory International Normative Standards (MINS);**

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation, particularly to share good **BEST (Best Environmentally Sound Traditions) practices** and innovative approaches to **socially equitable and environmentally sound** *sustainable* human settlements *management*;

(l) Develop, in cooperation with UNCHS (Habitat), associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise, **especially BEST practices.**

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the enshrining and guaranteeing of human rights, the preserving, and protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations/networks

131. To ensure effective decentralization and strengthening of local authorities and their associations/networks **within a framework of international principles based on the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war,** Governments at all appropriate levels, including local authorities, **shall should:**

(a) Adopt and adapt, *as appropriate*, policies and legal frameworks from other Member States that are effectively implementing decentralization **while adhering to international principles, and contribute innovative local practices to other states that could benefit from this insight;**

(b) Review and revise, as appropriate, legislation **to ensure compliance with international obligations**, increase local autonomy **participation** in decision-making, implementation, and resource mobilization and use, especially with respect to human **rights, allocation of funding for socially equitable and environmentally sound development** *technical and financial resources and local enterprise development*, within the overall framework of **international**, national, and local principles, obligations and undertakings *social, economic and environmental strategy* **and encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities** *city neighbourhood or dwellings*;

(c) Seek **additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support** local authorities reviewing revenue generating mechanisms;

(d) Facilitate the intertransfer of **BEST (Best Environmentally Sound Traditions) Practices** *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with **businesses that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict.**, *inter alia*, through technical twinning and **inter-transfer** *exchange* of experience programmes, **recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world;**

(e) Enhance the performance of local authorities **by requiring BEST practices**, and by undertaking comparative analysis of, and disseminating of innovative **BEST** practices in, the delivery, operation and maintenance of public goods and services, **and in fostering and developing** *and in exploiting the fiscal other* potential of their cities;

(f) *Help institutionalize* **Ensure and implement** broad-based participation in decision-making and management processes at the local level **with genuine community involvement and participation in determining the terms of reference and in having input throughout the process;**

(g) **Ensure and strengthen the capacity of local authorities to seek, respect and rely on genuine community involvement and participation** *engage the local private and community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local socially equitable and environmentally sound development economic development;*

(h) Promote **genuine community involvement and participation in a policy dialogue between among all levels of Government, within a framework of governance principles, the private and community sectors** to improve planning and coordination **in implementing socially equitable and environmentally sound development;**

(i) Collect, analyse and disseminate, through **public channels**, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; **and facilitate the opportunity for citizens to present evidence of non compliance with obligations through national and international mechanisms**

(j) Reinforce measures to increase the participation of **indigenous peoples, migrant workers, women, children and youth and other disenfranchised groups**. Eradicate corruption and ensure greater transparency **through efficient genuine community involvement and participation** in the **socially equitable and environmentally sound development** of local resources;

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation **within a framework of international principles** particularly to share good **BEST** practices and innovative approaches to **socially equitable and environmentally sound development sustainable human settlements management;** and

(l) Develop, in cooperation with UNCHS (Habitat), **and other UN agencies**, associations/networks of local authorities and other international associations and organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how and expertise. from diverse cultures, ethnic and historical backgrounds.

3. Participation, civic engagement and Government responsibility

ARTICLE 132

132. **Socially equitable and environmentally sound development** *Sustainable human settlements development* requires the active engagement **of individuals and organizations** of civil society —**those members of society that advocate the enshrining and guaranteeing of the respect for human rights, the**

preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and the enabling of socially equitable and environmentally sound development. *organizations, as well as the broad-based participation of all people.* It equally requires responsive, transparent and accountable governmental structures at all levels. Civic engagement and responsible government both necessitate the strengthening of **genuine community involvement and participation** *participatory mechanisms*, including access to justice and community-based action planning, which will ensure that all voices are heard, including particularly women, youth, children and elderly and all other vulnerable marginalized groups (UNICEF) in identifying problems and priorities, setting goals, exercising legal rights, determining service standards, mobilizing resources and implementing policies, programmes and projects.

ARTICLE 133

133. To encourage and support civic engagement and the fulfillment of government **obligations, expectations, duties, commitments, undertakings and** responsibilities, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based **genuine involvement and participation of all citizens people** in decision-making, **including in the determining of the terms of reference and in having input throughout the decision making process, implementation** and monitoring of human settlements *strategies*, policies and programmes, **and in presenting evidence through legal channels of non-compliance with obligations and expectations**; these institutional and legal frameworks would be specifically aimed at; *inter alia*:

- (a) **Ensuring protecting** the basic human right to hold and express opinions and to disseminate ideas and information;
- (b) Permitting, and facilitating the formation of independent non-governmental community local, national and international organizations **representing a civil society which advocates the enshrining and guaranteeing of the respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and preventing of conflict and war, and thus the enabling of socially equitable and environmentally sound development.**
- (c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

(d) **undertaking education and training programs that promote the ensuring of social justice, the preservation, conservation and protection of the environment, the enshrining and guaranteeing respect for human rights, and the elimination of conflict and war, and that are based on significant principles drawn from United Nations conventions, treaties, covenants, declarations, conference action plans and General Assembly Resolutions.**

DOCUMENTATION OF PRECEDENT;

RE: PROVIDING SOCIAL SERVICES IN HUMAN SCALE

Mankind Humanity must not be daunted by the scale of the task ahead. There is need for awareness of and responsibility for increased activity of the national Governments and international community, aimed at mobilization of economic resources, institutional changes and international solidarity by:

(a) Adopting bold, meaningful and effective human settlement policies and spatial planning strategies realistically adapted to local conditions;

(b) Creating more livable, attractive and efficient settlements which recognize human scale, the heritage and culture of people and the special needs of disadvantaged groups especially children, women and the infirm in order to ensure the provision of health, services, education, food and employment within a framework of social justice (1 Habitat I)

(e) establishing regular **opportunities for genuine community involvement and participation** *and broad-based consultative mechanisms as individuals and organizations of civil society for involving civil society—both women and men* in the decision-making process, including in the determination of terms of reference and in having input throughout the process for all major policies, plans and programmes that will affect their lives; (*e bis.*) In addition, removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;

(f) establishing agenda-setting **for genuine community involvement and participation** *participatory mechanisms enabling citizens individuals, to ensure that communities and individuals and organizations of civil society organizations* to play a pro-active, constructive and substantive role in identifying and formulating new policies, plans and projects, **and in determining the terms of reference and in having input throughout the policy formation and the plans and projects development;**

(g) fostering an understanding of contractual relationships **between NGOs and businesses that observe the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting of the environment, the fostering of peace and the preventing of conflict and war, and the ensuring of socially equitable and environmentally sound development and BEST practices, and non-governmental organizations (NGOs) sectors to acquire the skills for participating in and developing projects that will benefit all people negotiating effective partnerships for project implementation, development and management that will maximize benefits to all people;**

(h) promoting equality, **social justice**, and *equity fairness*, *incorporate by incorporating* gender and age considerations and ~~involve~~ **involving marginalized** and low-income groups **including people with disabilities, migrant workers, indigenous peoples** through institutional measures to ensure their interests are represented in policy and decision-making processes, and through such techniques as advocacy training and seminars including ~~the development of those that develop~~ *mediating and consensus-building skills* ~~to~~ **and** facilitate effective networking and alliance formation;

ARTICLE 133 e

(i) **Ensuring Improving** access to judicial and administrative channels for affected **persons and (UNICEF) disadvantaged and marginalized** groups to challenge, or seek redress **from decisions that deny social justice, that destroy the environment, that violate human rights, that are destructive to human health and well being, or that contribute to war and conflict from socially and environmentally harmful decisions and actions;** including legal mechanisms to ensure that **all (UNICEF) State bodies both national and local (UNICEF)** remain legally accountable for their actions, in accordance with their social *and* environmental and **human rights** obligations as defined in both national legislation and **in international conventions, treaties, covenants, declarations, conference action plans and general assembly resolutions. Affected individuals shall, after exhausting all domestic remedies, have access to an International Court of Compliance to bring evidence of state non-compliance. Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;**

(i) bis **Ensuring** access, when all domestic channels have been exhausted, or when there is no legitimate domestic remedies in place, to an International Court of Compliance where affected persons and groups can seek redress for decisions that deny social justice, that destroy the environment, that violate human rights or that contribute to war and conflict. **Broadening the procedural right of individuals and civil society to take legal actions on behalf of affected communities or groups which do not have the resources or skills to take such action themselves, and promoting the**

representation of inter-generational interests, including children and future generations in decision-making processes.

(j) Facilitating access to legal services by people living in poverty (Canada) low-income and marginalized groups through provision of facilities such as legal aid and free legal advice centres. In addition access to reliable scientific and medical expertise without undue financial burden to the applicant should be provided.

(k) Strengthening **the capacity of international United Nations bodies to establish mandatory international normative standards-and-regulations (MINS) based on fundamental principles enshrined in international customary law; and providing opportunities for local authorities and individuals and groups of civil society organizations to review social, economic and environmental policies affecting their communities and to set local priorities and contribute to the setting of local standards, based on the mandatory international normative standards, for services in such areas basic education, public safety drug-abuse awareness and environmental management: environmental protection and pollution prevention, social justice and basic needs and rights —right to housing, food, safe drinking water, social security, education and universal health care and safety as basic education, child care(EU), public enshrine the right to primary health care—free emergency health care including treatment completion and foster best practices for health promotion and disease prevention recognizing the value of traditional and natural remedies and to universal health care, water for domestic, agricultural and industrial use, public infrastructure,(FAO) public safety, drug- abuse awareness and environmental protection and pollution prevention management; (133)**

ARTICLE 134

134. *Human settlements managers need to draw on the skills and resources of a diversity of people and institutions at many levels coupled with genuine community involvement and participation are essential for socially equitable and environmentally sound development of human settlements.* Scarcity of suitably qualified personnel *and* weakness of institutional systems *and* technical capacity, **as well as unwillingness to draw upon the individuals and groups from civil society that are experienced and aware of the physical and social service community facilities, that are active in the preservation, conservation and protection of the environment and that are advocates of social justice and human rights** are among the main obstacles to the improvement of human settlements in many countries. **In addition, the use of BEST (Best Environmentally Sound Traditions) practices based on principles of socially equitable and environmentally sound development in *new skills, know-how and technology in all aspects of developing community based planning of***

human settlements planning and management will be necessary. In countries where change is rapid there is a need for governments and the international community to ensure the effective development and transfer of leadership skills, *management* expertise and experience **in guaranteeing the respect for human rights, in preserving, conserving and protecting the environment, in promoting peace and social justice, and in advocating BEST practices, know-how and technology.**

Actions

ARTICLE 135

135. To improve **the planing and development of socially equitable and environmentally sound** human settlements *management*, governments at all appropriate levels, including local authorities and their associations, **shall should:**

(a) Support training programmes for administrators and civic officials at all levels, as appropriate, **and enhance leadership qualities of individuals and organizations of civil society and promote the inclusion of women and young people, and marginalized members of society in staff structures and decision-making;**

(b) Establish *private-public, community, urban-rural sector, BEST practices enterprises business* and economic forums to facilitate the transfer of expertise *management know-how* and experience;

(c) Develop and implement and comprehensive training, education **in socially equitable and environmentally sound and human resources** development policies and programmes involving a wide range of **individuals and groups of civil society including the participation of academics**, local authority associations, *academic, research, training and educational institutions* and the **BEST practices enterprises private sector** focusing on:

(i) The **furthering of genuine community involvement and participation** *development of a multi-sectoral approach* to human settlements development, **which includes the participation of women, migrant workers, minority groups, indigenous peoples and other usually marginalized individuals and groups;**

(ii) The **cooperative decision making process** where there is a **continual drawing upon the experience and expertise of members of the community** *The training of trainers to develop a core capacity for institution-strengthening and capacity-building;* **including women, youth, elderly and members of disadvantaged or marginalized groups.**

(iii) The development of local capacity to define needs and undertake or commission applied research, particularly in social and environmental impact assessments, local **socially equitable and environmentally sound development growth and creation of meaningful employment job creation**, and to *incorporate* apply the findings from the research *in management systems* in socially equitable environmentally sound human settlements;

(d) Develop information systems for the exchange, transfer and sharing of experience, expertise, know-how and **BEST practices in socially equitable environmentally sound human settlements technology in human settlements management**;

(e) *Encourage, as appropriate, the involvement of private-sector entities in improving public-sector management and administration and the formation of entities that are public in their function, private in their management and publicly-privately funded; and*

(e) develop information systems for **networking and accessing resources in a timely manner, and for** the exchange, transfer and sharing of experience, expertise, know-how and **BEST practices technology related to** *in human settlements management*;

(f) **help develop principle-based decision making processes to enable mediation programmes in conflict resolution between competing agents in the access to, distribution and use of resources and spaces in settlements.**

4. Metropolitan planning

ARTICLE 136

136. Although **there are the managers of human settlements face** many common challenges **in urban and rural human settlements**, *those responsible for the management and development of metropolitan areas and mega-cities face unique problems caused by the size and complexity of their tasks and responsibilities. Among the characteristics of metropolitan areas that require special skills to handle are* their ethnically **religiously** and culturally diverse populations; their large concentrations of urban poverty **within economically deprived zones (NGO Composite)**; their extensive infrastructure...networks and transportation and communications systems; their role in national, regional and international production and consumption cycles, economic development, trade and finance; and their potential for severe environmental degradation. Large metropolitan areas and mega-cities also represent the largest potential risks of human, material and production-capacity loss in case of natural and human-made disasters and **the greatest negative impacts of the global economy and of structural**

adjustment programmes on local economies. In some countries, the lack of a metropolitan-wide authority creates difficulty in urban management.

Actions

ARTICLE 137

137. To address the special needs of metropolitan areas, Governments at all the appropriate levels, including local authorities, **shall should**:

- (a) **Ensure and promote metropolitan-wide planning in socially equitable and environmentally sound development and management strategies; which include individuals and organizations of civil society with those members of society that are using marginalized in the planning process.**
- (b) Monitor and analyse the effectiveness and efficiency of metropolitan structures and administrative systems, and incorporate the results into public policies for dealing with macroeconomic, social and environmental issues;
- (c) Create a legislative framework and adopt organizational structures that ensure coordinated and efficient delivery of services *delivery*, **provision** of resource *mobilization* and *sustainable* **socially equitable and environmentally sound** development throughout metropolitan areas;
- (d) Strengthen the capacity and mandates of metropolitan authorities to deal effectively with issues of regional and national importance, such as the **use of land, energy and water resources management, the preservation, protection and conservation of the environment management, and** the access to adequate social infrastructures, transportation and communications, trade and finance, and social integration;
- (e) Develop, **a coalition of individuals and groups of civil society with varying areas of experience and expertise to collaborate with a** professional staff trained in the technical aspects of planning and development of primary infrastructure and emergency prevention and planning;
- (f) Facilitate and promote policy dialogue and the exchange of experience, expertise, know-how and **BEST practices technology among** metropolitan authorities **with individuals and groups of civil society including women and numerous marginalized groups** in such areas as transportation and communications, waste **prevention, reduction, resource-reversion waste, and mitigation, management,** energy conservation, social welfare and environmental **preservation, protection and conservation management.**

5. Domestic financial resources and economic instruments

ARTICLE 139

139. Financing the future of urban development and sustaining the economic viability of cities represents a particular challenge which will require innovative systems of finance at national and local levels. Effective *cooperation partnerships* between the public and **BEST practices enterprises** are needed which combine local taxes on production and consumption with fiscal incentives for investment by *industry, commerce, trade and the private service sector*. **BEST practices enterprises with local materials and that provide socially equitable and environmentally sound meaningful employment** New forms of municipal finance are needed to meet the future needs of urban economic development and the costs of supporting infrastructure and services. **In addition funding shall be sought from the reduction of the military budget and from requiring the payment of deferred taxes from industry. It is thus necessary to reduce military expenditures and production in order to finance programs for habitat (NGO Composite).**

BACKGROUND

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs. In 1994 States, in adopting the statement from the International Conference on Population and Development, concurred that the attainment of “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.(Article 1.19) In 1995, Similarly, states in adopting the statement from the Social Development Summit endorsed the calling for “the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action States have made a commitment to maintain “ peace and

security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict” (Art. 14) and to reduce “...military expenditures “ (Art. 15)., states have also made a commitment to the “prevention and resolution of conflicts”(art 15) and to “increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes (145a)

In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). Yet, through sympathetic administrations states have for years failed to ensure corporate compliance with national laws, codes and regulations, and international agreements. States have continued to provide subsidies and tax deferrals to corporations, a large proportion of whom have engaged in socially inequitable and environmentally unsound development.

Actions

ARTICLE 140

140. To strengthen the national and local economic and financial base with a view to addressing the needs of **socially equitable and environmentally sound sustainable** human settlements *development*, Governments at all appropriate levels, including local authorities, **shall should**:

(a) Strengthen, as appropriate, the capacity of local authorities to attract **BEST practices** investments;

(b) Adopt macroeconomic policies and frameworks which encourage increased domestic savings and facilitate their use in housing, basic infrastructure and **other socially equitable and environmentally sound settlements** development;

(c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment **fees levies** to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments **which are conditional on mandatory international normative standards (MINS) including the penalizing penalize of environmental damage arising from both**

production and consumption of environmentally unsound activities (NGO Composite);

(d) Enhance national and local tax collection capabilities and expenditure control **to reduce cost attainment ? and increase tax effort for revenue maximization** (NGO Composite)

(e) *Strive for full cost recovery of urban services through user charges, while at the same time* Addressing the needs of the **people living in poverty poor, inter alia**, through pricing policies and, where appropriate, by *transparent* subsidies;

(f) Support local efforts to encourage voluntary private and community sector partnerships and participation in building, operating and maintaining basic infrastructure and services **which employ gender and marginalized group sensitive policies, and address the needs of marginalized groups and empower women with financial resources for home acquisition** (NGO Composite);

(g) *Rationalize and* Facilitate local authorities' access to national, regional and international capital markets and specialized lending institutions, including, *inter alia*, instituting municipal credit rating and credit systems, **which ensure that women and members of marginalized groups have genuine involvement and participation are integral in program in the development of socially equitable and environmentally sound human settlements** bearing in mind the borrower's capacity to repay the debt;

(h) Facilitate the role of local authorities in **working cooperatively forming partnerships with the private**, community and cooperative sectors and institutions for local development by **BEST practices enterprises development**;

(i) Institutionalize budget mechanisms, where appropriate, and accounting to enable local authorities to engage in medium- and long-term investment programmes;

(j) Establish *transparent* open systems and procedures to ensure financial accountability;

(k) Institutionalize, where appropriate, *transparent, open*, inter-governmental transfer **methods mechanisms** that are timely, predictable and performance- and need-based; and

(l) Attract **BEST practices enterprises private and community** investment to urban development.

(m) use a reduction of national military budgets to fund local programmes for human settlement as agreed through General Assembly Resolutions.

6. Information and communications

ARTICLE 141

141. Recent developments in information technology, in conjunction with the liberalization of trade and the free flow of capital on a global scale, **are bringing will bring** about radical changes in the roles and functions of cities, and their decision-making and resource allocation processes. Those Governments that make the necessary investments in information technology and infrastructure and enable and empower their citizens to make effective use of such technology can expect to foster tremendous **additional** productivity gains in industry, trade and commerce. **However in many countries these productivity gains have benefited only a fortunate few, while contributing to increasing income inequality and unemployment. Furthermore, these technologies are only available to those who can afford them and place the substantial majority of people who do not have access at an increasing disadvantage in a competitive global economy. In addition, there has been an unprecedented dependency on computer technology as the panacea for organizing infrastructures, and as noted recently the global conversion to accommodate the date transfer into the year 2000 will cost the global community at least \$400 billion US It is recognized that this improved information technology should be appropriately and optimally has the potential to be** utilized to preserve and share **cultural and** moral values and enhance and improve education, training **development of meaningful employment programmes for women and marginalized groups, has the potential to contribute to** public awareness of the social, economic and environmental issues affecting the quality of life, and **has the potential to** facilitate access by all *key actors and* communities to the exchange of habitat practices, including those which uphold the rights of children, women **disabled, frail elderly, displaced,** and other *vulnerable marginalized groups to genuine community involvement and participation in developing socially equitable and environmentally sound human settlements. context of growing urbanization.*

Actions

ARTICLE 142

142. To improve the capacity to *use exploit* these innovations **to enhance the public good**, governments **at all appropriate levels including** ~~and~~ local authorities **shall should:**

(a) **Develop, upgrade, and maintain** information infrastructure and technology **with a healthy skepticism about the role of this technology** and encourage their use by all levels of Government, public institutions and *civil society organizations* **individuals and groups of civil society; Caution should be exercised in becoming too dependent on this technology.**

(b) **develop and implement a training program for women, men of all ages and for members of marginalized groups** in the use, **ways and means** of information technology; (Composite NGO)

(c) Develop methods of sharing experiences through electronic means, such as the Internet, networks and libraries of local initiatives and the dissemination of **information on best BEST (Best Environmentally Sound Technique)** practices;

(d) **Implement programs that** encourage participation of children, youth, **women, the elderly, people in poverty, and other members of marginalized groups** in the use of public libraries and communication networks (NGO Composite);

(e) Facilitate the learning process through the dissemination of both successful and unsuccessful experiences in human settlements taken from governments, public **institutions, BEST practices enterprises, corporations, including transnationals, private and community organizations sectors;**

(f) **Establish Encourage** policies that make information technology and services available and more accessible to the general public; and

(g) Ensure *Guarantee* the free flow of, and access to, information in all areas of public policy, decision-making, resource allocation, **and social developments which impact women, children and marginalized groups (NGO Composite).**

(h) **Assure market competition and broad public access in the provision of information technology and media services by strictly limiting concentrations of private ownership and control and by maintaining public information technology and media facilities for those who otherwise lack access (NGO Composite).**

(i) **implement policy measures to assure that the benefits of productivity gains are broadly shared and contribute to livelihood creation rather to increased unemployment.**

142 bis. That dissemination of experiences that contribute to facilitate the access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human settlements development. National governments, in partnership with social actors, should:

(a) Promote the selection of urban management practices which stand out by their positive impact in improving habitat, by their use of participatory modes of organization and operation, by their sustainable and lasting character, and by their tendency to become universal;

(b) Set up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field;

(c) Promote dissemination of the selected practices locally, nationally, regionally and internationally, in an integrated manner.

Part IV.

GLOBAL PLAN OF ACTION: *STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION*

E. International cooperation and coordination (143 -157 IN BRACKETS)

1. Introduction

ARTICLE 143

[143. The goals of ensuring adequate shelter for all and making human settlements and communities **environmentally sound, productive**, healthy, safe, more equitable and sustainable contribute to achieving world peace, development, stability and justice. International cooperation takes on added significance and importance in the light of recent trends in the globalization and the interdependence of the world economy. There is an urgent need to redefine and resuscitate the existing processes and structure of cooperation and to evolve new and innovative forms of cooperation with a view to enabling humankind to face the challenges posed by the development of rural and urban areas. **There is urgency to redefine development and move towards a new “international economic order” based on socially equitable and environmentally sound development. This new order may require the political will to reduce the global military budget by 50% (from the current 800 billion to 400 billion which it was in 1981 when there was a UN General Assembly resolution to freeze and reduce the military budget) at with the undertaking to transfer the peace dividend to socially equitable and environmentally sound development. The states of the world must firmly adhere to the principle endorsed in the United Nations Conference on Human Environment where states agreed to eliminate weapons of mass destruction, which by definition would include nuclear weapons as well and chemical and biological. In addition the global community must undertake to condemn the continued mining of uranium for weapons production, the use of civil nuclear reactors whose waste is a scourge for future generations, the use of plutonium from former nuclear weapons sites as a fuel for nuclear reactors. Thus** there is a need for the political will of all States as well as specific action by the international community to establish and inspire new forms of cooperation, partnership, coordination and investment, including the local private sector, in order to contribute effectively to the provision and improvement of shelter conditions in human settlements, especially in developing countries, taking into account the diversity of the needs of human settlements among countries.

144. **Although** the formulation and implementation of strategies for human settlements development are the responsibility of each country at the national and local levels, and should take into account the economic, social and environmental diversity of conditions in each country, **fundamental principles derived from the obligations incurred in the United Nation Conventions, Treaties, Covenants**

and from the expectations created in the United Nations Declarations, Conference action plans and General Assembly Resolutions shall establish the basis for socially equitable and environmentally sound development. The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. **This shift from aid to trade requires the establishment of mandatory international normative standards-and-technical regulations (MINS) that will drive the corporations, including transnationals, and funding agencies such as the development banks to ensure socially equitable and environmentally sound development.** Currently the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry will there be the needed shift towards a real cooperation based on the highest tenable principles. This shift from aid to trade clearly points to the need for **global mandatory regulations and standards to drive corporations including transnationals private sector to participate in socially equitable and environmentally sound development.** *participation in the shaping of international cooperation.* The international community, including multilateral financial institutions, **has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical -regulations (MINS) based on principles established over the past 50 years in international instruments.** In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, states undertook to ensure that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.”. In addition the lending institutions shall not support the “clean-up environment industries” which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best environmentally sound technology that *environmental to ensure that additional resources to reinforce national efforts to foster an enabling environment to* **and** achieve the objectives of adequate shelter

for all and the **socially equitable and environmentally sound sustainable development** of human settlements.

ARTICLE 144 bis

144 bis. [International cooperation assumes added significance and importance in the wake of recent trends in the globalization of the world economy on the one hand and the continued deterioration of the plight of developing countries on the other hand. The problems resulting from poverty, urbanization, lack of adequate shelter including social housing, rapid population growth, rural-urban migration, economic stagnation and social instability are especially acute.]

ARTICLE 145

145. [In recent years disparities in economic growth, environmental degradation, and labour-market asymmetries have increased international migration, and have impacted on spatial distribution of cities' population entailing the imbalances of human resources among countries of origin and countries of destination.] Innovative approaches and frameworks for international cooperation in human settlements development and management must be sought and developed to include the active participation of all levels of Government, the **segment of private sector which is driven by high global mandatory regulations and standards** and cooperative sectors, non-governmental organizations and community-based organizations, in decision-making, policy formulation and resource allocation, implementation and evaluation. These approaches and frameworks should also include new and improved forms of cooperation and coordination between and among multilateral financial institutions, international organizations and various organs and bodies of the United Nations system, including south-south, north-south and south-north exchanges of best practices, the continuous development of policy, **and planning and management** tools and instruments such as the application of shelter and urban indicators, human resources development and institutional capacity-building. **In this new global partnership at all levels decisions will be guided by principles reflected in International instruments endorsed by the states within the global system.**

ARTICLE 145 bis

145 bis. These innovative approaches should also include new forms of cooperation and partnerships between multilateral and bilateral assistance agencies on the one side, and **individuals and groups of civil society** and local authorities, on the other, based on the **adherence to principles related to the enshrining and guaranteeing of the respect for human rights, the preservation, protection and conservation 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,**

Principles of local implementation of mandatory standards and regulations should guide "decentralized cooperation". This implies recognition of the capacity of local authorities to develop international relations and cooperation, with the existing legal frameworks of each country, their right to devote their own resources for that purpose and to be associated in the process of defining international human settlements policies. Governments as well as bilateral and multilateral aid-agencies should commit themselves to encourage decentralized cooperation between local authorities as well as the strengthening of networks of associations of local authorities.

EVIDENCE OF PRECEDENT

RE: REDUCING OF DISPARITIES

4. It is of paramount importance that national and international efforts give priority to improving the rural habitat. In this context, efforts should be made towards the reduction of disparities between rural and urban areas, as needed between regions and within urban areas themselves, for a harmonious development of human settlements. (III 4 Habitat I)

2. Enabling international context

ARTICLE 146

146. *The process of Urbanization has resulted from a development model that has been based primarily on economic progress. Socially equitable and environmentally sound human settlements will result from a cooperative and collective undertaking to ensure social justice, to enshrine and guarantee the respect for human rights, to preserve, conserve and protect the environment, and to prevent of conflict and war. is linked to economic development, social development and environmental protection, The promoting of BEST (Best Environmentally Sound Traditions) practices, the preserving and protecting of the environment, the ensuring of social justice are interdependent and mutually reinforcing components of sustainable socially equitable and environmentally sound development. The provision of adequate shelter for all and sustainable socially equitable and environmentally sound human settlements development are increasingly influenced by the global economy. In this context, it is imperative to enable requires all countries, especially developing countries, to improve living and working conditions in human settlements to draw upon endogenous BEST practices with international funding to assist in developing traditional practices. The international funding should be provided to stimulate BEST practices. This calls for an enabling international environment and integrated approaches at national and international levels which take account of the efforts of countries to implement programmes of economic*

reform or economic transition. Furthermore, **BEST practices technological developments** are leading to major changes in the structure of **meaningful** employment. *[It should be recognized that in social and economic terms the housing sector is a productive sector and should be treated on an equal basis with other productive sectors. Achievement of the goal of sustainable human settlements development at the global level would depend on fair and durable solutions of, inter alia, the issues of finance, debt, trade and transfer of technology.]*

ARTICLE 147

147. The international community should support governments in their efforts **to promote socially equitable and environmentally sound** *to cope with the impact of these changes on human settlements within a framework of cooperation and collectiveness enabling strategies.* The international community *should shall* promote:

(a) *The establishment of **Openness, equity, co-cooperativeness and mutually benefit** open, equitable, cooperative and mutually beneficial international economic environment;*

(b) *The co-ordination of macroeconomic policies at all levels to achieve an international financial system that is conducive to stable and **sustained economic growth** and **socially equitable and environmentally sound** development;*

(c) *An international financial system that is more conducive to stable and **socially equitable and environmentally sound** sustainable human settlement development through, inter alia, a higher degree of stability in international financial markets, a reduction of the risk of financial crisis, and lower real interest rates;*

(d) *An environment in all countries, [including developing economies, economies in transition and developed economies,] that attracts foreign and domestic direct investment, and encourages savings;*

(e) **BEST (Best Environmentally Sound Traditions) practices** *development, productive investment and expanded access to open and dynamic markets in the context of an open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international trading system, [and to technologies for all people, especially those living in poverty and the disadvantaged and marginalized , as well as for the least developed countries];*

(f) *Capacity building though **BEST practices** in developing countries in all regions, particularly African countries and the least developed countries: and in countries with economies in transition;*

(g) The strengthening and improvement of *technical and* financial assistance to developing countries in all regions to promote **sustainable socially equitable and environmentally sound** development and overcome hindrances to their full and effective **genuine involvement and** participation in the world economy.

ARTICLE 148

148. With specific reference to *sustainable socially equitable and environmentally sound* human settlements *development* and the provision of shelter, the international community **shall should**:

(a) Ensure that the benefits of **the global economy economic growth** improve people's quality of life in all nations, regardless of where people live;

(b) *Mobilize Provide* national and international financial resources for shelter provision and **socially equitable and environmentally sound sustainable** human settlements *development*;

(c) Facilitate increased access by all levels of government, by **BEST practices enterprises, and by individuals and groups of civil society including those usually marginalized by society and the private sector in developing countries and countries with economies in transition** to international financial resources to enable them to attract investment in shelter and infrastructure for **sustainable socially equitable and environmentally sound** human settlements *development*;

(d) In a manner consistent with national legislation, seek to increase the ability of local authorities, non-governmental organizations and **BEST practices enterprises the private sector** to link *directly with global capital markets, in accordance with prudential safeguards in those markets*, to finance their shelter and infrastructure programmes *and to establish international and local mechanisms and instruments to facilitate risk sharing and credit enhancement for investing agencies - local, regional and national*;

(e) Promote strategies to ensure substantial, well-directed *public and private* investments in **BEST practices** in shelter, infrastructure and health, education and other basic services, including through the provision of *appropriate technical and* financial assistance;

[(f) Encourage international cooperation, in order to address the negative impact of international migration through *technical* assistance, **BEST practices management know-how, exchange of information as well as**

by ensuring equitable wages and working conditions for both migrant and native workers.]

[(g) Continue to provide support to refugees in order to meet their needs, and to assist in assuring them a just, durable solution in accordance with relevant United Nations resolutions and international law, noting that sustainable human settlements can only be established for them on their land of origin.]

3. Financial resources and economic instruments

ARTICLE 149

149. The **need and the** demand for shelter *and infrastructural services in human settlements* is continuously increasing. *Communities and countries, especially developing countries, have difficulties in mobilizing adequate financial resources to meet rapidly rising costs of shelter, services, and physical infrastructure.* [New and additional financial resources, from various sources, are necessary to achieve the goals of adequate shelter for all and **socially equitable and environmentally sound sustainable human settlements development** in an urbanizing world. The existing resources available to developing countries - public, private, multilateral and bilateral - need to be enhanced through appropriate and flexible mechanisms and economic instruments to support sustainable human settlements development.]

ARTICLE 150

150. Implementation of the Habitat Agenda, particularly in developing countries of all regions, especially those in Africa and the least developed countries, will need additional financial resources *to be mobilized* at national and international levels and more effective development cooperation and assistance. This will require, inter alia:

ARTICLE 150 (a—z)

General

[150. (a) Translating the commitments of Habitat II into financial implications for the provision of adequate shelter and **socially equitable and environmentally sound human settlements development** in developing countries in all regions, particularly those in Africa and the least developed countries;

(b) Promoting assistance for shelter and human settlement activities in favour of **vulnerable marginalized** groups, such as refugees and internally displaced persons, documented migrants and the homeless through specific targeted grants and other assistance programmes;

15 The highest priority should be placed on the rehabilitation of expelled and homeless people who have been displaced by natural or man-made catastrophes, and especially by the act of foreign aggression. In the latter case, all countries have the duty to fully cooperate in order to guarantee that the parties involved allow the return of displaced persons to their homes and to give them the right to possess and enjoy their properties and belongings without interference. (II, 15 Habitat I)

Official financial resources

(c) Raising the priority of adequate shelter for all and **socially equitable and environmentally sound *sustainable* human settlements development** among multilateral and bilateral donors *and mobilizing their support* for national, sub-regional and regional plans of action of developing countries, especially for interested beneficiary countries;

(d) Striving to fulfil the 0.7 percent of GDP target and the 0.15 percent of GNP target for assistance to the least developed countries as soon as possible, and to increase, where appropriate, the share of funding for **socially equitable and environmentally sound *sustainable* human development** programs;

(e) Achieving the agreed targets of 0.7 percent of GNP for overall official development assistance (ODA), and 0.15 percent of GNP for assistance to the least developed countries, as soon as possible, and no later than the year 2000, and increasing the share of funding for adequate shelter and **socially equitable and environmentally sound development** to alleviating their debt burden;

development programmes in human settlement, commensurate with the scope and scale of activities required to achieve the objectives and goals of the Habitat Agenda;

(f) Replacing *Striving to ensure that* structural adjustment programmes with programmes that would respond to the needs of those who have been indebted as a result of over-consumptive models of development inconsistent with **socially equitable and environmentally sound development. *sustainable human settlements development***;

(g) Inviting the international financial institutions to examine innovative approaches with **genuine community involvement and**

participation to assisting low-income countries with a high proportion of multilateral debt, with via *Partnerships Cooperative participation*

(h) Encouraging multilateral development institutions and donors to support nations in their effort to pursue enabling strategies through which national and local governments, communities and **BEST practices enterprises *the private and cooperatives sectors can form can work collectively and cooperatively together partnerships to participating in providing shelter and sustainable socially equitable and environmentally sound human settlements activities;***

(l) Inviting multilateral and bilateral donors to support countries, particularly developing countries, in their efforts to pursue enabling strategies through which governments, local authorities, communities, and the private and cooperative sectors can form partnerships to participate in the provision of adequate shelter, including social housing and sustainable human settlements development activities;

(j) Exploring ways and means to strengthen support and expand south-south cooperation based on the concept of triangular cooperation, partnership between developing and developed countries, as well as enhanced cooperation among developing countries;

(k) Consolidating solidarity of the international community and its organizations to provide adequate shelter for all and sustainable human settlements development for people living under foreign occupation;

Improving the effectiveness of financial resources

(l) Striving to enhance the effectiveness of existing ODA and other external financial flows through improving coordination between **policies and among of donors and mandatory international normative standards derived from obligations, and expectations from international United Nations instruments and agreements operational activities, and through better coherence between those flows and internal sustainable human settlements strategies;** those practices related to socially equitable and environmentally sound development.

(m) Supporting programmes that increase the effectiveness and **openness transparent utilisation** of public and private resources, reduce wasteful and untargetted expenditure and increase access to housing and services for people living in poverty;

(n) Recognizing the negative effect of excessive military expenditures, trade in arms, especially of those arms that are particularly injurious or have indiscriminate effects such as land mines whose use should be banned, and excessive investment for arms production and acquisition; The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget (UN General Assembly 36/81). Also, in 1981 the UN General Assembly undertook to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81).

DOCUMENTATION OF PRECEDENT:

RE; PREVENTING WASTE AND MISUSE OF RESOURCES FOR WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

(o) Giving preference, wherever possible, to the **use utilization** of competent national experts or, where necessary, of competent experts from within the sub region or region or from other developing countries, in projects and programmes design, preparation and implementation, and to the building of local expertise where it does not exist; **and at all times there shall be genuine community involvement and participation;**

(p) Maximizing projects and programmes efficiency by keeping overhead costs to a minimum;

(q) Integrating practical measures for **preventing and reducing** disaster-vulnerability in development programmes and projects, in particular construction of buildings and communication systems, financed by the international community, and ensuring that such measures become an integral part of feasibility studies and project identification;

Private Non-exploiting enterprises financial resources

(r) Developing economic policies to promote *and mobilize* domestic savings and attract external resources for **socially equitable and environmentally sound *productive* investments within a context of BEST practices driven by MINS 1997, and seeking innovative sources of funding, both public and non-exploiting enterprises *private*, for adequate shelter and socially equitable and environmentally sound *sustainable* human settlements development programmes, while ensuring their effective utilization;**

(s) Strengthening financial *and technical* assistance for **BEST practices and community-based development and self-help programs, and strengthen cooperation among governments at all levels, community organizations, cooperatives, formal and informal banking institutions, *private* BEST practices enterprises and international institutions, with the aim of *mobilizing* providing local savings, promoting the creation of local financial networks, and increasing the availability of credit and market information to low-income individuals, people in poverty, women, and *vulnerable* marginalized and disadvantaged groups for shelter and **socially equitable and environmentally sound human settlements development;****

(t) Facilitating access to global finances for governments and local authorities which are initiating or are involved in **working cooperatively with BEST practices enterprises, and with individuals and groups of civil society including individuals and groups that are usually marginalized from the decision making process and *public-private partnership* programmes;**

(u) Establishing and supporting linkages of informal credit mechanisms to the global pool of resources and increasing access by a majority of the population to housing finance through participatory processes involving communities, non-governmental organizations, credit unions, global financial institutions and other relevant actors;

Existing economic instruments

(v) Attracting international flows of public finances for **providing shelter *provision* and socially equitable and environmentally sound human settlements development** through appropriate economic instruments;

(w) *Considering means to facilitate foreign private sector investment in sustainable human settlements projects, particularly in the areas of infrastructure and transportation, for example by way of BOT schemes;*

(x) Assisting countries, particularly developing countries, in implementing effective and equitable pricing mechanisms for adequate shelter and **socially equitable and environmentally sound settlements** human settlements, infrastructure and services to induce greater flows of *private*, domestic and global funds, while ensuring *openness transparent* and *targeted* subsidies for people living in poverty;

(y) Examining appropriate debt-equity swapping measures in favour of shelter and infrastructure development in human settlements;

Innovative economic instruments

(z) Developing innovative sources of funding, *both public and private*, for **socially equitable and environmentally sound human settlements development**, and creating a *supportive environment support for the mobilization of resources by individuals and groups of civil society*, including beneficiary and individual voluntary contributions;

Special financing needs/issues

(aa) Providing assistance for shelter and **socially equitable and environmentally sound** human settlement *development activities in favour of* for people living in poverty, particularly women, and **vulnerable marginalized** groups, such as refugees, internally displaced persons, people with disabilities, street children, migrants and the homeless through specific targeted grants;

(bb) Promoting assistance for shelter and human settlement activities in favour of **vulnerable marginalized** groups, such as refugees and internally displaced persons, documented migrants and the homeless through specific targeted grants and other assistance programmes;

(cc) Recognizing the need for shelter and **socially equitable and environmentally sound** human settlements *development* in order to address the special conditions of some countries experiencing natural and human-made disasters and the urgent need to reconstruct their economies and **communities human settlements**;

(dd) Implementing the commitments of the international community to the special needs and vulnerabilities of human settlements in the small island developing States, in particular by providing effective means, including adequate, predictable, new and additional resources for **programmes for socially equitable and environmentally sound human settlements programmes**, in accordance with the Declaration of Barbados

and on the basis of relevant provisions of the Programme of Action for the Sustainable Development of Small Island Developing States;

(ee) Providing international support and assistance to the land-locked developing countries and their neighbour transit [?] developing countries in their efforts to implement the outcome of Habitat II, taking into account the challenges and problems characteristic to those countries;

(ff) Agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of ODA and 20 per cent of the national budget, respectively, to basic social programmes;

(gg) Providing soft loans and grants to enable all nations to specifically address the needs of *vulnerable marginalized groups*.]

4. Technology Transfer and Information Exchange

ARTICLE 151

151. [The use and transfer of environmentally sound *technologies practices* which have a profound impact on consumption and production patterns is one of the prerequisites for **socially equitable and environmentally sound sustainable** human settlements *development*. Advanced **BEST (Best Environmentally Sound Traditions) practices and appropriate technologies** and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of **meaningful** employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on **BEST practices available technologies** and options for their transfer. It is understood that the transfer of *technology BEST practices* includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits, **particularly those benefits that shall accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology**].

ARTICLE 152

152. The international community, in promoting and facilitating the transfer of technology and expertise in support of the implementation of national plans of action, should:

(a) Establish and reinforce, as appropriate, global networks among all [stakeholders] individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized members of society to facilitate information exchange on environmentally sound technologies particularly those related to shelter and human settlements;

(b) Ensure that the process of technology transfer is fair and avoids dumping of environmentally unsound technologies on the recipients, and also avoids the replacing of significant **endogenous BEST practices**. In addition, the promotion of clean-up technology which has been used to justify the continuation of the production of hazardous, toxic or atomic wastes undermines the development of BEST practices, and should be discouraged so that the emphasis will be on prevention practice—doing it right the first time.

(c) [Facilitate] [Develop and intensify] technical cooperation with and among all regions including south - south cooperation in order to exchange experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements;

(c bis.) Ensure use of appropriate technology and production of local building materials;

(d) Place special emphasis on the funding, and promotion and dissemination of applied research and innovation in all areas which could contribute to enhancing the capabilities of developing countries particularly those in Africa and least developed countries, to provide shelter, urban services, infrastructure and amenities to their communities;

(d bis.) Support the development of international, sub-regional and regional networks of research, production, dissemination and commercialization institutions for locally produced building materials;

(e) [Enhance the identification and dissemination of new and promising technologies related to human settlements which generate **meaningful** employment and lower cost of infrastructure, make basic services more affordable, and minimize detrimental environmental impacts, and identify specific roles for existing United Nations organizations, [especially UNCHS (Habitat)] which would promote these goals].

5. Technical Cooperation

ARTICLE 153

153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. UNCHS (Habitat) should [play central role] and act as catalyst in mobilizing technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

ARTICLE 154

154. More specifically, the international community should:

(a) Establish, [within existing resources] cost-effective global human settlement information networks in the form of permanent and "electronic conferences" which will contain updated information and the Global Plan of Action, best practices, as well as *progress* **Obligations discharged/Expectations fulfilled** reports on the implementation of national plans of action;

(b) Through global human settlements information networks, assist Governments at all levels, all major groups of actors and international development agencies, in assessing information and policies, strategies, programmes and projects on sustainable human settlements development and shelter provision;

(c) [Under the leadership of the Commission on Human Settlements, and supported by the United Nations regional economic commissions and UNCHS (Habitat), develop awareness-building and information activities to ensure that human settlements development issues in general, and concerted policy and programme responses to urbanization in particular, are brought into the mainstream of the development objectives of the international community and national Governments];

(d) Develop and strengthen, with a view to supporting and facilitating national and local efforts in human settlements management, capacity-building programmes and promote exchange of experiences and policy responses to urbanization and integration of regional development within the framework of national development strategies;

(e) Through the secretariat of the United Nations Commission on Human Settlements, UNCHS (Habitat), supported by information gathered by United Nations regional economic commissions, develop capacity building strategies in order to enhance the capabilities of national and local authorities to identify and analyze critical human settlements issues; to formulate and effectively implement policies and programmes which respond to them; and to efficiently manage the process of settlements development at the local levels;

(e *bis.*) Through appropriate institutions, continue to promote capacity-building in developing countries with effective utilization of national experts;

(f) Continue to support technical cooperation programmes aimed at mitigating the effects of natural and human-made disasters, as well as reconstruction activities in affected countries;

(g) Enable UNCHS (Habitat), [within existing resources], to provide technical, legal and institutional assistance to Governments at all appropriate levels upon request, in particular, in closer cooperation with UNDP's capacity building efforts.

ARTICLE 155

6. *Institutional cooperation*

155. The task of pursuing the goals of adequate shelter for all and sustainable human settlements development, in the face of increasing global economic interaction, necessitates international cooperation of public and private institutions operating in the areas of human settlement development, whereby resources, information and capacities are pooled for a more effective response to human settlements problems.

ARTICLE 156

156. [The Habitat Agenda adds new elements to the agenda for national actions and international cooperation, reaffirming, building on the **obligations incurred in Conventions, Treaties and Covenants, and on expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, as well as on the results of the recent major United Nations conferences. Governments confirm the need for a coordinated follow-up of the major world conferences, including Habitat II. The very nature of urban challenges requires an integrated approach to *sustainable socially equitable and environmentally sound* development and thus increased cooperation and coherence. Existing intergovernmental bodies within the United Nations system should be used to promote communication and coordination between governments, international bodies - including those of the United Nations system and the Bretton Woods system, as well as other relevant [stake-holders] - and to strengthen a common perception of human settlements priorities].**

156 bis. [Implementation of The Habitat Agenda should take place within a coordinated framework which ensures that all the United Nations' **obligations incurred in Conventions, Treaties and Covenants, and all the**

United Nations' expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, Conferences are comprehensively followed-up and the agreed programmes of action fully implemented, monitored and reviewed, together with the results of other obligations and expectations from previous international instruments, as well as of other recent United Nations Conferences where they are related to human settlements, particularly the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States, the World Summit for Social Development, the International Conference on Population and Development, and the Fourth World Conference on Women. This will require better coordination and cooperation between multilateral and bilateral partners and joint programming, leading to increased and more effective cooperation between UNCHS and other entities within and outside the United Nations system].

ARTICLE 157

157. The United Nations family of agencies, including the Bretton Woods institutions, the regional and sub-regional development banks and funds and bilateral support agencies [where appropriate] **shall should:**

(a) **Undertake to require Mandatory International Standards-and-technical-regulation (MINS) drawn from international principles reflected in obligations incurred by states in Conventions, Treaties, and Covenants, and in expectations created in Declarations, General Assembly Resolution, and Conference action plans as a condition for funding; and establish and strengthen, where appropriate, cooperative mechanisms means to integrate into their policies, programmes and operations, socially equitable and environmentally sound sustainable human settlements development including commitments and actions, particularly those from The Habitat Agenda and taking into account the expectations created through outcome of the relevant sections of other recent United Nations Conferences, Declarations and General Assembly Resolutions;**

(b) Establish and strengthen **counterparts and cooperation partnerships** with international associations of local authorities, non-governmental and community-based organizations and with all other *[stakeholders individuals and organizations of civil society drawing upon a wide range of experience and expertise, including that from marginalized members of society to achieve the goals of the Conference;*

(c) Develop activities aimed at strengthening the capacity of local authorities;

(d) Intensify their cooperation with non-governmental organizations, voluntary groups and community associations, and with **BEST practices enterprises *private*** and cooperative **groups sectors** in **socially equitable and environmentally sound *sustainable*** human settlements *development*;

(e) Support **cooperative programmes with genuine community involvement and participation** *public-private partnerships* in **providing shelter delivery, services provision** and other **socially equitable and environmentally sound *development activities for sustainable*** human settlements;

(f) Encourage **genuine community involvement and participation** *the involvement of all actors* at local level in reaching agreements and local measures, programmes and actions necessary to implement The Habitat Agenda, Global Plan of Action and national plans of action including through Local Agenda 21 processes as mandated by the United Nations Conference on Environment and Development.]

unsustainable patterns of production and consumption raise these problems in especially acute forms. (Art. 6)

Part IV.**GLOBAL PLAN OF ACTION: STRATEGIES FOR MEANS AND METHODS OF IMPLEMENTATION****F. Implementation and follow-up of the Global Plan of Action****(Paragraphs 158 - 185 bracketed)***(The following paragraph is to be incorporated into section F in square brackets)*

[Set up an advisory centre to identify appropriate financial institutions such as ADB and World Bank to avail themselves to assist member states to secure financial assistance/funding for the implementation of shelter and human settlements programmes.]

Note on Part IV, Chapter F: 158 - 184. The entire paper was bracketed.

1. Introduction

ARTICLE 158

[158. Before governments undertake new commitments, they shall be made aware of relevant existing obligations incurred through conventions, treaties, and covenants and of relevant expectations created through declarations, conference action plans and General Assembly resolutions. The initial commitment shall be for states to fulfill years of previous obligations by signing what they have not yet signed, ratifying what they have not yet ratified, enacting legislation to ensure compliance and establishing an enforcement infrastructure to ensure discharging of these obligations.

1987-1997 is the Decade for International Law and, during this decade, it would be appropriate for states to finally undertake to discharge their accrued obligations. The long-term impact of the commitments made by governments and the international community at Habitat II, will depend on the implementation of actions agreed upon at all levels: local, national and international. Also, national plans of action and /or other relevant national programmes and actions on sustainable human settlements development and shelter provision, will need to be developed or strengthened where appropriate. Their implementation will need to be monitored and evaluated by Governments and their partners at the national level in *sustainable, socially equitable and environmentally sound development*. Similarly, *progress in implementing— the discharging of obligations and the fulfilling of expectation—* the Global Plan of Action needs to be assessed, with a view to encouraging and enabling all *stakeholders, individuals and organizations of civil society with a wide range of experience and expertise- including particularly those marginalized members of society who may be adversely affected by non-fulfillment of expectations from the Global Plan of Action.*]

2. Implementation at the national level

ARTICLE 158 bis

158 *bis*. Governments have the primary responsibility of implementing the Global Plan of Action. Governments, as central partners, will create and strengthen effective partnerships with families, communities, local authorities, the private sector, non-governmental organizations, women, youth, elderly, *vulnerable marginalized* groups and indigenous people (s) in each country. National mechanisms should be installed or improved, as appropriate, to coordinate actions at all relevant government levels which have impact on human settlements and to assess this impact prior to governmental actions. Local authorities should be supported in their

approach to implement this global plan of action inasmuch as local action is required. All appropriate participatory mechanisms, including Local Agenda 21, should be developed and employed. **It should be recognized that many of the provisions necessary for achieving socially equitable and environmentally sound development and for ensuring ecologically sustainable communities, were already evident in Agenda 21 and that, what is necessary, is the political will of states to enact the necessary legislation and mandatory international normative standards-and regulations to ensure compliance. In the Platform of Action in Beijing in Art. 16, States undertook to ensure that corporations, including transnationals, comply with existing national and international law.**

3. Implementation at the international level

ARTICLE 159

159. The effective implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II), should take into account the **integration social equity and justice of sustainable human settlements development** with broader environmental, social and economic considerations **into the concept of socially equitable and environmentally sound development.** The main actors at the global level for the implementation and follow-up of the Habitat Agenda, will continue to be Member States of the United Nations, the United Nations General Assembly, the Economic and Social Council, the Secretary-General of the United Nations, the United Nations Commission on Human Settlements and its Secretariat, the United Nations Centre for Human Settlements (Habitat) and all other specialized agencies of programmes in the United Nations system engaged in activities pertaining to the provision of adequate shelter for all and sustainable human settlements development in an urbanizing world.

4. Tracking implementation —the discharging of obligations and the fulfilling of expectations progress —on the Global Plan of Action

ARTICLE 160

160. The implementation of the Habitat agenda will require the **discharging of obligations incurred in conventions, treaties, and covenants and the fulfilling of expectations created in declarations, conference action plans and General Assembly resolutions.** Member States of the United Nations shall *exert concerted efforts to achieve the implementation* **implement of the Habitat Agenda through bilateral, sub-regional, regional and international mechanisms for cooperation as well as through the United Nations system and the Bretton Woods institutions. The lending policy of the Bretton Woods institutions shall be determined by a set of principles extracted from a body of international instruments.**

ARTICLE 161

161. The General Assembly, as the highest intergovernmental body—reflecting the democratic will of member states—is the principal policy-making and appraisal organ of international conference agreements. The Habitat II Conference is the final conference in a series of five, dealing with environment, human rights, population, women (equality, development and peace). The series of conferences reflect, in many cases, a refinement of thought about global issues, and a synthesis of the essential principles emerging from the expectations created in all the conference action plans, as well as from the obligations incurred in conventions, treaties, and covenants shall be undertaken in 1997 in recognition of the culmination of the decade devoted to the promoting and furthering of international law. In addition, and in honour of this decade, a concerted effort should be made to call upon states to sign what they have not yet signed, ratify what they have not yet ratified, enact the necessary legislation to ensure compliance, and enforce the legislation; to ensure the discharging of obligations and the fulfillment of expectations. Concerted effort should also be made to establish an International Court of Compliance where citizens could take evidence of state non-compliance with obligations and expectations. At the Special Session of the General Assembly convened for 1997 for the purpose of an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of *sustainable socially equitable and environmentally sound* development. The General Assembly is the principal policy-making and appraisal organ on matters relating to the follow-up of Habitat II. At the Special Session of the General Assembly, convened for 1997 for the purpose of an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of *sustainable socially equitable and environmentally sound* development. Also, the assembly should include the follow-up to the conference in its agenda as an item entitled "Implementation of the Outcome of the Second United Nations Conference on Human Settlements (Habitat II)". In its fifty-first session, it should review the outcome of the conference as well as the steps required to implement the Habitat Agenda;

ARTICLE 162

162. The General Assembly should hold a special session in the year 2006 for an overall mid-term review and appraisal of the implementation of the outcome of Habitat II and should consider further actions and initiatives.

ARTICLE 163

163. The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with relevant General Assembly Resolutions and ECOSOC decisions should, in 1997 and in respect for the culmination of the decade devoted to the respect and furtherance of international law, assist in the promotion of the need for states to discharge obligations arising from conventions, treaties, and covenants; and to fulfill expectations arising from General Assembly resolutions, declarations, and conference action plans . The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with relevant General Assembly Resolutions and ECOSOC Decisions, would oversee system-wide coordination in the implementation of the Global Plan of Action and make recommendations in this regard. The Council should be invited to review at its substantive session in 1997, the implementation of the Global Plan of Action. As coordinating body, the council should be invited to review, in 1997, the role and functioning of the Commission on Human Settlements, taking into account the need for synergy and effective coordination with other related commissions and conference follow-up, and with a view to ensure a clear division of labour and coordination of multi-year programmes of work. In addition, it should consider dedicating one high-level segment, before the year 2001, to human settlements and implementation of the Global Plan of Action with the active involvement and participation, inter alia, of the specialized agencies, including the World Bank and IMF.

ARTICLE 164

164. The Economic and Social Council (ECOSOC), may convene meetings of high-level representatives to promote international dialogue on the critical issues pertaining to adequate shelter for all and sustainable human settlements development as well as on policies for addressing them through international cooperation.

ARTICLE 165

165. The ECOSOC, in the context of its role under the Charter of the United Nations, vis-à-vis the General Assembly and in accordance with the relevant General Assembly resolutions, would facilitate system-wide coordination in the implementation of the outcome of Habitat II and make recommendations in this regard. It should look at ways to strengthen, (consistent with the mandates of the Charter of the United Nations), the role and authority, structures, resources and processes of ECOSOC, for bringing economic and social development agencies into a closer working relationship with it so that it can review *progress made towards implementing the implementation—the discharging of obligations and the fulfilling of expectations—the outcome of Habitat II.*

ARTICLE 166

166. The General Assembly and ECOSOC should support the establishing of Mandatory International Standards-and-technical-regulation (MINS) drawn from international principles reflected in obligations incurred by states in conventions, treaties, and covenants, and in expectations created in declarations, General Assembly resolution, and conference action plans . The MINS 1997, commemorates the culmination of the decade for the respect and furtherance of international law. MINS 1997 should assist the development banks to drive socially equitable and environmentally sound development for the fulfilling of the expectations in Habitat II Agenda. The General Assembly and ECHOIC should promote sub-regional and regional cooperation in the implementation of the Habitat Agenda. In this regard, the regional commissions, in cooperation with the regional intergovernmental organizations and banks, should convene meetings at the highest political levels to review the implementation—the discharging of obligations and the fulfilling of expectations—the outcome of Habitat II, exchange views on their respective experiences (particularly in the best practices) and adopt appropriate measures. The regional commissions should report to the Council on the outcome of such meetings.

167. As a functional commission assisting the Economic and Social Council, the Commission on Human Settlements should have an important role in monitoring, within the United Nations system, the implementation of the Global Plan of Action.

ARTICLE 168

168. The mandate of the Commission will be strengthened and expanded to incorporate and implement the Habitat Agenda. Similarly, UNCHS (Habitat) will be strengthened and revitalized in accordance with the relevant resolutions of the General Assembly with a view to enabling it to effectively implement the expanded mandate contained in the Habitat Agenda under the overall policy direction of the United Nations Commission on Human Settlements. UNCHS should be evolved into a highly competent technical secretariat capable of implementing the Habitat Agenda. For the purpose, UNCHS (Habitat) will be restructured and strengthened to deal effectively with the Habitat Agenda.

ARTICLE 175

175. The Secretary General is invited to ensure effective coordination of the implementation of the Global Plan of Action and adequate consideration of human settlements needs in all activities of the United Nations. The Administrative Committee on Coordination (ACC) should review its

procedures at the inter-agency level to ensure system-wide coordination and full participation of its entities in the implementation of the Global Plan of Action. These entities should examine their programmes to determine how they can best contribute to the coordinated implementation of the Global Plan of Action. ACC should be invited to establish a task force on The Habitat Agenda. UNCHS (Habitat) should be added to the membership of ACC and to the task force on The Habitat Agenda.

ARTICLE 176

176. The Secretary General is invited to continue to ensure effective functioning of the United Nations Centre for Human Settlements (Habitat). In conjunction with the review of the mandate of the Commission on Human Settlements, the functions of the Centre should be assessed by the Economic and Social Council.

ARTICLE 177

177. The important role of the Committee on Economic, Social and Cultural Rights in monitoring those aspects of the Statement of principles *Principals* and Commitment on Global Plan of Action that relate to compliance, by States Parties, with the International Covenant on Economic, Social and Cultural Rights should be emphasized. It is recognized that discharging of obligations under the ICESCR and fulfilling expectations enunciated in the Habitat Agenda, require the concomitant discharging of previous obligations and fulfilling of previous expectations. These obligations have been incurred under conventions, treaties and covenants and these expectations have been created through General Assembly resolution, declarations and other conference action plans related to the guaranteeing of human rights, the preserving, protecting and conserving the environment, the fostering of peace, and the enabling of socially equitable and environmentally sound development. It is only when these obligations have been discharged and the expectations fulfilled, that the global community will achieve the socially equitable and environmentally sound global settlements.

ARTICLE 178

178. To strengthen their support for actions at the national level and to enhance their contributions to an integrated and coordinated follow-up by the United Nations, specialized agencies and other organizations of the United Nations system should identify the specific actions they will undertake to meet the priorities identified in the Global Plan of Action.

ARTICLE 179

179. In order to improve the efficiency and effectiveness of United Nations organizations in providing support to the efforts for the provision of adequate shelter for all and sustainable human settlements, development at the national level and to enhance their capacity to achieve the objectives of Habitat II, there is a need to renew, reform and revitalize the various parts of the United Nations system; in particular its operational activities. All specialized agencies and related organizations of the United Nations system are invited to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to Habitat II. Relevant governing bodies should review their policies, programmes, budgets and activities in this regard.

(a) The United Nations Development Programme (UNDP) should enhance its efforts to support the implementation of The Habitat Agenda through its network of field offices;

(b) The International Labour Office (ILO) should coordinate and support concrete actions at the policy and programme levels for the implementation of the Habitat Agenda with regard to the expansion and protection of **socially equitable and environmentally sound meaningful employment and work;**

(c) The United Nations Children's Fund (UNICEF) should consider integrating its Urban Basic Service Programmes, the Mayors Defenders of Children Initiative, and the Decentralization of the UNICEF National Plans of Action with the Habitat Agenda through broad partnerships for sustainable community development and community management;

(d) The United Nations Conference on Trade and Development (UNCTAD) should contribute to analyzing and monitoring major trends of urbanization and impact of urban and rural policies in connection with changes in the global economic environment;

(e) The United Nations Environment Programme (UNEP) should develop and promote policies to enhance the environment and integrate environmental considerations in human settlements development and adequate shelter for all and catalyze action to achieve these goals at the international, regional, sub-regional and national levels;

(f) The United Nations Fund for Population Activities (UNFPA) in coordination and cooperation with other United Nations entities, should pursue activities related to basic social services for all;

(g) *The United Nations Industrial Development Organization (UNIDO) in implementing the Habitat Agenda should address areas which require the competitiveness of export-oriented enterprises and competitive local and national enterprise growth;*

(h) The World Health Organization (WHO) should in the implementation of The Habitat Agenda be guided by the global importance of health issues, the linkage of those issues to sustainable human settlements and adequate shelter, and the close relationship between public health and basic urban and rural services and the need to place human beings at the centre of development.

ARTICLE 180

180. International financial institution should be proactive and be involved with driving BEST endogenous practices through requiring that funding being conditional on compliance with (MINS 1997) — mandatory, international normative standards and technical regulation drawn from international instruments, and in this way ensure funding *contribute to the mobilization of resources* for the implementation of The Habitat Agenda. To this end, the relevant institutions are urged to take the following measures:

(a) The World Bank, the International Monetary Fund, the regional and sub-regional development banks and funds, and all other international finance organizations *should* shall undertake to require mandatory international normative standards (MINS) drawn from principles in international instruments as a condition to funding projects; In addition they should further integrate adequate shelter for all and sustainable human settlement development goals in their policies, programmes and operations, including by giving higher priority to these goals, where applicable, in their lending programmes;

(b) The Bretton Woods institutions and other organizations and bodies of the United Nations system should work together with concerned countries particularly developing countries to improve policy dialogues and develop new initiatives to ensure socially equitable and environmentally sound development *that structural adjustment programmes promote sustained economic growth*, with particular attention to the necessity to provide adequate—affordable, accessible, safe and environmentally sound, with tenure security shelter for all and socially equitable and environmentally sound sustainable human settlement development to people living in poverty and *vulnerable* marginalized groups;

(c) The United Nations system, shall actively institute mandatory international normative standards (MINS) in 1997—the last year of the

decade dedicated to the promotion and the furthering of international law, and ensure that the Bretton Woods institutions be guided by these international standards in accessing to the legitimacy of project to be funded. *Including* The Bretton Woods institutions and specialized agencies, should expand and improve their cooperation in the field of adequate shelter for all and **socially equitable and environmentally sound *sustainable* human settlements development** to ensure that the efforts are complementary and, where possible, should combine resources in joint initiatives for adequate shelter for all and **socially equitable and environmentally sound *sustainable* human settlements development** build around the objectives of Habitat II;

(d) The World Trade Organization (WTO) should consider how it might through promoting and requiring adherence to the principles established in international instruments drive *contribute to* the implementation of The Habitat Agenda, including activities in cooperation with the United Nations system, and specifically the promotion of BEST (Best Environmentally Sound Traditions) practices.

ARTICLE 181

5. Indicators, best practices and performance evaluation

181. It is essential to evaluate the impact of policies, means, *strategies* and actions on the provision of adequate shelter and the achievement of **socially equitable and environmentally sound development *sustainable* human settlements development**. The results of these evaluations will be considered by the relevant United Nations functional commissions; including the United Nations Commission on Human Settlements. UNCHS (Habitat), together with other relevant organizations, will establish an appropriate process for analyzing and monitoring major trends of urbanization and the impact of urban policies. In particular, information on the impact of urbanization on *vulnerable marginalized* and disadvantaged groups, including children, should be collected.

ARTICLE 182

182. All those responsible for ensuring the implementation *partners of* The Habitat Agenda, including local authorities, the **BEST practices enterprises, private sector** and communities, will regularly monitor and evaluate their own performances in the implementation of The Habitat Agenda through comparable **socially equitable and environmentally sound development human settlements and performance standards, shelter indicators** and documented **BEST practices**, the guidelines for which will be provided by UNCHS (Habitat). The data collection and analysis *capabilities of all* by those responsible for ensuring the implementation of Habitat II *these partners* will be strengthened and assisted at national, sub-regional and

global levels, and there will be an opportunity for individuals and groups of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision to take evidence of state non-compliance to an International Court of Compliance.

ARTICLE 183

183. As part of their commitment to strengthening their existing shelter- and settlements-related data collection and analysis capabilities, Governments at the appropriate levels, including local authorities, should continue to identify and disseminate best practices, **develop performance standards related to and apply shelter and socially equitable and environmentally sound human settlements development indicators.** *This Performance standards and mandatory international normative standards (MINS) other relevant information, as appropriate,* will be used for assessing the national implementation of the global plan of action. Such information could be considered within the framework of an appropriate consolidated reporting system of the United Nations, taking into account the different reporting procedures in the economic, social and environmental fields **under MINS 1997.**

ARTICLE 184

184. UNCHS (Habitat) will be designated as the Global Habitat Observatory to promote, monitor and evaluate the trends and *progress in the implementation—the discharging of obligations and the fulfilling of expectations* —of The Habitat Agenda through locally, nationally and regionally supported indicators and best practices programmes. It should continue to produce and publish the Global State of Human Settlements Report and other periodical monitoring and evaluation publications to track the progress on the implementation of The Habitat Agenda.

ARTICLE 185

185. UNCHS as focal point should:

(a) Set up an advisory secretariat/centre to assist Member States in developing their national housing and urban indicators for at least one major city;

(b) Set up a research centre to assist member states in undertaking studies and research on **BEST (Best Environmentally Sound Traditions) practices, and in particular *sustainable approaches and BEST endogenous practices methods concerning using local building materials and traditional construction practices technology*** and disseminate such information to all Member States.]

() THAT in 1996, on June 2, the opening day of the conference, I had to find a way of getting the boxes of books into the conference from the Asian part of Istanbul where I was staying.



<https://habitat.scarp.ubc.ca/wp-content/uploads/2018/04/ONU--300x212.png>

COMMENT:

I had written the above “Comment on Habitat II Agenda: Moving beyond Habitat I to discharging obligations acting on commitments and fulfilling expectations— a publication placing the bracketed sections in the Habitat II Agenda in the context of previous obligations, commitments and expectations and within the context of Habitat I; it was a 178 page book. I printed 200 copies of the book and they were contained in several boxes.

But how was I going to get the boxes into the conference? I was staying in the Asian part of Istanbul where few people spoke English.

On the opening day of the conference, I got up early. I had called the conference section responsible for distribution of documents preciously to ask if I could have my document officially sanctioned for distribution as I had done at the UN Conference on Women. I decided that I would get up early on the opening day of the conference and take all the books in since I was living in the Asian part of Istanbul and often it would take me an hour to get there. I left the house at about 6 am and tried to find a Dolma?? When the driver saw my four boxes of books he

was reluctant to let me enter the car. I tried to communicate in French then English and finally I said does anyone speak Spanish? Fortunately one of the men waiting for the Dolma could speak Spanish and helped persuade the driver to let me in. When I arrived, I asked the guards to help me. We went into the main conference room where several guards helped me distribute the material to state delegations and to International agencies. It was a policy document developed to support the far reaching policy sections that were still in brackets in the Habitat II Agenda.

() THAT in 1996, at Habitat II, I hosted a workshop on the Global Compliance Project committee. The role of this committee was to solicit responses and proposals for the document that was to emerge from the NGO participation on the basis of the proposals we were to prepare a text for inclusion in the final document. The committee was formed with Gwen(real women); two Muslims a Catholic fundamentalist, an Australian (XX(Michael...

The meetings were incredibly tense. Gwen offered to review the submission from the Human Rights caucus. She completely ignored the recommendation of the Human Rights caucus, and submitted on "behalf" of the caucus, the recommendation that the listed grounds in the Universal Declaration of Human rights not be extended. When the Caucus had specifically recommended that the grounds should be extended. The Irish women took me aside when I expressed concern about the Human Rights section by stating, "Joan people do not discuss rights any more; you have not kept up to date on the issues". At one point in the meeting, one of the Muslims criticized a point that I made and I began to respond to him directly. The other Muslim, who had become the chair of the editorial committee, was livid; saying that I had no right to respond to the criticism but to address my concerns to the chair. He said that unless we respected his authority he would resign.

My role was to address the issue of compliance. The report that emerged was incredibly weak, and this draft was presented to the NGOs. There was an uprising by the NGOs appalled at the weaknesses of the draft report. The only section that they supported was the one on compliance.

XX with Hat and Shulaman both came in and helped me strengthen the section on women issues and Jan from Grassroots International.

At a consultation meeting with Committee B, I made a presentation on the need to reduce the military budget by at least 50%. I received an immediate response from Costa Rica (which had disbanded its military). Also, surprisingly, the Holy See supported my proposal. I then typed up the presentation and linked it in with Wally McDOW statement and then had it distributed at the General Assembly where the representatives from the different countries were speaking.

REDUCTION OF THE MILITARY BUDGET

Cities will be habitable when there is the international political will to make fundamental global change to provide for essential needs. Both humans and

ecosystems have basic identifiable needs for survival and quality of life and function.

Concerned that currently (1996) the Global Community spends \$860 billion on the military budget at a time when the right to housing, the right to food, the right to health care, the right to equality of all , the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Noting that the commitment was made to transfer a substantial proportion of the military budget to social programs (as undertaken through expectations created in General Assembly resolutions from 1981)

Noting also that in 1981, in General Assembly resolution entitled the reduction of the military budget, the majority of the member states did the following:

- (i) reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget.
- (ii) Recognized that the military budget constituted a heavy burden for the economies of all nations, and have extremely harmful consequences on international peace and security.
- (iii) undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.
- (iv) Reiterated 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

Reminded that this request for transfer of the funds from the military budget was further reinforced in a 1983 General Resolution on the Relationship between disarmament and development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries. Also, in this resolution, state considered 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.

We call upon the member States of the United Nations:

- to immediately reduce the military budget to at least 50% of what it currently is and to transfer these funds into socially equitable and environmentally sound development
- to embark on plans for military conversion with the remaining 50%, and with the setting up of alternative structures for preventing conflict and war through an international regime that respects the rule of international law, and through establishing an international court of compliance where citizens could take evidence of state non-compliance with international law

**obstacles to overcome
systemic constraints**

Note discussion with Chair of Conference B

story about fundamentalists feeding the delegates

staying with Baha'i

1996 Presented proposal for "Mandatory International Normative Standards (MINS) to drive industry to Best Environmentally Sound Techniques (BEST) at the Business partnership session at the Committee II meeting with Business Partners, Habitat II Conference.

() THAT in 1996, at Habitat II, I went to a session on Urbanization

COMMENT

I sat in the room and waited for the presenter along with about forty people but no one came to conduct the workshop. I said, I guess we are on our own and if you would like, I could chair the meeting. It was agreed and we decided to meet every night at eight o'clock. There were a range of professions involved such as town planners architects, archaeologists, ECO-CITY ecologist, ECO-CITY INITIATOR archaeologists from a range of north and south countries. Near the end of the conference when we were concerned about the negotiations, so we decided to work on an Istanbul manifesto.



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WHAT IS AN ECOCITY? An Ecocity is a human settlement modeled on the self-sustaining resilient structure and function of natural ecosystems.

- An ecocity seeks to provide healthy abundance to its inhabitants without consuming more renewable resources than it replaces.
- It seeks to function without producing more waste than it can assimilate or recycle for new uses or than nature can dilute and absorb harmlessly, and without being toxic to itself or neighbouring ecosystems.
- Its inhabitants' ecological impacts reflect planetary supportive lifestyles; its social order reflects fundamental principles of fairness, justice, reasonable equity and consensus at ample levels of happiness.

ECOCITY BUILDERS

Ecocity Builders reshape cities for the long-term health of human and natural systems. They develop and implement policy, design and educational tools as well as strategies to build thriving and resilient urban centres based on “access by proximity” to reverse patterns of sprawl and excessive consumption. Ecocity Builders and associates' definition of “ecocity” is conditional upon a healthy

relationship of the city's parts and functions; similar to the relationship of organs in living complex organisms. They are concerned with city design, planning, building, and operations in an integral way and in relation to the surrounding environment and natural resources of the region, utilizing organic, ecological and whole-systems lessons to reverse the negative impacts of climate change, species extinction and the destruction of the biosphere. They believe the form of the city matters, that it is within our ability and indeed crucial to reshape and restructure cities to address global environmental challenges.

1 ACADEMIC LEAD: BCIT SCHOOL OF CONSTRUCTION AND THE ENVIRONMENT WHY THE I.E.S.?

Helen and William Mazer Foundation HealthBridge Columbia Foundation Novatek
SPONSORS: The British Columbia Institute of Technology (BCIT) School of Construction and the Environment is concerned with the natural environment, the built environment, and the relationship between them. The School has stepped forward as the academic lead for development of the International Ecocity Standards (I.E.S.). This initiative aligns with the School's expertise and interest to advance the state of practice through education and applied research in the natural and built environments (www.bcit.ca/construction). An important role of the International Ecocity Standards (I.E.S.) is driving innovation and improvement in performance measurement and management. Cities and towns around the world are interested in the ecocity model. However, there is enormous diversity in how ecocities are built, including the level of performance these initiatives achieve. It is this concern with accountability for performance (meaning the ability to achieve ecocity objectives for reducing human impact on the earth while simultaneously

advancing socially just and livable human habitats), that served as the impetus for development of the I.E.S.

Led by Ecocity Builders with worldwide input from ecocity activists and academics, the I.E.S. seeks to describe both the conditions for an ecologically healthy and restorative human presence on earth as well as a practical methodology for helping design, assess and guide the journey toward achievement of an ecocity civilization.

Richard Register

Richard Register is one of the world's great theorists and authors in ecological city design and planning. As the founder of Urban Ecology and Ecocity Builders, he convened the first International Ecocity Conference in 1990 giving lectures around the world and has authored two previous books, as well as an earlier edition of EcoCities.

Initial ideas behind the ecocities can be traced back to 1975 with the formation of a non-profit organization called Urban Ecology.^[7] Founded by a group of visionary architects and activists including Richard Register in [Berkeley, California](#), the organization worked at the intersection of urban planning, ecology, and public participation to help formulate design concepts centered around building environmentally healthier cities
<https://www.nationalgeographic.com/travel/article/150120-gobekli-tepe-oldest-monument-turkey-archaeology>



Çatalhöyük

Çatalhöyük had no streets or foot paths; the houses were built right up against each other and the people who lived in them traveled **over the town's rooftops** and entered their homes through holes in the roofs, climbing down a ladder.



Göbekli Tepe (Turkish: [[gøbec'li te'pe](#)],^[2] "Potbelly Hill";^[3] known as *Girê Mirazan* or *Xirabreşkê* in [Kurdish](#)^[4]) is a [Neolithic archaeological site](#) in the [Southeastern Anatolia Region](#) of Turkey. Dated to the [Pre-Pottery Neolithic](#), between c.9500 and 8000, BCE, the site comprises a number of large circular structures supported by massive stone pillars – the world's oldest known [megaliths](#). Many of these pillars are richly decorated with abstract [anthropomorphic](#) details, clothing, and reliefs of wild animals, providing archaeologists with rare insights into [prehistoric religion](#) and the particular iconography of the period. The 15m (50 ft)-high, 8ha (20-acre) [tell](#) also includes many smaller rectangular buildings, quarries, and stone-cut [cisterns](#) from the Neolithic, as well as some traces of activity from later periods.

The site was first used at the dawn of the [Neolithic](#) period, which in Southwest Asia marks the appearance of the oldest permanent [human settlements](#) anywhere in the world. Prehistorians link this [Neolithic Revolution](#) to the advent of agriculture, but disagree on whether farming caused people to settle down or vice-versa. Göbekli Tepe, a monumental complex built on the top of a rocky mountaintop, far from known sources of water and to date producing no clear evidence of agricultural cultivation, has played a prominent role in this debate. The site's original excavator, German archaeologist, [Klaus Schmidt](#), described it as the "world's first temple": a [sanctuary](#) used by groups of nomadic [hunter-gatherers](#) from a wide area, with few or no permanent inhabitants. Other archaeologists challenged this interpretation; arguing that the evidence for a lack of agriculture and a resident population was far from conclusive.



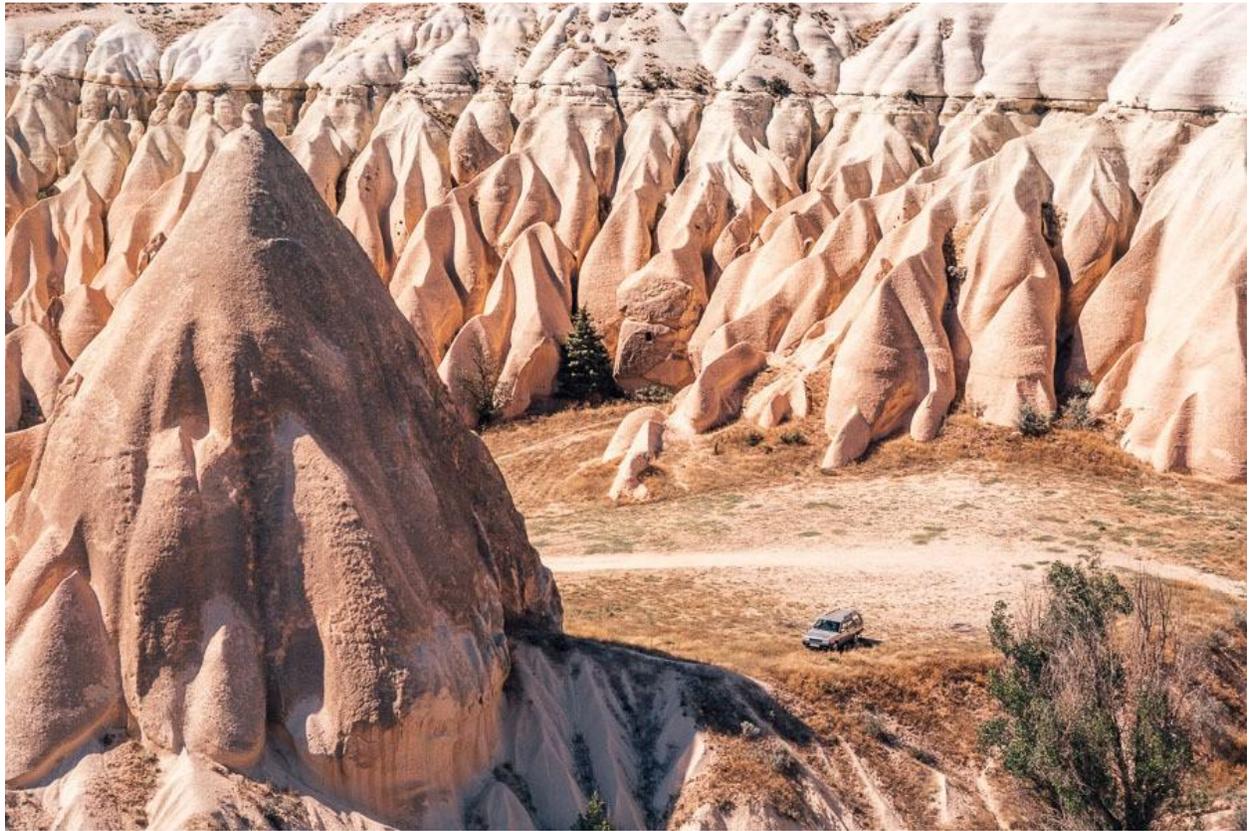




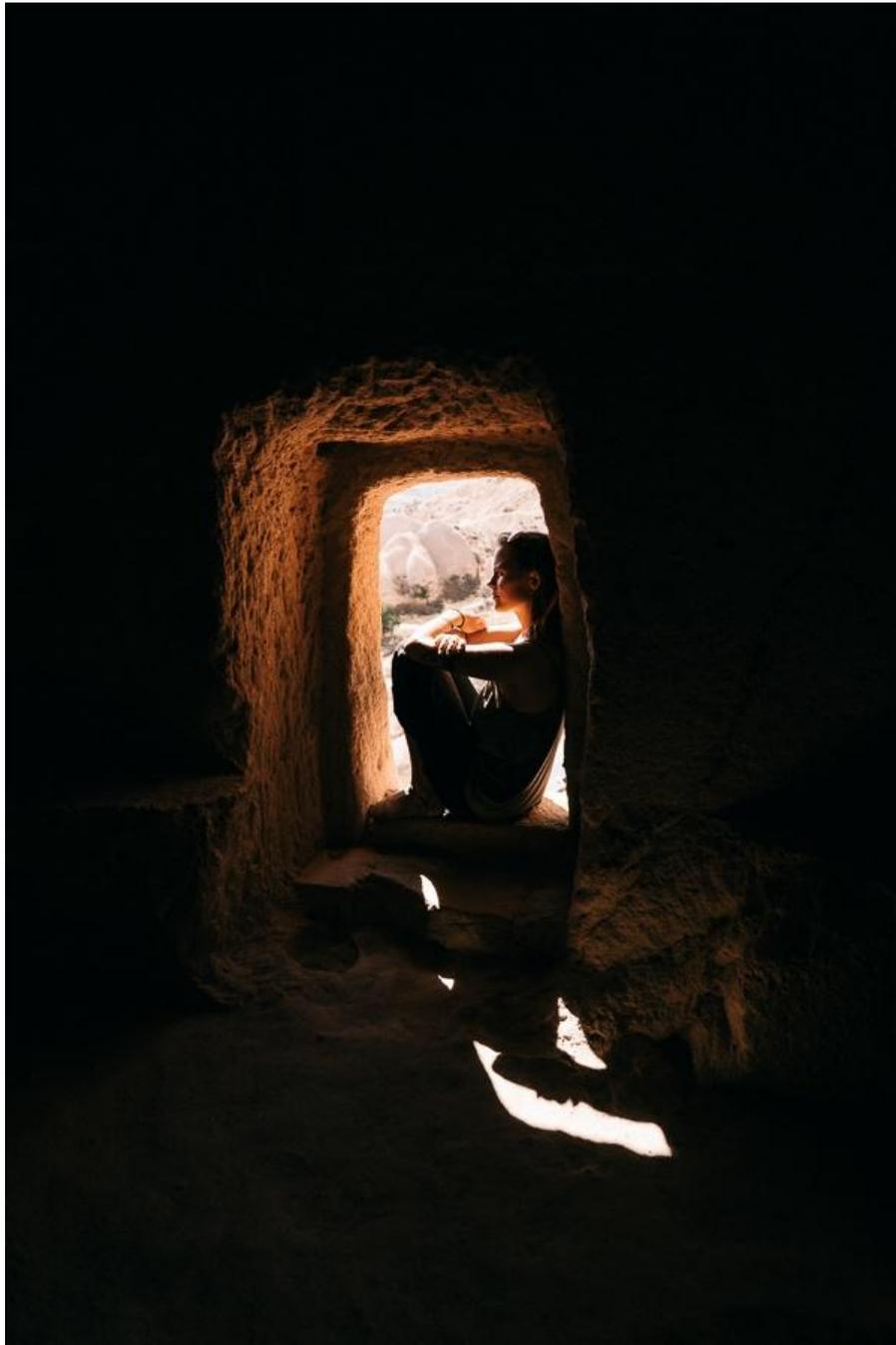




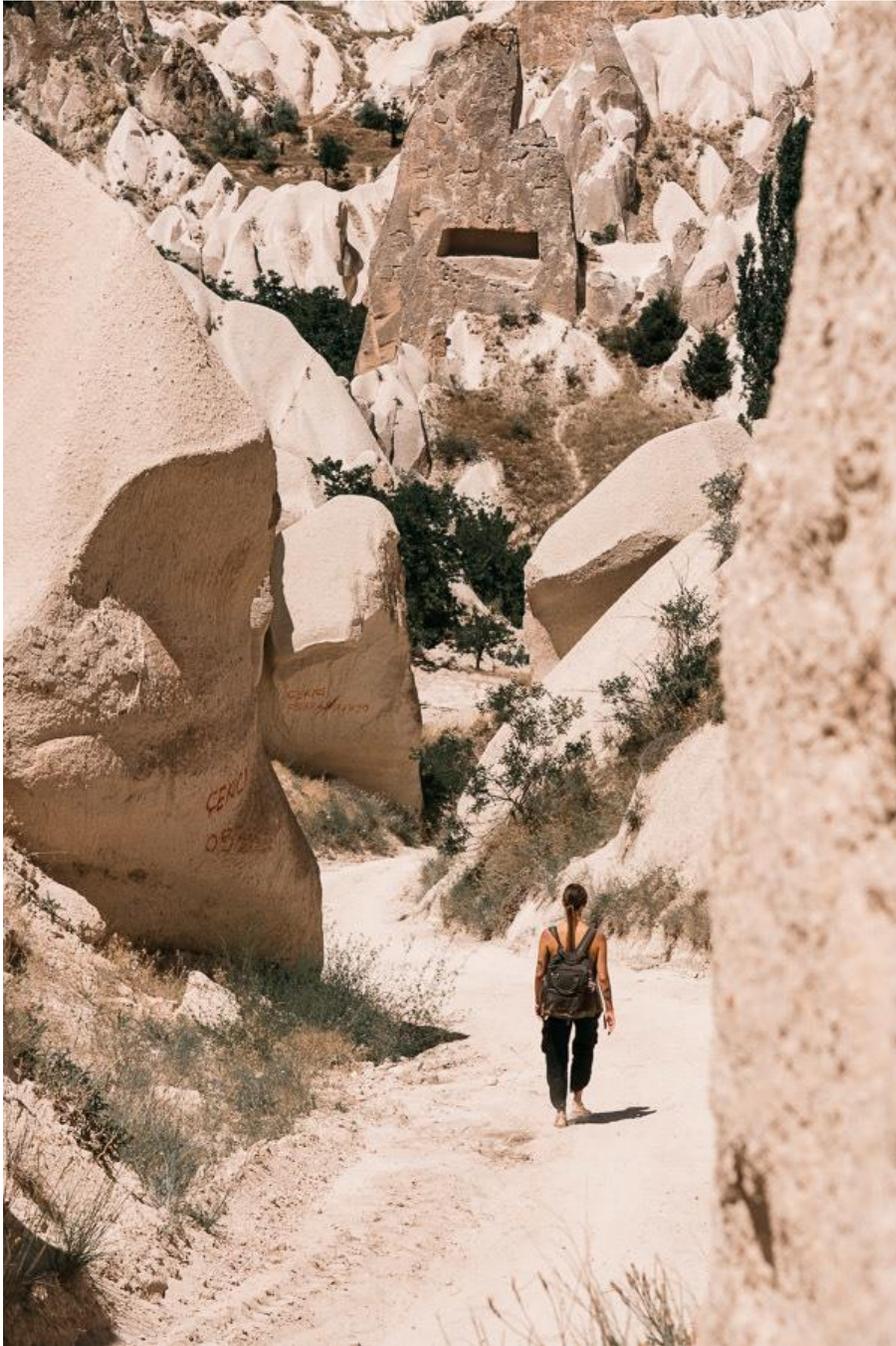


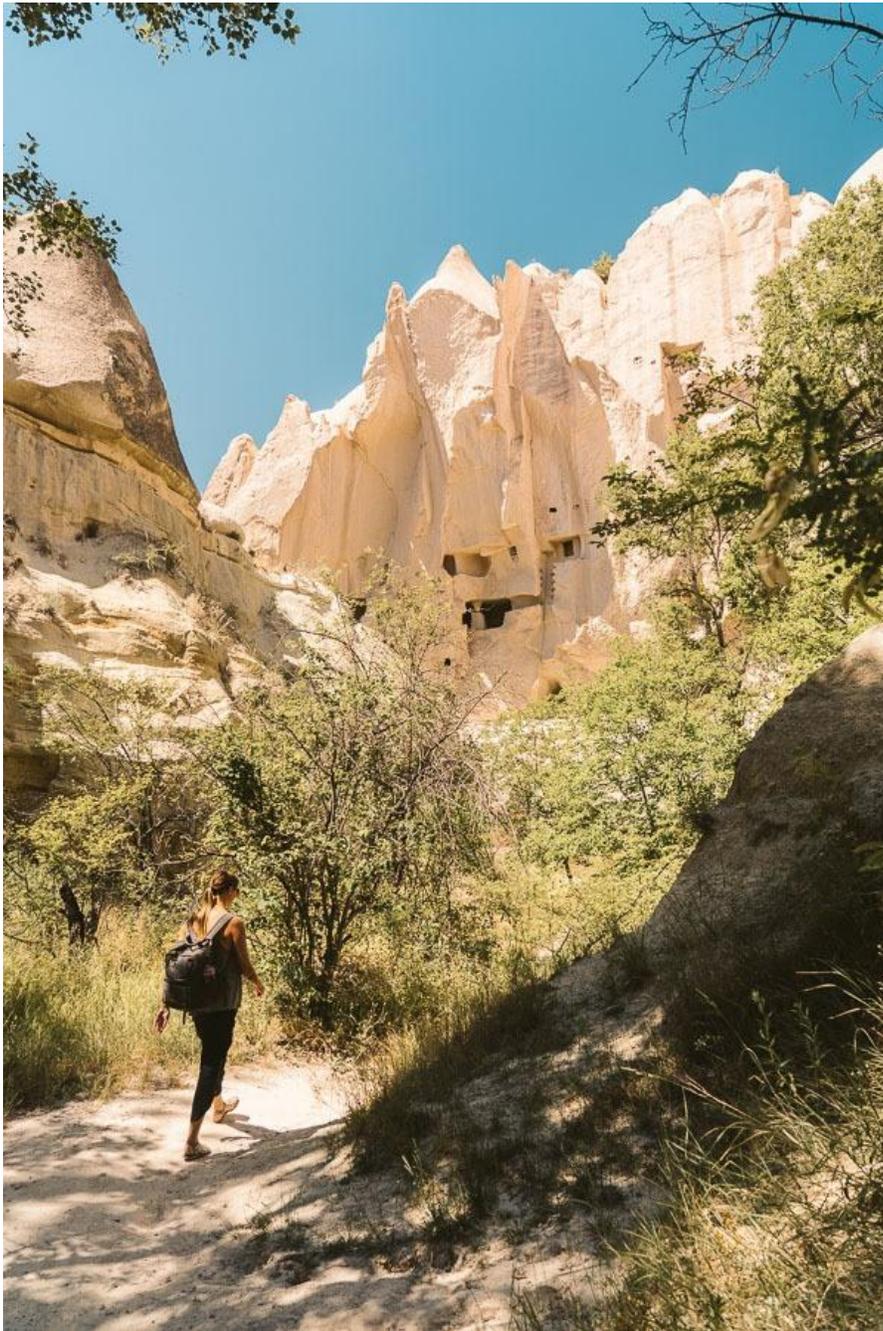
























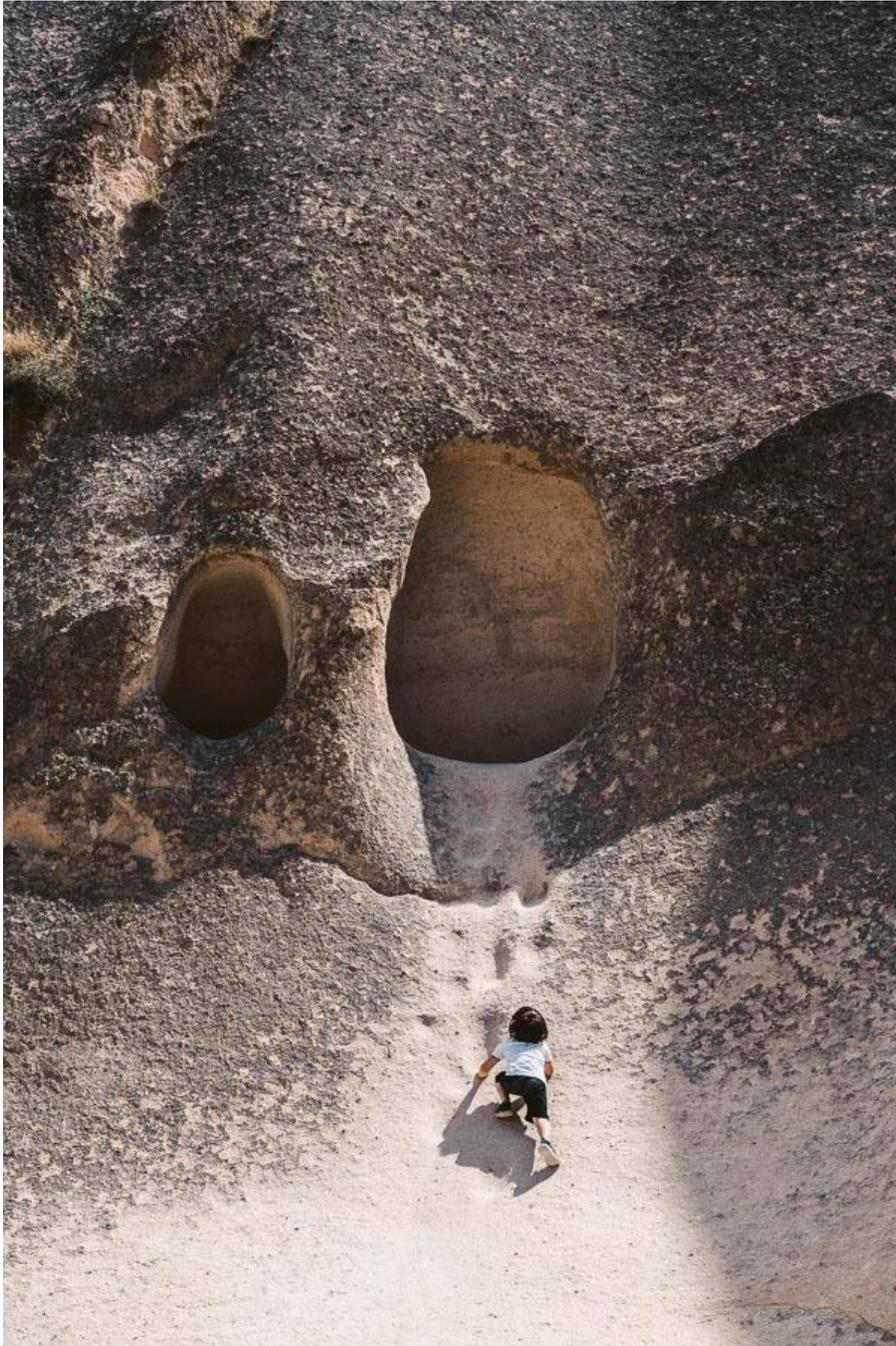
















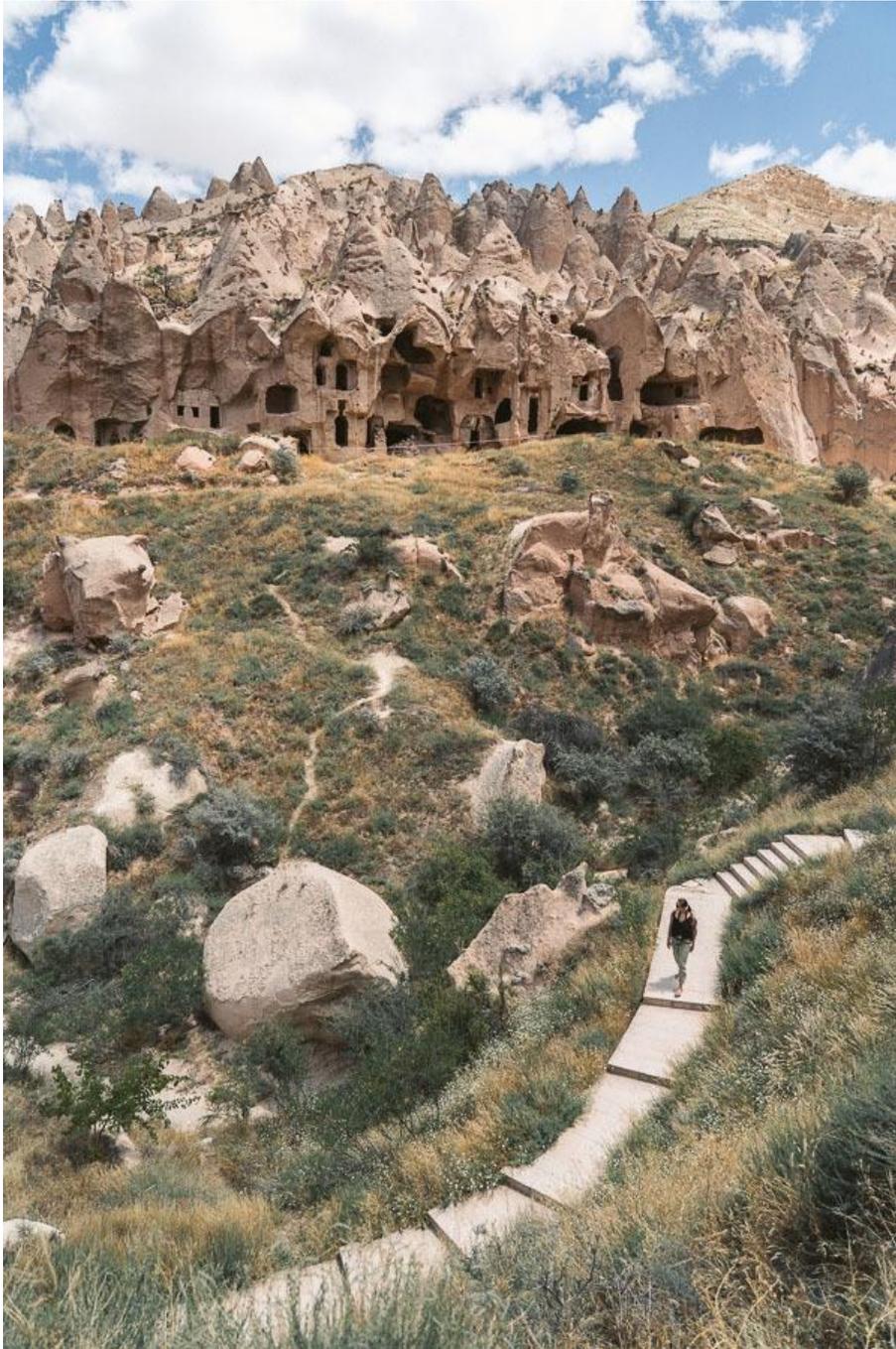
































THAT in 1996, at Habitat II, I chaired the Urbanization Caucus and the development of the "Istanbul Manifesto"

() THAT IN 1996

I also made several interventions to a section on economics. At first they would not allow me to make a presentation. After I gave them my card, they allowed me to address the committee regarding the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) practices, and on the need to substantially reduce the military budget and transfer the funds, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans to address inequality and further social justice and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

COMMENT;

At Habitat II, I chaired the Urbanization Caucus.

In the programme, there was a reference to an Urbanization Caucus that was meeting at 8pm. I went there and sat with others waiting for it to start but no one came to organize it; there were about 40 people there. I finally said that it seems that no one is coming to chair it. If no one else wants to, I am prepared to chair the caucus.

It was an interesting caucus. There were architects, town planners, representatives from ecocities, designers, housing activists; we ended up meeting every night at 8 pm for the duration of the conference.

() THAT in 1996 At the Habitat II conference there were two Commissions: Commission A dealt with the negotiations of the Habitat II Agenda. The other, Commission B, dealt with submission from "partners": labour, business, NGOs, professionals, academics, parliamentarians, [seven groups] I participated primarily in Conference B. I was selected by the NGOs to be part of a editorial committee. The role of this committee was to solicit response and proposals for the document that was to emerge from the NGO participation. On the basis of the proposals, we were to prepare a text for inclusion in the final document. The committee was formed with Gwen (real women); two Muslims (fundamental), a Catholic fundamentalist, and an Australian.

The meetings were incredibly tense. Gwen offered to review the submission from the Human Rights caucus. She completely ignored the recommendation of the Human Rights caucus, and submitted, on "behalf" of the caucus, the recommendation that the listed grounds in the Universal Declaration of Human rights not be extended. When the Caucus had specifically recommended that the grounds should be extended, the Irish women took me aside when I expressed concern about the Human Rights section that "Joan people do not discuss rights any more you have not kept up to date on the issues". At one point in the meeting, one of the Muslims criticized a point that I made and I began to respond to him directly the other Muslim who had become the chair of the editorial committee was livid saying that I had no right to respond to the criticism but to address my concerns to the chair, and he said unless we respected his authority he would resign.

My role was to address the issue of compliance. The report that emerged was incredibly weak, and this draft was presented to the NGOs. There was an uprising by the NGOs appalled at the weaknesses of the draft report. The only section that they supported was the one on compliance.

Senator Bella Abzug and Jan Axelrod from Grassroots international

B came in and helped me strengthen the section on women issues and

At a consultation meeting with Committee B, on behalf of the Peace Caucus, I made a presentation on the need to reduce the military budget by at least 50%. I received an immediate response from Costa Rica which had disbanded its military. Also, surprisingly, the Holy See supported my proposal. I then typed up the presentation and linked it in with Wally McDOW's statement about it and had it distributed at the General Assembly where the representatives from the different countries were speaking.

REDUCTION OF THE MILITARY BUDGET

EXHIBIT

Cities will be habitable when there is the international political will to make fundamental global change to provide for essential needs. Both humans and ecosystems have basic identifiable needs for survival and quality of life and function.

Concerned that currently (1996), the Global Community spends \$860 billion on the military budget at a time when the right to housing, the right to food, the right to health care, the right to equality of all , the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Noting that the commitment was made to transfer a substantial proportion of the military budget to social programs (as undertaken through expectations created in General Assembly resolutions from 1981)

Noting also that in 1981, in a General Assembly resolution entitled The Reduction Of The Military Budget, the majority of the member states did the following:

- (i) reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget.
- (ii) recognized that the military budget constituted a heavy burden for the economies of all nations, and have extremely harmful consequences on international peace and security.
- (iii) undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.
- (iv) reiterated 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

Reminded that this request for transfer of the funds from the military budget was further reinforced in a 1983 General Resolution on the Relationship Between Disarmament and Development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development; particularly for the benefit of the developing countries. Also in this resolution, state considered 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.

() THAT in 1996, at the Habitat II conference there were two Commissions: Commission A- dealt with the negotiations of the Habitat II Agenda; the other- Commission B- dealt with submissions from "partners": labour, business, NGOs, professionals academics, parliamentarians, [seven groups]

I participated primarily in Conference B. I was selected by the NGOs to be part of an editorial committee. The role of this committee was to solicit response and proposals for the document that was to emerge from the NGO participation. On the basis of the proposals we were to prepare a text for inclusion in the final document.

The committee was formed with Gwen Landolt (Canadian Real Women) *; two **Muslims** (fundamental), a Catholic fundamentalist, and Australian Doctor.

The meetings were incredibly tense. Gwen offered to review the submission from the Human Rights caucus. She completely ignored the recommendation of the Human Rights caucus, and submitted on "behalf" of the caucus the recommendation that the listed grounds in the Universal Declaration of Human rights not be extended. When the Caucus had specifically recommended that the grounds should be extended. The Irish women took me aside when I expressed concern about the Human Rights section that "Joan people do not discuss human rights any more you have not kept up to date on the issues." At one point in the meeting, one of the Muslims criticized a point that I made and I began to respond to him directly; the other Muslim who had become the chair of the editorial committee was livid saying that I had no right to respond to the criticism but to address my concerns to the chair, and he said unless we respected his authority he would resign.

My role was to address the issue of compliance and I kept reminding them of what was already agreed to and urged them not to go backwards. The report that emerged was incredibly weak, and this draft was presented to the NGOs. There was an uprising by the NGOs appalled at the weaknesses of the draft report. The only section that they supported was the one on compliance.

I went to speak to Senator Bela Abzug, the former chair of WEDO, Women's Environment and Development Organization and Jan from Grassroots International. I urged them to come to the editorial board. Both of them came in and helped me strengthen the section on women issues and revise the submission to correspond to the original wishes of the Human Rights caucus.

*Canadian real women who are anti feminist, pro-life group was on the editorial committee for preparing the NGO submission to Committee II.

() THAT in 1996 at Habitat II The delegate from the Holy See continually argued, in order to prevent sexual orientation or form of family from being listed grounds in the Habitat II Agenda;. he argued that the UN should not add to the list of grounds designated in the original Universal Declaration of Human Rights. I argued strongly with him that "other status" was included by the drafters of the UN Declaration to provide for additional grounds to be added.

Form of family was included in one

() THAT in 1996 at Habitat II, asked by the Peace Caucus to give a presentation to the delegates on commitments to reduce the global military expenses

EXHIBIT

1996 PRESENTATION IN CONFERENCE B FOR THE PEACE caucus at
HABITAT II ISTANBUL

- Joan Russow Global Compliance Research Project June 1996

1996 presentation on behalf on the Peace Caucus at Habitat II - time to implement past commitments to reduce military expenses.

For over 50 years, since the formation of the United Nations, member states have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants; and member states have created expectations through declarations, conference action plans and General Assembly resolutions. These obligations and expectations have been reflected in international instruments undertaking to guarantee respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

Through the United Nations process the course for the necessary global change has been set. At the conjunction of the decade devoted to the respect and furtherance of international law, and the Habitat Conference as the culmination of a significant series of conferences is a unique opportunity for states to summon up the political will, with the assistance of civil society, to move beyond the recipes and constraints of the past.

Currently the Global Community spends \$800 billion on the military budget at a time when the right to housing, the right to food, the right to universal health care, the right to be free from discrimination, the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled. In 1976 at Habitat 1 in Vancouver, all states made the commitment to do the following:

Forty years ago, in 1976, all member states affirmed:

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control; in particular in the field of nuclear disarmament. Part of the resources thus released, should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

Twenty-five years ago, in General Assembly resolutions the majority of states of the world expressed deep concern about the military budget which at that time was 50% of what it is now.

In 1981, in a General Assembly resolution entitled the Reduction of the Military Budget, the majority of the member states reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget. Also, in 1981, the majority of States recognized that the military consequences on international peace and security. In addition, in 1981 the majority of States

undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.

In 1981, the majority of States, through the general assembly resolution on the Reduction of Military Budgets, reiterated the appeal to all States, in particular the most heavily armed States, pending the concluding 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.

This requires was further reinforced in a 1983 General Resolution on the Relationship between Disarmament and Development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries. Also, in these resolutions, states considered 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.

This establishment of a new international economic order was promoted in Habitat I. With this new international economic order proposed in 1974, States agreed to achieve universal progress in the quality of life, a fair and balanced structure of the economic relations and agreed with united determination to work urgently for the establishment of a new international order based on equity...interdependence, common interest and co-operation with systems which shall correct inequalities and address existing injustices ...and to ensure steadily social development and peace and justice for present and future generations.

Habitat II should strive to fulfil the expectation of Habitat I for a new international order based on equity, and the states should fulfil the expectations from the General Assembly resolutions calling for the reduction of the military budget and the transferring of the increased funds to guaranteeing the enshrining and respect of human rights, to preserving, protecting and conserving the environment, to preventing conflict and war, to achieving social justice and to enabling socially equitable and environmentally sound development and communities.

Article 139 in the Habitat II Agenda should include this commitment of member states to fulfil this 25-year-old expectation. [Yet it is those who have the power to bring about change that benefit most from the perpetuation of the recipes of the past.](#)

entrenched recipes 1996 presentation for the peace caucus at Habitat II, Istanbul (THAT in 1996, I circulated my presentation on the military with the comment by Wally,N'Dow

EXHIBIT

- Joan Russow Global Compliance Research Project June 1996
June 2, the Secretary General of the Habitat Conference, Dr. Wally NíDow stated that solutions do not lie in the recipes of the past

For over 50 years, since the formation of the United Nations, member states have incurred obligations through the founding Charter of the United Nations: through treaties, conventions and covenants and member states have created expectations through declarations, conference action plans and General Assembly resolutions. These obligations and expectations have been reflected in international instruments undertaking: to guarantee respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

Through the United Nations process, the course for the necessary global change has been set. At the conjunction of the decade, devoted to the respect and furtherance of international law and the Habitat Conference as the culmination of a significant series of conferences, is a unique opportunity for States to summon up the political will with the assistance of civil society; to move beyond the recipes and constraints of the past.

Currently the Global Community spends \$800 billion on the military budget at a time when the right to housing, the right to food, the right to universal health care, the right to be free from discrimination, the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Twenty-five years ago, in General Assembly resolutions, the majority of States of the world expressed deep concern about the military budget which at that time was 50% of what it is now.

In 1981, in a General Assembly resolution entitled the Reduction of the Military Budget, the majority of the member States reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget. Also in 1981, the majority of states recognized the military consequences on international peace and security. In addition, in 1981, the majority of States undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.

In 1981, the majority of States through the general assembly resolution on the Reduction of Military Budgets, reiterated the appeal to all States, in particular the most heavily armed States, pending the concluding 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.

This was further reinforced in a 1983 General Resolution on the Relationship Between Disarmament and Development; that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries.

Also in this resolution, States considered 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.

This establishment of a new international economic order was promoted in Habitat I. With this new international economic order proposed in 1974 states agreed to achieve universal progress in the quality of life, a fair and balanced structure of the economic relations and agreed with united determination to work urgently for the establishment of a new international order based on equity...interdependence, common interest and co-operation with systems which shall correct inequalities and address existing injustices ...and to ensure steady social development as well as peace and justice for present and future generations.

Habitat II should strive to fulfil the expectation of Habitat I for a new international order based on equity and the States should fulfil the expectations from the General Assembly resolutions calling for the reduction of the military budget and the transferring of the increased funds to guaranteeing the enshrining and respect of human rights; to preserving, protecting and conserving the environment, to preventing conflict and war, to achieving social justice and to enabling socially equitable and environmentally sound development and communities.

Article 139 in the Habitat II Agenda should include this commitment of member states to fulfil this 25 year old expectation. Yet it is those who have the power to bring about change that benefit most from the perpetuation of the recipes of the past.

()THAT) 1996, I gave a presentation on the global compliance project

THAT in1996, I wrote a paper on Principles of Compliance derived from International Obligations and Expectations”:

() THAT in1996, I conducted a workshop on “Translating Rhetoric Into Action Through Human Rights Education”. NGO forum. Habitat II, Istanbul
I had been invited by a human rights organization.

()THAT IN 1996

COMMENT

I also made several interventions to a section on economics. At first they would not allow me to make a presentation. After I gave them my card, they allowed me to address the committee on the the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions)

Practices, and on the need to substantially reduce the military budget and transfer the funds, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II

Include include include 1996

() THAT, in the Urbanization Caucus, we worked every evening on what we called the ISTANBUL MANIFESTO

EXHIBIT

Urgency

PREAMBLE

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that "solutions do not lie in the recipes of the past."

The urgency of the global situation has been acknowledged throughout the United Nations documents: the continuing violation of human rights, the continuing destruction of the environment- ozone depletion, climate change, desertification, species extinction, deforestation, toxic hazardous, atomic waste production, the continuing escalation of war and conflict, and production of arms including weapons of mass destruction, and continuing human misery - many dwellers live in absolute poverty, lacking adequate access to housing, to potable water and sanitation in overcrowded cities.

Yet when called upon to seriously address the urgency by rejecting old recipes, many States lack the necessary resolve.

Systemic Constraints Preventing Change

The lack of the necessary resolve is reflected in the perpetuation of the following systemic constraints:

i. The lack of political will of states to discharge obligations incurred through treaties, conventions, and covenants, and the lack of political will to fulfill expectations created through General Assembly resolutions, Conference Action Plans and Declarations.

ii. The failure of states to sign instruments: to sign instruments without ratifying them, to ratify instruments without enacting the necessary legislation to ensure compliance, or to enact the necessary legislation without enforcing the legislation.

iii. The failure of States to establish mandatory international standards based on long-standing principles established by the UN to guarantee human rights of citizens, to preserve, protect and conserve the environment, to prevent war and conflict and to enable social equity, equality and justice; and the reluctance of states to revoke the charters of corporations for failing to adhere to these standards.

iv. The failure on the part of states to accept the authority of international bodies reflected particularly in the lack of willingness to appear before the International Court of Justice and in being willing to disregard the rulings of the International Court of Justice.

v. The fact that there is no clear agreement on the relationship between the authority of international bodies and sovereign states.

vi. The lack of vision to go beyond existing obligations and expectations, and to undertake new commitments that will fundamentally change the recipes of the past.

vii. The final systemic constraint is that those who are in a power to bring about change are those that benefit most from the perpetuation of the recipes of the past.

A CALL TO ACTION

"The challenge is to search for imaginative, practical and effective measures" to make cities habitable (Demirel, President of Turkey). "The recipes of the past can no longer suffice (Wally N'Dow)

Cities will be habitable when there is the international political will to make fundamental global change to provide for essential needs. Both humans and ecosystems have basic identifiable needs for survival and quality of life and function.

The urbanization caucus suggests the following overarching broad changes and measures to eliminate fundamental systemic constraints that perpetuate the recipes of the past.

i. The moving from vested-interest to principle-based action and decision making

ii. The ensuring of the rights of all members of the global community recognized through human rights instruments; including the International Covenant on Economic, Social, Cultural, rights. Protection from discrimination should be inclusive of additional grounds which have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration, there were listed a series of grounds concluding with the expression "Other status" which indicated the intention to include other grounds as they arose. Through various human rights instruments, States have recognized the following grounds of discrimination: race, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents, "sexual orientation" has also been included but remained bracketed. In keeping with the intention of 'other status', the UN should include this ground.

iii REDUCTION AND TRANSFER OF THE MILITARY BUDGET In 1976 at Habitat I, member states of the United Nations affirmed the following in relation to the military budget: In 1976 at Habitat I, all states agreed that:

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

In 1981, the majority of States recognized that the military budget constituted a heavy burden for the economies of all nations, and have extremely harmful consequences on international peace and security.

In addition, in 1981, the majority of States undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.

In 1981 the majority of States, through a general assembly resolution, reiterated the appeal to all States (in particular the most heavily armed States) pending the conclusion of agreements on the reduction of military expenditures; an appeal 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 (Resolution on the Reduction of Military Budgets, 1981)

This request was further reinforced in a 1983 General Resolution on the Relationship between disarmament and development; that curbing the arms build-up would make it possible to release additional resources for use in economic and social development- particularly for the benefit of the developing countries. Also in this resolution, States considered that the magnitude of military expenditure 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.

This commitment was reaffirmed in 1992 at UNCED

In 1992, all member states recognized that "warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

Currently, the Global Community spends \$800 billion on the military budget at a time when the: right to housing, right to food, right to health care, right to equality of all, right to education, right to safe drinking water and right to a safe environment have not been fulfilled.

All States must immediately undertake to reallocate the current annual 'trillion dollar military budget' to end the cycle of error and promote common security - peace, human rights, environment, social justice.

ESTABLISHMENT OF MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS

* The establishing of mandatory international normative standards to drive corporations, including transnationals to BEST (Best Environmentally Sound Traditions) practices.

* The ensuring that corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions including those related to the environment, and other relevant laws (as agreed in Art 167 Platform of Action, UN Conference on Women, 1995); this obligations was extended in Article 146 of the Habitat Agenda to include the "private sector"

* The revoking of charters of transnationals that have violated human rights, caused environmental degradation, or have contributed to conflict or war.

THE INSTITUTION OF ENVIRONMENTAL MEASURES

*The recognizing of the inherent worth of nature beyond human purpose as was done in the 1992 World Charter of Nature and the shifting of the onus of proof from the opponents of an intervention having to demonstrate harm to the proponents having to demonstrate safety.

* The non-transferring of substances and activities that cause environmental degradation or are harmful to human health to other states (Principle 14, Rio Declaration); this would include toxic, hazardous, and atomic wastes.

* The carrying out of environmental audits linked to Mandatory International Normative Standards, and the factoring into development of ecological consequences (as agreed to in Agenda 21).

THE REQUIREMENT OF CONDITIONAL FUNDING

For over 50 years, States since the formation of the United Nations; member States, have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants and member states have created expectations through declarations, conference action plans and General Assembly resolutions. These obligations and expectations have been reflected in international instruments undertaking to guarantee the enshrining and respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

* The ensuring that funding agencies do not fund socially equitable and environmentally unsound practices.

* The replacing of the structural adjustment program with a program of reparation through debt forgiveness for the violation of human rights, for the environmental degradation or for the contributing to violence and war.

* The ensuring of the genuine involvement and participation of the community in decision making from the determining or the terms of reference and all throughout the process.

* The facilitating of citizen's awareness of the cause of their problems and of their capability of solving the problems.

SPECIFIC MEASURES

* The ensuring of socially equitable and environmentally sound communities within the carrying capacity of the environment.

* The restoring of natural areas, preserving of significant ecosystems and the freezing of development in agricultural land.

* The establishing, preserving and restoring wild life corridors for ranging and migratory animals, and continuity of plant species.

* The identifying of biodiversity, the carrying out of environmental assessment reviews of activities that could contribute to loss or reduction of biodiversity and the invoking of the precautionary principle.

* The controlling and regulating of space to grow, and the identifying of areas designated for specific purposes such as agriculture and housing, and providing green spaces, and green buffer zones and pathways.

* The designing of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy.

* The preventing of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resources.

* The creating of a transportation infrastructure that makes walking, cycling and public transportation safe, convenient and accessible, and that moves away from car-dependency. The right to public transit in contrast to the privilege of car-use.

The ensuring of the reversal of the transferring of citizens from rural areas to urban areas by providing some of the benefits from the urban to the rural areas.

* The setting up of a needs-oriented approach underlying all design of human communities so that health and livability are always proactively supported.

* The recognizing that learning by doing provides integrated understanding and long-term commitment to place a new community-based approach to planning, and development which harnesses the skills of developers and urban designers as community servants rather than imposers of structure.

* The establishing of guidelines for mixed income communities.

* The ensuring that community plans are binding and enforceable.

* The ensuring that intermittent use of land does not interfere with the cultural patterns in the community.

* The preserving of the village and city integration in social and functional terms.

The banning of the use of pesticides in community land, agricultural and forest areas.

The elimination of crime through reducing mistrust, alienation and marginalization.

The providing of human including all forms of family friendly cities.

DIRECTION OF URBANIZATION TOWARDS SOCIAL JUSTICE AND ENVIRONMENTAL HEALTH

Mindful that the driving force causing the growth of the city is the dynamic of urbanization, governments must be constantly aware that individuals come to the city seeking personal growth and employment opportunities. It is the challenge and opportunity of the Federal, State and Local governments to ensure that all citizens have open and free access to the greatest number of educational, social and employment opportunities. And that these activities take place in a safe, healthy, affordable ecologically sustainable environment.

It is the responsibility of the local government to develop and promote an appropriate Vision Statement which reflects the highest hopes and aspirations of its population and to create the policies and practices appropriate to the vigorous implementation of these goals and plans. Of specific importance, should be policies and actions that promote healthy, happy, successful family community life.

Cities should develop long range, area wide, comprehensive plans, that include specific means for compliance and implementation; without which plans are mostly useless. Political officials must implement enforcement processes by which they themselves will be held accountable to the highest moral, ethical and managerial standards.

The planning process must start from the bottom up, and must be citizen based. Citizens must be at the center of the process at all levels, and in all respects.

Understanding that the modern city is caught in the rip tide forces that often include serving profiteering developers on one hand and inept and corrupt politicians on the other, overwhelming population on the third, and inadequate resources on the fourth. The challenges are immense. Additionally, because the city is dynamic and ever-changing, plans and implementation must be flexible.

Cities should implement regulations and plans that call for multi-layer planning to integrate all major elements of the urban fabric. Social, financial, and functional integration should be required of any new development. Current zoning regulations that prevent these practices should be abolished. Specifically, financial integration should be practiced in all residential housing and

neighborhoods. The majority of people's daily and weekly needs should be within easy walking distance of their dwelling unit. The goal is to break the dependence on the automobile.

The achievement of these visions, goals and objectives will require major reform and structural changes in the system as they now exist. It is the responsibility of governments to lead the way in initiating and funding socially equitable and environmentally sound research, facilitating, implementing and enforcing these reforms. Government should also drive research through regulations that will foster BEST (Best Environmentally Sound Traditions) practices.

We, the participants of the NGO Forum the urbanization caucus held in Istanbul (May 30 to June 15, 1996), have prepared statements in support of the implementation of the Habitat Agenda and action Plan.

The process of urbanization is affecting the human sphere. Urbanization should not be focused on one-sided economic growth and technological development, economically and environmentally. Increased economic production and the technological revolution, did not bring about a better life for people as development strategies had promised. On the contrary, there was extensive human misery, dehumanization and oppression and wide spread ecological deterioration as never before experienced.

We believe that the key to the redirection of urbanization lies in people's active participation in decisions that affect their own lives, their growth in community, and this means having control of and access to resources.

SPECIFIC MEASURES RELATED TO URBANIZATION

- Ensuring socially equitable and environmentally sound communities within the carrying capacity of the environment.
- The provision, in all habitat development work, for the consideration of the bio-regional, sociocultural historic and detailed ecological context and design to respect and enhance these qualities.
- The restoration of natural areas, preservation of significant ecosystems and the freezing of development on agricultural land.
- The establishment, preservation and restoration of wildlife corridors for ranging and migratory animals, and continuity of plant species.
- The pre-identification of the elements and internal connectivity of habitats and their biodiversity, the environmental impact assessment of activities that could contribute to loss or reduction of biodiversity, and the invocation of the precautionary principle in all developmental enterprises.
- The control and regulation of space to grow, and the identification of areas designated for specific purposes such as agriculture and housing, and provision of green spaces, and green buffer zones and pathways.

- The design of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy.

CANCELLING DEBT

The canceling of third world debt by the replacement of structural adjustment programs with programs of reparation through debt cancellation for the violation of human rights, for the causing of environmental degradation and for the contributing to violence and war.

*PRINCIPLE BASED DECISION-MAKING MOVING FROM VESTED INTEREST DECISION MAKING

All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good.... (Habitat II19)

MEASURES

The member states of the United Nations have, through various international instruments and agreements, undertaken to address environmental problems that impact on human settlements. For example, various obligations have been incurred related to the elimination or reduction of ozone depleting substances (Vienna Convention, 1985); the reduction of carbon dioxide and the conservation of carbon sinks (Framework Convention on Climate Change); the identification of biodiversity and the environmental impact assessment review of anything that could contribute to the loss or reduction of biodiversity (Convention on Biological Diversity, 1992); Conventions on the Prevention of disasters, Convention on the combating desertification. In addition in Agenda 21 all the states undertook to prevent the transfer of substances and activities that are harmful to human health and to the environment to other states (Principle 14 UNCED,)

CONSTRAINT

Unfortunately many states have not as yet signed these agreements, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations.

Certain irresponsible Industries, particularly those whose violations are most egregious, have been lobbying governments to allow for voluntary compliance rather than mandatory performance. Nevertheless, there is a growing community of responsible enterprises which promote regulations for the common good. We draw your attention to ...adhere to and promote.

ACTION

by States

States shall sign and ratify all existing environmental agreements, enact the necessary legislation and ensure the discharging of the obligations.

States shall also establish Mandatory International Normative Standards that will ensure industrial compliance.

States shall also clarify that the transfer of toxic, hazardous and atomic waste would be included in the category of substances that are harmful to the environment and extend this principle to cover the transfer of harmful substances within areas within the same State (I.E. the transferring of nuclear waste onto indigenous lands).

Security and right to education...

The member states of the United Nations have passed numerous resolutions on disarmament and through conference statements such as that from United Nations Conference on Humans and the Environment, where States undertook, as early as 1972, to eliminate the production of weapons of mass destruction.

Constraints

Lack of political will to seriously address the issue of the impact of the military on the lives on the global community -failure to sign and ratify

ACTIONS

* All states immediately undertake to reduce the military budget by the amount that would ensure the fulfillment of basic rights, the preservation, the protection and restoration of the environment, the prevention of war, the resolution of conflicts

ENERGY

In Habitat I, States created the expectations that renewable sources of energy would be promoted through strong measures such as the phasing out of fossil fuel use (ref)

CONSTRAINTS

Education has been recognized as a right. Principles related to the guaranteeing of respect for human rights, preserving and protecting the environment, promoting peace and ensuring socially equitable and environmentally sound communities are present in United Nations Instrument. These principles could form a conceptual framework for an educational program.

Constraint:

*the reluctance of States to seriously respect the essence of the right to education. Education including primary, secondary and post-secondary shall be free.

* Often inadequate and inappropriate irrelevant models of education have been imposed.

* Often teaching from a basis of principles such as those adopted in United Nations documents is perceived to be indoctrination, and interest groups introduce the concept of sides which in many cases has allowed industry to intrude into the educational system.

* Often cut-backs in funding cause schools to seek outside funding from industry, and in some cases industry is part of determining the underpinnings of education, and in universities, industry defines and determines areas of research

Youth must have meaningful participation in decision-making and implementation processes at the local, national and international levels. This will avoid social disintegration and its symptoms of alienation, apathy, nihilism, violence and fanaticism especially in urban areas where youth are concentrated. Only when youth are part of the decision-making process will communities benefit in full from their natural creativity.

Action:

Universal, quality education, apprenticeships and internships should be promoted.

Active involvement in local government and in the development of national foreign policy agendas should be promoted.

As well active involvement in the development and management of education policies and curriculum.

Universal education in the Universal Declaration of Human Rights and other important United Nations documents should be promoted.

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* 61 (d) promote transparency, accountability and ethical practices in financial transactions through support from effective legal and regulatory frameworks

ISTANBUL MANIFESTO

Draft in Istanbul June 15, 1996

NT

BEING IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER AND INTERNATIONAL LAW

The objectives of the Habitat Agenda are in full conformity with the purposes and principles of the Charter of the United Nations and International law (Goals and Principles, Commitments and Global Plan of Action)

CALL TO ACTION

The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles and commitments, a positive vision of sustainable human settlements— where all have adequate shelter, a healthy and safe environment, basic services and productive and freely chosen employment. The Habitat Agenda will guide all efforts to turn this vision into reality (Art. 2). The Habitat Agenda will only turn vision into reality if the following measures are undertaken immediately:

ENCOURAGING PUBLIC-SPIRITED LEADERSHIP

Definition of “civil society”

Definition of BEST (Best Environmentally Sound Traditions) practices

Qualifying what constitutes the private sector with whom partnerships are encouraged enabling all women and men to attain secure and sustainable livelihoods through freely chosen and productive employment.

What would constitute compliance or non-compliance

Resolutions

Istanbul Manifesto moving beyond obligations incurred and expectations created

Mandatory International Normative standards (MINS)

Eco-city

Rights

RECOGNIZING THE EXISTENCE OF VARIOUS FORMS OF THE FAMILY

family (18 In different cultural, political and social systems, various forms of the family exist. Marriage must be entered into with the free consent of the intending spouses, and *husband and wife should be equal partners.* (Art 18, Habitat, 1996)

DECISION MAKING

Meaningful participation and involvement for civil society (ART 5, Habitat II, 1996)

ENCOURAGING A WIDE RANGE OF PARTNERSHIPS, INCLUDING PARTNERSHIP WITH THE PRIVATE SECTOR

PROMOTING PARTNERSHIP WITHIN AND BETWEEN COUNTRIES

Enabling structures that facilitate independent initiative and creativity, and that encourage a wide range of partnerships, including partnership with the private sector, and within and between countries, should be promoted. (ARTICLE 10)

PAYING SPECIAL ATTENTION TO THE PARTICIPATORY PROCESSES

Special attention needs to be paid to the participatory process dealing with the shaping of cities, towns and neighbourhoods dealing with the shaping of cities, towns and neighbourhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment. ... (9 TER)

EMPOWERING OF WOMEN AND THEIR FULL AND EQUAL PARTICIPATION IN POLITICAL, SOCIAL AND ECONOMIC LIFE

Empowering of women and their full and equal participation in political, social and economic life (9 QUINQUIENS)

ERADICATING POVERTY

ENABLING ALL WOMEN AND MEN TO ATTAIN SECURE AND SUSTAINABLE LIVELIHOODS THROUGH FREELY CHOSEN AND PRODUCTIVE EMPLOYMENT.

Eradication of poverty is essential for sustainable human settlements. The principle of poverty eradication is based on the framework adopted by the world summit for social development and on the relevant outcomes of other major United Nations conferences, including the objectives of meeting the basic needs of all people, especially those living in poverty and disadvantaged and vulnerable groups, particularly in the developing countries where poverty is acute, as well as the objective of enabling all women and men to attain secure and sustainable livelihoods through freely chosen and productive employment.

EMPOWERING ALL PEOPLE, ESPECIALLY THOSE BELONGING TO VULNERABLE AND DISADVANTAGED GROUPS,

Empowering all people, especially those belonging to vulnerable and disadvantaged groups, in particular people living in poverty, to participate equally and effectively in all activities related to human settlements. (Article 1o)

GIVING PARTICULAR ATTENTION TO THE NEEDS AND PARTICIPATION OF INDIGENOUS PEOPLE [S}

In shelter and urban development and management policies, particular attention should be given to the needs and participation of indigenous people [s} (9 QUART)

RECOGNIZING THE NEED FOR SLIDARITY WITH THOSE BELONGING TO DISADVANTAGED AND VULNERABLE GROUPS, INCLUDING PEOPLE LIVING IN POVERTY (ART. 21)

RE: REDISTRIBUTING BENEFITS TO THE PUBLIC

Recommendation D3

Recapturing plus value.

(a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to the public at large the benefits of the unearned increase in land values. (Habitat I)

(b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies. (Habitat I)

(c) Specific ways and means include:

(i) levying of appropriate taxes, e.g. capital gains taxes, land taxes and betterment charges, and particularly taxes on unused or under-utilized land; (Habitat I)

(ii) Periodic and frequent assessment of land values in and around cities and determination of the rise in such values relative to the general level of prices; (Habitat I)

(iii) Instituting development charges or permit fees and specifying the time-limit within which construction must start; (Habitat I)

BACKGROUND

ISTANBUL MANIFESTO PRINCIPLES REFLECTED IN INTERNATIONAL AGREEMENTS: OBLIGATIONS INCURRED AND EXPECTATIONS CREATED

OVERVIEW

The year 1999 ends the decade dedicated to the respect and furtherance of international law. This respect and furtherance can only be realized if member States of the United Nations discharge obligations and fulfill expectations through signing and ratifying what they have not yet signed and ratified; and through

enacting the necessary legislation to ensure the discharging of obligations; and the fulfilling of expectations.

For over fifty years, through international agreements, the member states of the United Nations have undertaken: to promote and fully guarantee respect for human rights, to ensure the preservation and protection of the environment, to create a global structure that respects the rule of law, to achieve a state of peace, justice and security and to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference action plans and General Assembly Resolutions. If these fifty years of obligations had been discharged, and if these fifty years of expectations fulfilled, 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.

In international agreements, member states of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

In the Platform of Action from the UN Conference on Women: Equality, Development and Peace(1995) and in the Habitat II Agenda from the Habitat II Conference (1996) member states have undertaken “to ensure that corporations, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements and conventions, including those related to the environment, and other relevant laws. (Article 167). In Habitat II, this undertaking was reaffirmed and then extended to include the “private sector” (Article 148).

Member states that have ratified Conventions, Treaties and Covenants are held to be legally responsible for discharging all obligations under these agreements. Also, members States that have signed but not ratified agreements are required under Article 18 of the Convention on the Law of Treaties to not defeat the purpose of the convention in the interim between the signing and the coming into force of the convention. There is no provision, however, for states to be bound to appear before the International Court of Justice or be bound by its decision. In addition, there is no provision for an international court of Compliance where citizens could take evidence of state non-compliance.

Expectations that have been created from General Assembly Resolutions, Declarations and Conference Action plans could be judiciable under the Doctrine of Legitimate Expectation. The doctrine of legitimate expectation justifies the considering of what is usually deemed to be only of moral suasion in a legal context. the Doctrine of Legitimate Expectation has been recognized in Common Law and has been described in the following way:

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)

In the Istanbul Manifesto, principles related to environmental preservation and protection towards guaranteeing human rights, have been extracted from a synthesis of international obligations derived from the UN Charter, UN Conventions, treaties Covenants; and of expectations derived from United Nations Declarations, Conference action plans and General Assembly Resolutions. In addition, consideration has also been given to Non Governmental Organization submissions.

As a result of the expectation created in recent United Nations Conferences including UN Conference on Women and Habitat for States to ensure private sector, corporate including transnational compliance with international agreements, this report is advocating the establishing of Mandatory International Normative Standards (MINS) drawn from international principles. The establishment of mandatory international normative standards-and-technical regulations (MINS) will drive the corporations, including transnationals, and funding agencies such as the development banks, to ensure socially equitable and environmentally sound development. Currently, the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling "clean-up environmental technology" which is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry, will there be the needed shift towards a real cooperation based on the highest tenable principles. Global mandatory regulations and standards are essential to drive corporations including transnationals to participate in socially equitable and environmentally sound development. The international community, including multilateral financial institutions, has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical - regulations (MINS) based on principles established over the past 50 years in international instruments. In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, States undertook to ensure that all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws ." In addition, the lending institutions shall not support the "clean-up environment industries" which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best

Environmentally Sound Tradition, that national efforts to foster and achieve the objectives of socially equitable and environmentally sound development will be achieved.

In this manifesto, a series of principles drawn from international agreements, coupled with additional principles suggested by non-governmental organization are delineated. Non-Governmental Organization principles are included as a reflection of a new development in United Nations conferences. In the Habitat II conference, a second committee had been set up to receive input from “partners” one of which was the Non-Governmental Organization community; and for the first time, a report from the NGOs was included in the official documentation to be circulated by the United Nations.

This manifesto is a preliminary report where the principles are enunciated and where some of the actions that would need to be undertaken to ensure fulfillment of these principles, have been proposed. A second report which will delineate further on what would constitute compliance with the principles is being prepared. In addition, a book entitled “ Global Non- Compliance: Over 50 years of obligations incurred and expectations created” linking environment, peace, human rights and social justice issues is being proposed. This book is a follow-up to the “Charter of Obligations”— 350 pages, which was officially distributed at the UN conference on Women: Equality, Development and Peace and to the “ Comment on Habitat II Agenda: moving beyond Habitat I to discharging Obligations and to fulfilling expectations” which was circulated to state delegations at Habitat II.

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CALL TO ACTION

The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles and commitments, a positive vision of sustainable human settlements— where all have adequate shelter, a healthy and safe environment, basic services and productive and freely chose employment. The Habitat Agenda will guide all efforts to turn this vision into reality (Art. 2) The Habitat Agenda will only turn vision into reality if the following measures are undertaken immediately.

ACKNOWLEDGING THAT THERE IS A NEED FOR THE POLITICAL WILL OF ALL STATES

ARTICLE 143

[143. The goals of ensuring adequate shelter for all and making human settlements and communities environmentally sound, *productive*, healthy, safe, more equitable and sustainable, contribute to achieving world peace, development, stability and justice. International cooperation takes on added significance and importance in the light of recent trends in the globalization and the interdependence of the world economy. There is an urgent need to redefine and resuscitate the existing processes and structure of cooperation; and to evolve new and innovative forms of cooperation with a view to enabling humankind to face the challenges posed by the development of rural and urban areas. There is an urgency to redefine development and move towards a new “international economic order” based on socially equitable and environmentally sound development. This ‘new order’ may require the political will to reduce the global military budget by 50%; from the current 800 billion to 400 billion (which it was in 1981, when there was a UN General Assembly resolution to freeze and reduce the military budget) with the undertaking to transfer the peace dividend to socially equitable and environmentally sound development. The States of the world must firmly adhere to the principle endorsed in the United Nations Conference on Human Environment, where States agreed to eliminate weapons of mass destruction; which, by definition, would include nuclear weapons as well and chemical and biological. In addition, the global community must undertake to condemn the continued mining of uranium for weapons production, the use of civil nuclear reactors whose waste is a scourge for future generations and the use of plutonium from former nuclear weapons sites as a fuel for nuclear reactors. Thus, there is a need for the political will of all States, as well as specific action by the international community, to establish and inspire new forms of cooperation, partnership, coordination and investment (including the local private sector) in order to contribute effectively to the provision and improvement of shelter conditions in human settlements; especially in developing countries, taking into account the diversity of the needs of human settlements among countries. (Habitat)

Art. 144 Although the formulation and implementation of strategies for human settlements development are the responsibility of each country at the national and local levels and should take into account the economic, social and environmental diversity of conditions in each country, fundamental principles derived from the obligations incurred in the United Nation Conventions, Treaties, Covenants and from the expectations created in the United Nations Declarations, Conference action plans and General Assembly Resolutions, shall establish the basis for socially equitable and environmentally sound development. The overall decline in official developmental assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows

of capital as well as increasing private sector involvement in infrastructure and services development and management. This shift from aid to trade requires the establishment of mandatory international normative standards-and-technical regulations (MINS) that will drive the corporations (including transnationals and funding agencies such as the development banks), to ensure socially equitable and environmentally sound development. Currently, the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the very outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry, will there be the needed shift towards a real cooperation based on the highest tenable principles. This shift from aid to trade clearly points to the need for global mandatory regulations and standards to drive corporations including transnationals *private sector* to participate in socially equitable and environmentally sound development. *Participation in the shaping of international cooperation.* The international community, including multilateral financial institutions, has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical -regulations (MINS) based on principles established over the past 50 years in international instruments. In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, States undertook to ensure that all corporations (including transnational corporations), comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws". In addition the lending institutions shall not support the “clean-up environment industries” which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best Environmentally Sound Technology that *environmental agencies will be able to ensure that additional resources to reinforce* national efforts to foster an *enabling environment* and achieve the objectives of adequate shelter for all and the socially equitable and environmentally sound *sustainable development* of human settlements.

GENERAL PRINCIPLES

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

EXPECTATION PRINCIPLE

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)

“SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT” TO REPLACE THE EXPRESSION “SUSTAINABLE DEVELOPMENT”

The expression “socially equitable and environmentally sound development” was used in the International Conference on Population and 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)

GENERAL GLOBAL URGENCY RECOGNIZED BY THE UNITED NATIONS

RENOUNCING OF PRACTICES DESTRUCTIVE TO SUSTAINABLE SETTLEMENTS

[Civil, ethnic and religious strife, nuclear armament, armed conflict, alien and colonial domination, foreign occupation, international economic imbalance, coercive economic measures, poverty, organized crime and terrorism in all its forms are destructive to sustainable human settlements development and should therefore be renounced by all states] (in June 12 version)

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)

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.

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)

Continued inequitable distribution of natural resources

(3.13., International Conference on Population and Development, 1994)

Continued inequality/inequity between "developed" and "underdeveloped" states (3.11.International Conference on Population and Development, 1994)

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

(7.6., Agenda 21, UNCED, 1992)

Continued impact of poverty on enjoyment of human rights
(Art. 14, World Conference on Human Rights, 1993)

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)

77 [As recognized in Agenda 21 UNCED Demographic factors, combined with poverty and lack of access to resources *[[in some areas]]* and excessive consumption and wasteful production patterns in others/unsustainable patterns of production and consumption, particularly in industrialized countries, may (added June 14) cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit *sustainable* socially equitable and environmentally sound development.]

Therefore, a largely urbanized world implies that *sustainable*, socially equitable and environmentally sound development will depend very largely on the capacity of urban and metropolitan areas to manage production and consumption patterns, and the transport and waste disposal systems needed to preserve the environment (Habitat 11) .

*77 Demographic factors, combined with poverty and lack of access to resources and unsustainable patterns of production and consumption, particularly in industrialized countries, *may* [added June 14] cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit sustainable development. Therefore, a largely urbanized world implies that sustainable development will depend very largely on the capacity of urban and metropolitan areas to manage the production and consumption patterns and the transport and waste disposal systems needed to preserve the environment

ACKNOWLEDGED NEED FOR ACTION

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)

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.

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that solutions do not lie in the recipes of the past.

Urgency

The urgency of the Global situation has been acknowledged throughout the United Nations documents: the continuing violation of human rights, the continuing destruction of the environment- ozone depletion, climate change, desertification, species extinction, deforestation, toxic hazardous, atomic waste production, the continuing escalation of war and conflict, and production of arms including weapons of mass destruction, and continuing human misery of many dwellers who live in absolute poverty, lacking adequate access to housing, to potable water and sanitation in overcrowded cities.

Yet many (when called upon to seriously address the urgency, by rejecting old recipes) States lack the necessary resolve.

SYSTEMIC CONSTRAINTS

Systemic constraints preventing change

The lack of the necessary resolve is reflected in the perpetuation of following systemic constraints:

- * the lack of political will of States to discharge obligations through obligations incurred through treaties, conventions, and covenants, and the lack of political will to fulfil expectations created through General Assembly resolutions, Conference Action Plans and Declarations.
- * the failure of states to sign instruments, to sign instruments without ratifying them, to ratify instruments without enacting the necessary legislation to ensure compliance, or to enact the necessary legislation without enforcing the legislation.
- * the failure of States to establish mandatory international standards based on long-standing principles established by the UN to guarantee human rights of

citizens, to preserve, protect and conserve the environment, to prevent war and conflict and to enable social equity, equality and justice, and the reluctance of states to revoke the charters of corporations for failing to adhere to these standards.

* the failure, on the part of States, to accept the authority of international bodies reflected particularly in the lack of willingness to appear before the international court of justice and being willing to appear to fail to comply with the ruling of the international court of justices.

* the failure to go beyond existing obligations and expectations to undertake new commitments that will fundamentally change the recipes of the past

* The final systemic constraint is that those who are in a power to bring about change are those that benefit most from the perpetuation of the recipes of the past

* PRINCIPLES EXTRACTED FROM UN DOCUMENTS THAT ADDRESS THE URGENCY
COURSE TO ADDRESS THE URGENCY BY THE UNITED NATIONS

For over 50 years, since the formation of the United Nations, member States have incurred obligations through the Charter, treaties, conventions and covenants; and have created expectations through declarations, conference action plans and General Assembly Resolutions. These obligations and expectations have been reflected in international instruments undertaking to guarantee the enshrining and respect of human rights; to preserve, protect and conserve of the environment, to prevent conflict and war, to achieve of social justice and to enable socially equitable and environmentally sound development.

The global community is midway in the decade devoted to the respect and furtherance of international law.

It has become a principle of international customary law that State parties to treaties and conventions, undertake to enact the necessary legislation to ensure compliance with their obligations (as exemplified in Art. III on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

The Doctrine of Legitimate Expectations whereby 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 fulfill this expectation is applicable to General Assembly Resolutions, Declarations and Conference action plans.

The relevance of the United Nations will be furthered and strengthened through the demonstration of state political to ensure discharging of obligations and the fulfilling of expectations

In respect for the Decade of International Law, and in commemoration of the culmination of the series of significant global conference here in Istanbul. We propose that States sign what they have not yet signed, ratify what they have not yet ratified, enact the necessary legislation to ensure compliance,

In addition we propose that an International Court of Compliance be instituted. This court will give citizens an opportunity to present evidence of state non-compliance with international obligations and expectations

This establishment of a new international economic order was promoted in Habitat I.

With this new international economic order proposed in 1974 states agreed to achieve universal progress in the quality of life, a fair and balanced structure of the economic relations and agreed with united determination to work urgently for the establishment of a new international order based on equity... interdependence, common interest and co-operation with systems which shall correct inequalities and address existing injustices.. and to ensure steadily social development and peace and justice for present and future generations.

Habitat II should strive to fulfil the expectation of Habitat I for a new international order based on equity, and the states should fulfil the expectations from the General Assembly resolutions calling for the reduction of the military budget and the transferring of the increased funds to guaranteeing the enshrining and respect of human rights; to preserving, protecting and conserving the environment, to preventing conflicting and war, to achieving social justice and to enabling socially equitable and environmentally sound development and communities.

(The Imperative of Equity: the Missing Dimension of UNCED, Statement)

***CONDEMNATION OF THE UNSUSTAINABLE MODEL OF PRODUCTION AND DEVELOPMENT**

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)

1.2. 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)

Continued waste production from unsustainable and wasteful production and consumption patterns

* (b) [95 ter. Unsustainable and wasteful production and consumption patterns *[particularly in industrialized countries]* *[deleted in Istanbul]* also lead to increasing problems in waste management. It is essential to intensify efforts aimed at minimizing the production and discharge of waste, and at recycling and reuse as much as possible, and disposing of the remainder in an environmentally sound manner. This will require changes in attitudes and consumption patterns, as well as in the design of buildings and neighbourhoods as well as innovative, efficient and sustainable modalities for waste management. (Habitat II)

REGULATIONS AS AN INSTRUMENT OF CHANGE

REGULATIONS AND STANDARDS

supporting regulations and compliance

Establishing policies, laws and regulations

Governments at all appropriate levels, including local authorities have a responsibility to ensure access to education and to protect their population's health,

Safety and general welfare. This requires, as appropriate, establishing policies, laws and regulation for both public and private activities...(19)

Establishing and adopting a regulatory framework
 establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels. (50 e)

Establishing legislative and regulatory frameworks

* 180 (a) Establishing legislative and regulatory frameworks, institutional arrangements and consultative mechanisms for involving organizations in the design, implementation and evaluation of human settlements strategies and programmes;

Ensuring of compliance of private sector

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on a equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children.

EXERCISING EFFECTIVE CONTROL OVER TRANSNATIONAL CORPORATIONS

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I)

U.S. addition

[38 For economic globalization to be beneficial for all affected parties, we must ensure that all corporations including transnational corporations comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions , including those related to the environment, and other relevant laws. and institutions and individuals engaged in all aspects and levels of economic activity should do so with proper considerations for the environmental, social and cultural impact of their activities]

52 *(d) When necessary, review and adjust the legal, fiscal and regulatory framework to respond to the special needs of those belonging to vulnerable and disadvantaged groups, in particular, people living in poverty and low-income people

54 *(h) Develop, as appropriate, flexible instruments for the regulation of housing markets, including the rental market, taking into account the special needs of vulnerable groups

Facilitating dissemination of regulatory frameworks and best practices

* 153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. The United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at the national and international levels could be explored.

64 Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces. The lack of adequate basic services, a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for people living in poverty in urban and rural areas. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards.(Habitat II 64)

ARTICLE 61* (d) promote transparency, accountability and ethical practices in financial transactions through support from effective legal and regulatory frameworks (Habitat II)

57 (e) Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, standards and development regulations (Habitat II)

56 (c) Prepare comprehensive inventories of publicly held land and , where appropriate, develop programmes for making them available for shelter and human settlements development, including, where appropriate, development by non-governmental and community-based organizations;

Ensuring participation of people living in poverty in a policy and regulatory environment

*89 c bis Ensure that people living in poverty have access to productive resources, including credit, land, education and training, technology, knowledge and information, as well as to public services, and that they have the opportunity to participate in decision-making in a policy and regulatory environment that would enable them to benefit from employment and economic opportunities

Using regulatory measures

104 * (c) Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures

Adopting standards and norms

* 90 a Adopt, where appropriate, by-laws, standards and norms and develop planning guidelines that take into consideration the needs and situations of women and men, girls and boys in relation to human settlement planning

Devising ...new fiscal instruments that penalize environmental damage from both production and consumption activities

140 (c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment fees levies to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments which are conditional on mandatory international normative standards (MINS) including the penalizing *penalize* of environmental damage arising from both production and consumption of environmentally unsound activities (NGO Composite);

* (c) Develop efficient, fair, equitable and buoyant sources of national and local revenue, including taxation, user charges, tariffs and betterment levies, to promote national and local capacity for capital investment in housing, infrastructure and basic services, and devise, as appropriate, new fiscal instruments that penalize environmental damage from both production and consumption activities.

Setting environmental standards

97 [(d) Set high mandatory international normative **environmental standards** and technical regulations **so as to drive and facilitate the selection and development of BEST (Best Ecologically Sound Traditions) practices *appropriate technologies and their appropriate use;***

*97 d Set environmental standards so as to facilitate the selection and development of appropriate technologies and their appropriate promoting compliance and enforcement

*75 (d) Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups

DOCUMENTATION OF PRECEDENT

RE: ENSURING CORPORATE COMPLIANCE WITH THE LAW;
 “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.” (UN Conference on Women: Equality, Development and Peace. Section 167).

SYSTEMIC CONSTRAINTS PREVENTING CHANGE

*HUMAN RIGHTS URGENCY

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)

6.8. 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)

6.12. 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)

MEASURES TO ADDRESS THE URGENCY

NOTE THAT PART OF THE BRACKETED SECTION IN CHAPTER III IN COMMITMENTS WAS DELETED

[The global plan of action is drawn up in conformity with the purposes and principles of the charter of the united nations. . ~~In conformity with universally recognized international human rights.~~ was deleted on June 14, 6 pm

Through various human rights instruments, States have agreed to the following rights

- (i) The right to equal treatment before the tribunals and all other organs administering justice;
- (ii) 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;
- (iii) 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 Government as well as in the conduct of public affairs at any level and to have equal access to public service;

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
- the right to nationality
- (iii) The right to marriage and choice of spouse
 - (iv) The right to own property alone as well as in association with others
 - (v) The right to inherit
 - (vi) The right to freedom of thought, conscience and religion

- (vii) The right to freedom of opinion and expression;
- (viii) The right to freedom of peaceful assembly and association;

Economic social and cultural rights, in particular

- (i) The right 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

The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, and theatres and parks
(Convention on the Elimination of all forms of discrimination, 1965)

WHAT WOULD CONSTITUTE FULFILLING MEASURES SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF MEASURES

The resistance to embrace the tolerance principle
those that are intolerant against others cannot decry intolerance of those who oppose their intolerance. Intolerance against intolerance is not intolerance. Those who seek to be excluded from listed grounds, those undefinable groups against whom there has been discrimination cannot invoke intolerance against those that seek the inclusion of those groups

WHAT MUST STILL TO BE DONE

Protection from discrimination should be inclusive of additional grounds that have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration there were lists a series of grounds concluding with the expression of other status which indicated the intention to include other grounds as they arise.

Through various human rights instruments, states have recognized the following grounds of discrimination:

All people without discrimination of any kind as to race, tribe, or culture, colour, ethnicity, national , ethnic or social origin, nationality of birth, refugees or immigrant

status, marital status, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents sexual orientation has also been included but remained bracketed. In keeping with the intention of other status this ground should be included.

various forms of the family exist (1 Habitat II 8)

Eradicating and ensuring legal protection from discrimination in access to shelter and basic services, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability and age or other status.

Contributing actively to the common good

All people have rights and must also accept their responsibility to respect and protect the rights of others—including future generations—and to contribute actively to the common good. (Article 19, Habitat 1996)

Accepting responsibility and respecting and protecting the rights of others

All people have rights and must also accept their responsibility to respect and protect the rights of others—including future generations—and to contribute actively to the common good. (Article 19, Habitat 1996)

Having the responsibility to ensure respecting and protecting of the rights of others encouraging public-spirited leadership

Governments at all appropriate levels, including local authorities, have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and *public-private partnerships*, and helping people to understand and exercise their rights and responsibilities through open and effective participatory processes, universal education and information dissemination. (Article 19, Habitat 1996)

Reaffirming commitment to ensuring the realization of the human rights set out in international instruments

We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and we reaffirm our commitment to ensuring the realization of the human rights set out in international instruments and in particular, in this context, the right to adequate housing as set forth in the Universal Declaration of Human Rights, the International covenant on Economic, Social and Cultural 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 that the right to adequate housing shall be realized progressively. We reaffirm that all human right—civil, cultural, economic, political and social —are universal, indivisible, interdependent and interrelated. We subscribe to the following principles and goals to guide us in our actions.

Bearing in mind the duty to promote and protect all human rights and fundamental freedoms

While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of all states to promote and protect all human rights and fundamental freedoms (change proposed in 13 on last day)

SAFEGUARDING THE GLOBAL INTEREST OF PRESENT AND FUTURE GENERATIONS IN HUMAN SETTLEMENTS IS ONE OF THE FUNDAMENTAL GOALS OF THE INTERNATIONAL COMMUNITY.
RIGHT TO SHELTER (ART 22)

HEALTH

Paying special attention to the shelter needs of vulnerable children, such as street children, refugee children and children who are victims of sexual exploitation. parents and other persons legally responsible for children have responsibilities, rights and duties, consistent with the convention on the rights of the child, to address these needs.

Recognizing the right to standard of living

Everyone has the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation and to the continuous improvement of living conditions. (Art 9 HABITAT)

Recognizing the existence of various forms of the family

family (18 In different cultural, political and social systems, various forms of the family exist. Marriage must be entered into the free consent of the intending spouses, and *husband and wife should be equal partners.* (Art 18, Habitat, 1996)

Giving special attention to the needs of people who are homeless

[In implementing these commitments, we shall give special attention to the circumstances and needs of people who are homeless, are living in poverty or in some other way disadvantaged or vulnerable, especially women, children, older people, indigenous people, displaced people or people with disabilities 23 bis]

Reaffirming our commitment to full and progress realization of the right to adequate housing

We reaffirm our obligation to ensure the enactment of the right to adequate — affordable, accessible, tenure security, safe, healthy and environmentally sound— housing commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods.

Gender Issues

Providing Ensuring legal security of tenure

Providing Ensuring [NOTE CHANGED FROM ENSURING] legal security of tenure and equal access to serviced land including through a diverse range of tenure options (25 (b) Habitat II) ;

In general all human rights issues apply to women and men along with all the human groups and identities however defined. Many NGOs feel in addition that women often have special needs, approaches and concerns, and are often especially susceptible to discrimination and unequal treatment, unemployment, poverty and health problems.

Existing covenants and conventions protect women specifically from discrimination and these should be enforced. Women should be equitably involved in all aspects of human settlements - in leadership roles, consultation, employment, design, development, construction, property ownership and inheritance. Women are potential key people in community development and rebuilding. The right to education for women and girls is emphasized, and prostitution, as an effect of poverty, must be addressed.

NGOs and CBOs are extremely concerned about the tendency for the rights of women, the needy, the aged, the young, the disabled and other groups without a voice to be overlooked when the profit motive is dominant.

Ensuring the realization of the human rights set out in international instruments commitment to ensuring the realization of the human rights set out in international instruments...(13 bis)

with full respect for all human rights and fundamental freedoms (2 ter)

in conformity with universally recognized international human rights (intro to commitments pre 23) also 24

PROMOTING THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL, MENTAL AND ENVIRONMENTAL HEALTH

Human health and quality of life are at the centre of the effort to develop sustainable human settlements. We therefore commit ourselves to promoting and attaining the goals of universal and equal access to quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care and Universal Health care (Habitat II 22 ter)

*PEACE

124. The impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes; such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports. Armed conflicts also have consequences that affect human settlements and the country as a whole and call for specific rehabilitation and reconstruction processes that may necessitate international involvement, at the request of the Government of the concerned country. The impact of such disasters and emergencies is especially severe in countries where prevention, preparedness, mitigation and response capacities are ineffective in dealing with such situations. (Habitat II)

ARTICLE 139

139. Financing the future of urban development and sustaining the economic viability of cities represents a particular challenge which will require innovative systems of finance at national and local levels. Effective cooperation *partnerships* between the public and BEST practices enterprises are needed which combine local taxes on production and consumption with fiscal incentives for investment by *industry, commerce, trade and the private service sector*. BEST practices enterprises with local materials and that provide socially equitable and environmentally sound meaningful employment New forms of municipal finance are needed to meet the future needs of urban economic development and the costs of supporting infrastructure and services. In addition funding shall be sought from the reduction of the military budget and from requiring the payment of deferred taxes from industry. It is thus necessary to reduce military expenditures and production in order to finance programs for habitat (NGO Composite).

BACKGROUND

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs. In 1994, States, in adopting the statement from the International Conference on Population and Development, concurred that the attainment of “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.(Article 1.19) In 1995, Similarly, states in adopting the statement from the Social Development Summit endorsed the calling for “the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action States have made a commitment to maintain “ peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict” (Art. 14) and to reduce ..military expenditures “ (Art. 15), states have also made a commitment to the “prevention and resolution of conflicts,” (Art 15) and to “increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes, (145a)

In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). Yet, through sympathetic administrations states have for years failed to ensure corporate compliance with national laws, codes and regulations, and international agreements. States have continued to provide subsidies and tax deferrals to corporations, a large proportion of whom have engaged in socially inequitable and bring habitat environmentally unsound development.

149 (n) Recognizing the negative effect of excessive military expenditures, trade in arms, especially of those arms that are particularly injurious or have indiscriminate effects such as land mines whose use should be banned, and excessive investment

for arms production and acquisition; The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget (UN General Assembly 36/81). Also, in 1981 the UN General Assembly undertook to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81).

* 149 n Recognizing the negative effect of excessive military expenditures and trade in arms, especially of arms that are particularly injurious or have indiscriminate effects, and excessive investment for arms production and acquisition, while acknowledging legitimate national defence needs.

DOCUMENTATION OF PRECEDENT:

RE; PREVENTING WASTE AND MISUSE OF RESOURCES FOR WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS PEACE, DEVELOPMENT AND GLOBAL CHANGE IN THE CONTEXT OF HABITAT II

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)

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)

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)

7.11. 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)

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that "solutions do not lie in the recipes of the past.

For over 50 years since the formation of the United Nations, member states have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants; and member states have created expectations through declarations, conference action plans and General Assembly resolutions. These obligations and expectations have been reflected in international instruments undertaking to guarantee respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

Through the United Nations process the course for the necessary global change has been set. At the conjunction of the decade devoted to the respect and furtherance of international law, and the Habitat Conference as the culmination of a significant series of conferences is a unique opportunity for states to summon up

the political will, with the assistance of civil society, to move beyond the recipes and constraints of the past.

Currently the Global Community spends over \$800 billion on the military budget at a time when the right to housing, the right to food, the right to universal health care, the right to be free from discrimination, the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Twenty-five years ago, in General Assembly resolutions the majority of states of the world expressed deep concern about the military budget which at that time was 50% of what it is now.

In 1981, in a General Assembly resolution entitled "Reduction of the Military Budget", the majority of the member states reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget. Also in 1981, the majority of states recognized that the "military consequences on international peace and security." In addition, in 1981 the majority of states undertook "to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war."

In 1981 the majority of states through the general assembly resolution on the Reduction of Military Budgets, reiterated the appeal to all States, in particular the most heavily armed States, pending the concluding 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."

This request was further reinforced in a 1983 General Resolution on the "Relationship between Disarmament and Development", that "curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in this resolution States considered 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 [which had been proposed in 1974] ."

The establishment of a new international economic order was promoted in Habitat I. With this new international economic order as proposed in 1974 "states agreed to achieve universal progress in the quality of life, a fair and balanced structure of the economic relations and agreed with united determination to work urgently for the establishment of a new international order based on equity...interdependence, common interest and co-operation with systems which shall correct inequalities and address existing injustices ...and to ensure steadily social development and peace and justice for present and future generations."

Habitat II should strive to fulfil the expectation of Habitat I for a new international order based on equity, and the states should fulfil the expectations from the General Assembly resolutions calling for the reduction of the military budget and the transferring of the increased funds to guaranteeing the enshrining and respect of human rights, to preserving, protecting and conserving the

environment, to preventing conflict and war, to achieving social justice and to enabling socially equitable and environmentally sound development and communities.

Article 139 in the Habitat II Agenda should include this commitment of member states to fulfil this 25 year old expectation. Yet it is those who are in power to bring about change that benefit most from the perpetuation of the "recipes of the past."

Dr Joan E. Russow
Global Compliance Research Project

Removing immediately of anti-personnel land mines

128 (i) Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict;

s128 (ibis) Undertake a substantial programme to develop improved mine detection and clearing technology and to facilitate the fullest possible exchange of this improved technology with the broader international community

128 (i ter) Not impose undue restrictions on the provision of mine clearance detection equipment and related technical information for humanitarian purposes.

128 (i quater) Pursue and international agreement to ban the use, stockpiling, introducing and transfer of anti-personnel mines with a view to completing the negotiations as soon as possible (deleted June 14)

Peace ngo

The foundation of human settlements is peace. Either in actual war or in so-called peace times the scourges of war make human settlements uninhabitable. The long term effects of weapons such as landmines is unacceptable.

Two critical areas concerning cities are resources and security.

Excessive military spending along with international proliferation of arms drain crucial resources and only fuel further conflicts. It is better to re-direct these crucial resources to address the causes of war such as poverty, racism, alienation, poor education and human rights violations. We need to redefine security as ecological, economic, political, cultural, social and individual security rather than military might, so that countries will be able to concentrate on programs that in the end prevent wars.

Many youth and children not only are forced into military service but face the threat of death due to the destruction of medical services, water supplies and food resources during conflict.

The primary focus of security policies should be on long-range prevention, peace-making and peace-building rather than the use of force when crises erupt. We call for the UN to sponsor talks in each region to redirect world military spending on conventional weapons, and governments to support and implement Article VI of the Nuclear Non-Proliferation Treaty which binds the nuclear weapons states to

nuclear disarmament. We, as NGOs, commit ourselves to promoting reinvestment to address the people's needs, so as to obtain true security.

..... The terror of living under the threat of nuclear annihilation effects every human settlement directly and is unacceptable.

We suggest the following proposals as a few steps toward fulfilling the vision of the UN Charter and the mandate of the Nuclear Non-Proliferation Treaty for general and complete disarmament under strict international controls.

Actions:

Training and the establishment of centers for non-violent conflict resolution at all levels of education, with emphasis, in urban settings, on multi-ethnic and religious understanding.

Enact international standards and code of conduct prohibiting the sale or transfer of arms into areas of actual or potential conflict and to nations which violate fundamental human rights.

Begin negotiations on a Treaty prohibiting the first use of nuclear weapons.

Establish an international energy agency to encourage development of sustainable safe energy sources since the by products of nuclear energy pose serious threats to non-proliferation.

Complete rapidly a truly comprehensive test ban treaty with the stated purpose of precluding nuclear weapons development.

*ENVIRONMENT

Recognizing the global nature of these issues, the international community, in convening Habitat II, has decided that a concerted global approach could be greatly enhanced progress towards achieving these goals. Unsustainable patterns of production and consumption (particularly in industrialized countries), environmental degradation, demographic changes, widespread and persistent poverty, and social and economic inequality can have local, cross-national and global impacts. The sooner communities, local governments and partnerships among the public, private and community sectors join efforts to create comprehensive, bold and innovative strategies for shelter and human settlements, the better the prospects will be for the safety, health and well-being of people and the brighter the outlook for solutions to global environmental and social problems.

(3)

The most serious problems confronting cities and towns and their inhabitants, include inadequate financial resources, lack of employment opportunities, spreading homelessness and expansion of squatter settlements, increased poverty and a widening gap between rich and poor, growing insecurity, rising crime rates, inadequate and deteriorating building stock, services and infrastructure, lack of health and educational facilities, improper land use, insecure land tenure, rising traffic congestion, increasing pollution, lack of green spaces, inadequate water supply and sanitation, uncoordinated urban development and an increasing vulnerability to disaster. (6)

...rapid rates of international and internal migration, as well as population growth in cities and towns, and unsustainable patterns of production and consumption raise these problems in especially acute forms. (6)

urgency

*environment

Civil, ethnic and religious strife, nuclear armament, armed conflict, alien and colonial domination, foreign occupation, international economic imbalance, coercive economic measures, poverty, organized crime and terrorism in all its forms are destructive to sustainable human settlements development and should therefore be renounced by all states. (still in but in brackets on June 12)

Enhancing public revenue through the use of fiscal instruments that are conducive to environmentally sound practices in order to promote support for sustainable sound human settlements development. (31 (d))

URGENCY

*77 the sustainability of the global environment and human life will not be achieved unless, among other things, human settlements in both urban and rural areas are made economically buoyant, socially vibrant and environmentally sound with full respect for cultural, religious and natural heritage and diversity. Urban settlements hold a promise for human development and for protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Yet many cities are witnessing harmful patterns of growth of production and consumption of and use, of mobility and of degradation of their physical structure. Such problems are often synonymous with soil, air and water pollution, waste of resources and destruction of natural resources. Some human settlements are also subject to limited water supply, sanitation and drainage and to dependency upon toxic and non-renewable energy fuel sources and irreversible loss of biodiversity. Many of these trends are aggravated or accelerated by high population growth and the magnitude of rural-to urban migration. Demographic factors, combined with poverty and lack of access to resources and unsustainable patterns of production and consumption, particularly in industrialized countries, *may* [added June 14] cause or exacerbate

problems of environmental degradation and resource depletion and thus inhibit sustainable development. Therefore, a largely urbanized world implies that sustainable development will depend very largely on the capacity of urban and metropolitan areas to manage the production and consumption patterns and the transport and waste disposal systems needed to preserve the environment Habitat II

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 which 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. Increased 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 trans boundary 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 trans-boundary hazardous waste

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

4.8. Increased generation and trans-boundary 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 trans-boundary 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)

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)

5.1. Loss of biological diversity

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

5.2. Continued threat to genetic diversity

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

5.3. Increased deforestation and land degradation

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

5.4. Increased land degradation and soil erosion

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

5.5. Increased desertification

Desertification affects about one sixth of the world's population, 70% of all dry-lands, 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 range-land, 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 inter-connectedness 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 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)

5.15. Increased ecological threats to future generations

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

5.16. Increased environmental damage from waste accumulation

The environment is threatened in all its biotic and abiotic components: animals, plants, microbes and ecosystems comprising biological diversity; water, soil and air, which form the physical components of habitats and ecosystem; and all the interactions between the components of biodiversity and their sustaining habitats and ecosystem.

With the continued increase in the use of chemicals, energy and non-renewable resources by expanding global population, associated environmental problems will also increase. Despite increasing efforts to prevent waste accumulation and to promote recycling, the amount of environmental damage caused by 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 of sale by governments... (19.66 Toxic chemicals) UNCED, 1992))

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

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

Continued disproportionate concentrations of pollutants in urban areas as well as in low-income areas

* [95. Many pollution-related risks to health are particularly high in urban areas, as well as in low-income areas, because of higher concentrations of pollutants from, inter alia, industry, traffic, fumes from cooking and heating devices, overcrowding and inadequate solid and liquid waste management. Environmental risks in the home and the work place may have a disproportionate impact on women's health because of women's different susceptibility to the toxic effects of various chemicals and given the nature of tasks that women frequently undertake. Environmental risks in the home may also have a disproportionate impact on children, and on future generations.] (Habitat II)

Continued persistent organic pollutants and radioactive materials in food chain
(a) 95 bis. Many environmental contaminants, such as radioactive materials and persistent organic pollutants, work their way into the food chain and eventually into human beings, thus compromising the health of present and future generations. (Habitat II)

Continued exposure to heavy metals

* 95 bis bis Exposure to heavy metals, including lead and mercury, may have persistent and harmful effects on human health and development and on the environment. Children and people living in poverty are often particularly vulnerable, and it is of special concern that the effects of high lead levels on children's intellectual development are irreversible. Effective and affordable alternatives to

may of the uses of these metals are available. Appropriate alternatives should be sought for those products where exposure to lead can neither be controlled or managed. Habitat II

5.20. Increased generation of nuclear wastes

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

5.21. Increased Loss of biodiversity through ecologically unsound practices
 Despite mounting efforts over the past 20 years, the loss of the world' 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)

MEASURES TO ADDRESS THE URGENCY

REGULATIONS AND STANDARDS

supporting regulations and compliance

Establishing policies, laws and regulations

Governments at all appropriate levels, including local authorities have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulation for both public and private activities...(19)

Establishing and adopting a regulatory framework

establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels. (50 e)

Establishing legislative and regulatory frameworks

* 180 (a) Establishing legislative and regulatory frameworks, institutional arrangements and consultative mechanisms for involving organizations in the design, implementation and evaluation of human settlements strategies and programmes;

Ensuring of compliance of private sector

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on a equal basis with men; and observe national labour,

environment, consumer, health and safety laws, particularly those that affect women and children

US addition

[38 For economic globalization to be beneficial for all affected parties, we must ensure that all corporations including transnational corporations comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions , including those related to the environment, and other relevant laws. and institutions and individuals engaged in all aspects and levels of economic activity should do so with proper considerations for the environmental, social and cultural impact of their activities]

52 *(d) When necessary, review and adjust the legal, fiscal and regulatory framework to respond to the special needs of those belonging to vulnerable and disadvantaged groups, in particular, people living in poverty and low-income people

53. In many countries, *markets serve as the primary housing delivery mechanism*, and hence their effectiveness and efficiency are important to the goal of *sustainable* socially equitable and environmentally sound development. It is the responsibility of Governments to create an enabling framework for a well-functioning housing market. The housing sector should be viewed as an integrating market in which trends in one segment affect performance in other segments. Government interventions are required to address the needs of disadvantaged and *vulnerable* marginalized groups, who are insufficiently served by markets.

54 *(h) Develop, as appropriate, flexible instruments for the regulation of housing markets, including the rental market, taking into account the special needs of vulnerable groups

Facilitating dissemination of regulatory frameworks and best practices

* 153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. The United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at the national and international levels could be explored.

64 Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and

communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces. The lack of adequate basic services, a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for people living in poverty in urban and rural areas. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards.(Habitat II 64)

ARTICLE 61* (d) promote transparency, accountability and ethical practices in financial transactions through support from effective legal and regulatory frameworks (Habitat II)

57 (e) Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, standards and development regulations

56 (c) prepare comprehensive inventories of publicly held land and , where appropriate, develop programmes for making them available for shelter and human settlements development, including , where appropriate, development by non-governmental and community-based organizations;

Promoting , regulating and enforcing quiet use efficient and low-polluting technologies

104 (f) Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion, promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and actively fund and promote other alternative forms of energy;

Ensuring participation of people living in poverty in a policy and regulatory environment

*89 c bis Ensure that people living in poverty have access to productive resources, including credit, land, education and training, technology, knowledge and information, as well as to public services, and that they have the opportunity to participate in decision-making in a policy and regulatory environment that would enable them to benefit from employment and economic opportunities

Using regulatory measures

104 * (c) Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures

Adopting standards and norms

* 90 a Adopt, where appropriate, by-laws, standards and norms and develop planning guidelines that take into consideration the needs and situations of women and men and girls and boys in relation to human settlement planning

Devising ...new fiscal instruments that penalize environmental damage from both production and consumption activities

140 (c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment fees levies to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments which are conditional on mandatory international normative standards (MINS) including the penalizing *penalize* of environmental damage arising from both production and consumption of environmentally unsound activities (NGO Composite);

* (c) Develop efficient, fair, equitable and buoyant sources of national and local revenue, including taxation, user charges, tariffs and betterment review, to promote national and local capacity for capital investment in housing, infrastructure and basic services, and devise, as appropriate, new fiscal instruments that penalize environmental damage from both production and consumption activities.

Establishing local priorities and environmentally sound standards for infrastructure development

(g) Ensure and strengthen the capacity of local authorities to seek, respect and rely on genuine community involvement and participation *engage the local private and* community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local socially equitable and environmentally sound development *economic development*;

126 (a) Legislated regulations that would ban and prevent technologies that could lead to disasters, and develop, adopt and enforce appropriate norms and by-laws for land-use, building and planning standards, that are based on professionally established assessments of hazard and of vulnerability *assessments*;

Setting environmental standards

97 [(d) Set high mandatory international normative **environmental standards** and technical regulations **so as to drive and facilitate the selection and development of BEST (Best Ecologically Sound Traditions) practices *appropriate technologies and their appropriate use;***]

*97 d Set environmental standards so as to facilitate the selection and development of appropriate technologies and their appropriate

Establishing monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels

97 (c) Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels;

* 98 d Develop criteria and methodologies for the assessment of environmental impacts and resource requirements at the local level throughout the life cycle of products and processes

97 (f) Provide guidelines and training for the application of procedures for the assessment of environmental health impacts;

97 [(g) Undertake *strategic* environmental impact assessments of *for* development projects that may *significantly* have significant adverse
 * g Undertake environmental assessments and environmental impact assessments for development plans and projects, respectively, that may significantly affect the quality of the environment

Implementing local environmental plans and local Agenda 21

97 (h) support mechanisms for consultations and partnerships among interested parties to prepare and implement local environmental plans and local Agenda 21s and specific cross-sectoral environmental health programmes.

ensuring the protection of arable land

56 (n) Ensure simple procedures for the transfer of land and conversion of land use within the context of a comprehensive policy framework, including the protection of arable land and the environment

65*(i) the use of a variety of planning mechanisms that provide for meaningful participation to reduce the negative impacts on biological resources, such as prime agricultural land and forests, that may arise from human settlements activities

* 66 (c) involve, encourage and assist, as appropriate, local communities, particularly women, children and persons with disabilities, in setting standards for community facilities and in the operation and maintenance of those facilities

67 *(d) Promote partnerships with the private sector and with non-profit organizations for the management and delivery of services and, where necessary, improve the regulatory capacity of the public sector and apply pricing policies that ensure economic sustainability and efficient use of services as well as equal access to them by all social groups;

promoting best practices

*69 (c) encourage the exchange of regional and international experience of best practices and facilitate the transfer of planning, design and construction techniques

*69 (j) Adopt and ensure the enforcement of appropriate standards relating to planning, design, construction, maintenance and rehabilitation

84 (j) Promote best practices for community-based land management in human settlements

* 169(m) Strengthen and make more transparent government regulatory and inspection systems

Establishing of an effective legal framework that incorporates environmental concerns

[(c) Develop the land market through the establishment of an effective and environmentally sound legal framework in order to mobilize/which encompasses lands with diverse tenure systems];

*(c) Develop the land market through the establishment of an effective legal framework that incorporates environmental concerns and encompasses the diversity of tenure systems

promoting compliance and enforcement

*75 (d) Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups

DOCUMENTATION OF PRECEDENT

RE: ENSURING CORPORATE COMPLIANCE WITH THE LAW;
 “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.” (UN Conference on Women: Equality, Development and Peace. Section 167).

DISASTERS

Preventing disasters

PREVENTION OF DISASTERS, including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence (27 i)

PREVENTION OF DISASTERS, including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence, and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i)

75 (g) Promote the use of tools for disaster prevention, mitigation, and preparedness in order to reduce the vulnerability of populations to natural, man-made and technological disasters.

124. The impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes; such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports. Armed conflicts also have consequences that affect human settlements and the country as a whole and call for specific rehabilitation and reconstruction processes that may necessitate international involvement, at the request of the Government of the concerned country. The impact of such disasters and emergencies is especially severe in countries where prevention, preparedness, mitigation and response capacities are ineffective in dealing with such situations.

improving natural and human-made disaster prevention

126. In improving natural and human-made disaster prevention, preparedness, mitigation and response, Governments at the appropriate levels, including local authorities, and in close consultation and cooperation with such entities as insurance companies, non-governmental organizations, community-based organizations, organized communities, the academic, health and scientific communities, shall *should*:

126 (a) Legislated regulations that would ban and prevent technologies that could lead to disasters, and develop, adopt and enforce appropriate norms and by-laws for land-use, building and planning standards, that are based on professionally established assessments of hazard and of vulnerability *assessments*;

(126 a bis.) Ensure that serious public concern about an activity or technology that could lead to preventable disaster be taken into consideration and the activity or technology shall be prevented or banned, and ensure that the participation in preparing and planning for non-preventable disaster *planning and management* of all ~~[stakeholders]~~ individuals and organizations of civil society with a wide range of experience and expertise, including particularly marginalized

members of society such as.], including women, children, the elderly, and people with disabilities, in recognition of their particular vulnerability to human-made and natural disasters;

126 (b) Ensure regulations that will prevent preventable anthropogenic disasters and encourage continued *mobilization of* domestic and international resources for disaster reduction activities for non-preventable disasters;

[126 bis.) Given that since the development of nuclear technology the most significant preventable anthropogenic disaster has been the preventing of nuclear-related disasters, and given that the outcome of nuclear disasters, including from nuclear arms and nuclear civil reactors, has had irreversible consequences that cannot be considered to have been remediated other than by forced reallocation ; and continues to have unexpected consequences; the global community, if it is to embark upon the prevention of preventable disaster, shall prevent the continued production of nuclear arms, the mining of uranium for the producing of nuclear arms, the testing of nuclear arms, the circulating and harbouring of nuclear-armed or nuclear-powered military vessels, and the using of civil nuclear reactors. It should be noted that at the 1972 UN Conference on Human Environment (UNCHE) held in Stockholm the states globally adopted the commitment in Article 26 to “eliminate the production of weapons of mass destruction” and twenty years later a Nobel Laureate Declaration called for the phasing out of civil nuclear reactors. **As a consequence of the development and testing of nuclear weapons, disasters with irreversible environmental consequences have occurred and communities have been displaced, there has to be an acknowledgment that there is no acceptable remediation to these nuclear disasters. The least that can be done for those who have been affected by nuclear disasters is to ensure the There is a need for the safe resettlement of displaced populations especially those from *for small island developing States and coastal regions*. There also has to be an acknowledgement that there is no real restoration of sites that have been exposed to radiation from nuclear disasters, otherwise the perpetuation of the belief in the possibility of restoration could justify the continued nuclear associated technologies. *and the restoration of economic activity to the affected areas, especially for small island developing States and coastal regions*. Noting the special responsibility towards those people of the former United Nations Trust Territories who have been adversely affected as a result of the nuclear-weapons tests conducted during the period of the Trusteeship, all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants should consider giving appropriate assistance as may be required for remedial purposes in areas affected by radioactive contamination from nuclear weapons programmes.]**

* Brackets removed
and the following added on June 14

Consideration by all gov't and international organizations that have expertise in the field of clean-up and disposal of radio active contaminant to give appropriate assistance as may be requested for remedial purposes in addressing affected areas

Preventing disasters through building a culture of safety

* 127 (d) Promote and encourage all parts of society to participate in disaster preparedness planning in such areas as water and food storage, fuel and first-aid, and in disaster prevention through activities that build a culture of safety

* 127 bis In order to prevent technological and industrial disasters, governments at the appropriate levels, including local authorities, as appropriate, should:

127 (a) Pursue the objectives of preventing major technological accidents and limiting their consequences through, inter alia, land-use policies and the promotion of safe technology

* 127(b) Take the necessary measures to control the siting of new developments surrounding dangerous industrial activities that may be liable to increase the risk of the effects of a major accident through appropriate consultation procedures to facilitate the implementation of the policies established under sub-paragraph (a) above

127(c) Introduce a clear definition of roles and responsibilities and of communication channels between the various key functions of disaster preparedness and prevention, including assessment, monitoring, prediction, prevention, relief, resettlement and emergency response.

127(d) Promote and encourage broad-based participation in disaster preparedness activities by giving to the population living in the vicinity of a dangerous activity adequate and regular information on the potential hazards.

removing immediately of anti-personnel land mines

128 (i) Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict;

Preventing pollution and exposure to pollution

Discouraging disproportionate sitings

* 84 e ter Prevent or minimize pollution and exposure to pollution from industrial facilities, while also promoting urban planning, housing and industrial siting initiatives that discourage the disproportionate sitings of polluting industrial facilities in areas inhabited by people living in poverty or those belonging to vulnerable and disadvantaged groups

Preventing and mitigating adverse environmental impacts

* 79 Increasingly, cities have a network of linkages that extends far beyond their boundaries. Sustainable urban development requires consideration of the carrying capacity of the entire ecosystem supporting such development including the prevention and mitigation of adverse environmental impacts occurring outside urban areas. All trans-boundary movements of hazardous waste and substances should be carried out in accordance with relevant international agreements by parties to those agreements. Rapid urbanization in coastal areas is causing the rapid deterioration of coastal and marine ecosystems.

Reducing significantly or eliminating environmentally harmful subsidies
122 (e) Reduce significantly or eliminate environmentally harmful technologies, subsidies and other programmes, such as those which stimulate the excessive use of pesticides and chemical fertilizers, and price control or subsidy systems that perpetuate unsustainable practices and production systems in rural and agricultural economies. Habitat II

PRECEDENTS OBLIGATIONS AND EXPECTATIONS

Taking into account international agreements and instruments

99 bis In seeking to prevent trans-boundary pollution and minimize its impacts on human settlements when it does occur, Governments should cooperate to develop appropriate mechanisms for assessing the environmental impact of proposed activities that are likely to have a significant adverse impact on the environment, including an evaluation of relevant comments provided by other potentially affected countries. Governments should also cooperate to develop and implement mechanisms for prior and timely notification, exchange of information and consultation in good faith, and mitigation of the potential adverse effects regarding those activities, taking into account existing international agreements and instruments. (Habitat II)

PRINCIPLES

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)

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)

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)

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)*

Widely applying the precautionary principle

82 [In this regard, the precautionary approach shall [should, June 14] be widely be widely applied by states according to their capabilities, and the use of environmental and social impact assessment are essential] Habitat II

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.

PRINCIPLE OF NON-DISPLACEMENT

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

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

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)

99 * In a globalizing economy, the increasing occurrence of trans-boundary pollution and the transfer across national borders and regions of technologies hazardous to the environment can represent a serious threat to the environmental conditions of human settlements and the health of their inhabitants. Government should therefore cooperate to develop further international legal mechanisms to implement principle 13 of the Rio Declaration regarding "liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction." The international community, international organizations and Governments should also seek appropriate preventive measures in cases of clear risk of major environmental accidents with trans-boundary effects. Furthermore, States should be guided by Principle 16 of the Rio Declaration, which encourages the approach that the polluter should, in principle, bear the cost of pollution. Habitat II

INVESTMENT

Encouraging socially and environmentally responsible community investment

* 157 e bis Encourage public-private partnerships in socially and environmentally responsible community investment and reinvestment in shelter and sustainable human settlements programmes and make publicly available and accessible the data and best practices developed through them;

promoting socially and environmentally responsible corporate investment (31 d)
Strengthening regulatory and legal frameworks to enable markets to work, overcome market failure and facilitate independent initiative and creativity, as well as to promote socially and environmentally responsible corporate investment....(31 d)

AVOIDING THIRD WORLD DUMPING

Seeking to ensure avoidance of dumping of environmentally unsound technologies

*151 b Seeking to ensure that the process of technology transfer avoids the dumping of environmentally-unsound technologies on the recipients and that the transfer of environmentally-sound technologies and corresponding know-how in particular to developing countries, is on favourable terms, as mutually agreed, taking into account the need to protect intellectual property rights (Habitat II)

The Rio Declaration (Principle 14) calls upon states to not transfer substances or activities that could cause environmental degradation or be harmful to human health to other states; This should include the transfer of toxic, hazardous and atomic wastes.

Through various international instruments states have undertaken to ban the use of production and consumption of ozone depleting substances (Vienna Convention on depletion of the ozone layer, 1985); to reduce the production of greenhouse gases and to conserve carbon sinks (Framework Convention on Climate Change, 1992); to identify biodiversity and to carry out an environmental impact assessment of activities that could contribute to the loss or reduction of biodiversity; to combat desertification (Convention on the Combating of desertification); to promote renewable energy (Chapter 9, Agenda 21) and to phase out fossil fuel (Habitat 1). To preserve cultural and natural heritage (Convention on the Protection of Cultural and Natural Heritage, 1972)

In addition states have agreed to the precautionary principle, the anticipatory principle, the internalizing of environmental costs (environmental audit). Yet few states if any have taken the necessary measures.

HARMONY WITH NATURE OR THE ENVIRONMENT

Being entitled to ... healthy productive life in harmony with nature
human beings are entitled to a healthy and productive life in harmony with nature
(23)

Ensuring social progress in harmony with the environment
Sustainable settlements development ensures economic development,
employment opportunities and social progress in harmony with the environment

ECOLOGICAL FOOTPRINT

Reducing ecological footprint of human settlements (27c)
promoting changes in unsustainable production and consumption patterns,
particularly in industrialized countries...settlement structures that are more
sustainable, reduce environmental stress , promote the efficient and rational use of
natural resources- including water, air, biodiversity, forests, energy sources and
land - and meet basic needs thereby providing a healthy living and working
environment for all and reducing the ecological footprint of human settlements; (27
b)

98 (aa) Incorporate the following principles *and strategies* in developing this integrated approach: the precautionary principle, the ecosystem *approach* primacy principle, pollution prevention principle, staying-within-the-carrying-capacity principle, and avoidance of ecological footprint principle;

98 aa [note that ecological footprint has been taken out and transferred to 27b
Note final wording did include “pollution prevention principle”

Incorporate the principles and strategies contained in Agenda 21 and the Rio Declaration on Environment and Development in an integrated manner: The precautionary principle approach, the polluter pays principle, the pollution prevention principle, the ecosystem approach, including strategies pertaining to carrying capacity, and environmental and social impact assessment. (Art. 89 aa)

sustainable human settlements development incorporates... the precautionary principle, pollution prevention, respect for the carrying capacity of ecosystems and preservation of opportunities for future generations. (16) (resources within the carrying capacity of ecosystem..in 26)

CARRYING CAPACITY OF THE ECOSYSTEM

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)

Respecting the carrying capacity of the ecosystem

* 79 Increasingly, cities have a network of linkages that extends far beyond their boundaries. Sustainable urban development requires consideration of the carrying capacity of the entire ecosystem supporting such development including the prevention and mitigation of adverse environmental impacts occurring outside urban areas. All trans-boundary movements of hazardous waste and substances should be carried out in accordance with relevant international agreements by parties to those agreements. Rapid urbanization in coastal areas is causing the rapid deterioration of coastal and marine ecosystems. Habitat II

Sustainable human settlements development incorporates... the precautionary principle, pollution prevention, respect for the carrying capacity of ecosystems and preservation of opportunities for future generations. (16)

(resources within the carrying capacity of ecosystem..in 26)

* (aa) incorporate the principles and strategies contained in Agenda 21 and the Rio Declaration on Environment and Development in an integrated manner: The precautionary principle approach, the polluter pays principle, the pollution prevention principle, The ecosystem approach, including strategies pertaining to carrying capacity, and environmental and social impact assessment

* 98 ter (a. ter) Manage supply and demand for water in an effective manner that provides for the basic requirements of human settlements development, while paying due regard to the carrying capacity of natural ecosystems.

Achieving goals with due regard to the carrying capacity of the environment

* 169 aIn all countries, in accordance with the Habitat Agenda

(a) to promote integrated and cohesive policies at all levels, aiming at achieving the goals for adequate shelter for all and sustainable human settlements development in all countries, with due regard to the carrying capacity of the environment and in accordance with the Habitat Agenda;

ECO-CYCLES

Increasing knowledge about the Eco-cycles

To facilitate capacity-building and institutional development for the improvement of human settlements planning and management, governments at the appropriate levels, including local authorities and their associations, should: * be encouraged to increase their knowledge about the Eco-cycles involving their cities so as to prevent environmental damage (Art. 135, Habitat II, 1996)

GREEN SPACES

Protecting fragile ecosystems and environmentally vulnerable areas
protecting fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements (27e)

Setting of priorities for balanced and ecologically viable regional development
(121 a) Promote education and training programmes and establish procedures for the full participation of rural and indigenous people in the setting of priorities for balanced and ecologically viable regional development;

Protecting fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements (27e)

Providing equal access to open or green spaces (14, 27 f)

Avoiding unbalanced unhealthy and unsustainable growth of human settlements

Promoting land-use patterns that minimize transport demands

Promoting land-use patterns that save energy

Protecting open and green spaces

Protecting of indispensable agricultural land

Protecting land that sustains biodiversity, water quality and groundwater recharge; fragile areas including coastal areas and other sensitive areas in need of protection

Providing green spaces and vegetation cover in urban and peri-urban areas essential for biological and hydrological balance and economic development

Reducing air pollution through vegetation creating natural habitats

83 Many cities are using peripheral land for urban-related purposes in a wasteful manner while existing serviced land and infrastructure may not be adequately developed and used. To avoid unbalanced, unhealthy and unsustainable growth of human settlements, it is necessary to promote land-use patterns that minimize transport demands, save energy and protect open and green spaces. Appropriate urban density and mixed land-use guidelines are of prime importance for urban development. National, sub-national and local policies and development plans must be carefully re-examined to ensure optimal land use and geographically better balanced economic development, including the protection of indispensable agricultural land; land that sustains biodiversity, water quality and groundwater recharge; fragile areas, including coastal areas; and other sensitive areas in need of protection. Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic development.

83 bis Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic development. Vegetation creates natural habitats and permits better absorption of rainwater by natural means, which implies savings in water management. Green areas and vegetation also play an important part in reducing air pollution and in creating more suitable climatic conditions, thereby improving the living environment in cities. Healthy and environmentally sound agricultural activities and the provision of common land should be integrated into the planning of urban and peri-urban areas.

Dealing with competing urban land requirements including green spaces and forested areas

* 84 f Develop and support the implementation of improved land-management practices that deal comprehensively with competing urban land requirements for housing, industry, commerce, infrastructure, transport, green spaces and forested areas, taking into account the need for spaces for everyday activities — for playgrounds, parks, wilderness, forests, sports and recreation areas and areas suitable for gardening and urban agriculture

promoting the conservation and sustainable use of urban and peri-urban biodiversity

* 98 bis In order to promote a healthy environment that will continue to support adequate shelter for all and sustainable human settlements for current and future generations, Governments at the appropriate levels, in partnership with all relevant interested parties, should:

* 98 bis (a) Promote the conservation and sustainable use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity; the protection of biodiversity should be included within local sustainable development planning activities

* 98 bis (b) encourage, where appropriate, the establishment of productive and recreational green belts around urban and rural agglomerations in order to protect their environment and contribute to the provision of food products.

Ensuring equal access to... green spaces

*87(a) Formulate and implement human settlement development policies that ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; employment and livelihood; primary health care [changed to basic health care, June 14] , including reproductive and sexual health care and services [deleted June 14]; safe drinking water and sanitation; adequate shelter; and access to open and green spaces; giving special priority to the needs and rights of women and children, who often bear the greatest burden of poverty,

protecting the living environment and restoring contaminated land

97 (j) In cooperation with the international community, promote the protection of the living environment and strive to restore contaminated land, air and water to levels acceptable for socially equitable and environmentally sound *sustainable* human settlements.

* 98 bis (b) encourage, where appropriate, the establishment of productive and recreational green belts around urban and rural agglomerations in order to protect their environment and contribute to the provision of food products.

HEALTH AND ENVIRONMENT

Reducing environmental health hazards

* 89 a ter Improve policies that prevent, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

Acknowledging that the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease
 Preventing diseases as important as availability of ... medical treatment
 Placing holistic approach to health prevention and care within the context of environmental policy

93 * Sustainable human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and decrease disparities in the quality of their lives. [people are entitled to a healthy and productive life in harmony with nature [culture and spiritual heritage]. [note this section was deleted on June 14]. the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Children are particularly vulnerable to harmful urban environments and must be protected. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is therefor essential to take a holistic approach to health, whereby both prevention and care are placed within the context of environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and ca

Acknowledging that health problems are related to adverse environmental conditions

Providing and environmentally sound infrastructure

* 94 health problems related to adverse environmental conditions, including a lack of access to safe water and sanitation, inadequate waste management, poor drainage, air pollution, and exposure to excessive noise levels, as well as ineffective and inadequate health services, exact a heavy toll on the quality of life and the overall contribution to society of millions of people. They may also aggravate social tension and inequity and increase the vulnerability of people to the effects of disasters. An integrated approach to the provision of environmentally sound infrastructure in human settlements, particularly for people living in poverty in rural and urban areas, is an investment in sustainable human settlements development that can enhance the quality of life, reduce negative impacts on the environment, improve the overall health of a population, and reduce the burden of investment in curative health and poverty alleviation.

96 (e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene; (Habitat II)

97 (i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed for socially equitable and environmentally sound *sustainable* human settlements *development*;

Including environmental characteristics as being a quality of “livability”

* 95 quinquens. The livability of the built environment has an important bearing on the quality of life in human settlements. Quality of life implies those attributes catering for diversified and growing aspirations of citizens that go beyond the satisfaction of basic needs. Livability refers to those spatial, social and environmental characteristics and qualities that uniquely contribute to people’s sense of personal and collective well-being and to their sense of satisfaction in being the residents of that particular settlement. The aspirations for livability vary from place to place, and evolve and change in time; they also differ among the diverse populations that make up communities. There, conditions for livable human settlements presuppose a working democracy in which processes of participation, civic engagement and capacity-building mechanisms are institutionalized.

INDIGENOUS

Acknowledging that rural and indigenous peoples ensure ...sustaining social and ecological balance

118. Rural populations, including indigenous people, play an important role in demonstrating to urban populations practices of living within the carrying capacity of the ecosystem, in providing evidence of BEST practices, in ensuring food security and in sustaining the social and ecological balance over large tracts of land in many nations and thus contribute significantly to the task of protecting biodiversity and fragile ecosystems and to the sustainable use of biological resources. (Habitat II)

Developing of policies and programmes to Prevent environmental degradation of land through integrating indigenous women ...

* 90 quart c Integrate indigenous women, their perspectives and knowledge on an equal basis with men, in decision-making regarding human settlements, including sustainable resources management and the development of policies and programmes for sustainable development, including , in particular, those designed to address and prevent environmental degradation of land;

127 (c) Promote and disseminate information on disaster-resistant construction methods and technologies for buildings and public works in general;

127(d) Devise programmes to facilitate, where possible, voluntary relocation and access by all people to less disaster-prone areas;

127 (e) Develop training programmes on disaster-resistant construction methods for designers, contractors and builders. Some programmes should be directed particularly to small enterprises, which build the great majority of housing and other small buildings in the developing countries;

127 (f) Take measures to upgrade, where necessary, the resistance of important infrastructure, lifelines and critical facilities, in particular where damage can cause secondary disasters and/or constrain emergency relief operations.

81. International cooperation, including city-to-city cooperation, is both necessary and mutually beneficial in promoting socially equitable and environmentally sound *sustainable human settlements development*. Depending on the context and needs of the cities, towns and villages within each country and region, special attention should be paid to the most critical issues, such as changing production and consumption patterns; as requiring the phasing out of non-renewable or unsafe sources of energy, and the conserving of energy and the promoting of efficiency; as ensuring socially equitable and environmentally sound resource and land use *sustainable resource and land-use management*; Other critical issues are the eradicating of poverty *eradication*; the stabilizing of population with necessary reproductive choice and social programs, the providing of universal health care; the ensuring of a safe, environmentally sound water supply, sanitation and waste as resource system *management*; the preventing of disaster *prevention, mitigation, preparedness and management*; the preserving and protecting of cultural, natural and historical heritage; the preserving, protecting and conserving of the environmental *protection*; the driving of industry to embrace BEST practices; the establishing of infrastructure; and basic services, such as health and education facilities and services. Habitat II provides an opportunity to explore the interdependence of these issues within a framework of obligations incurred and expectations created, and to focus on the effect that current patterns of human settlement development will have on our ability to discharge the obligations incurred through Conventions, Treaties and Covenants, and to fulfill the expectations created through Declarations, General Assembly Resolutions and Conference Action Statements. *achieve the objectives established at recent United Nations conferences*. Close attention to trends in urban development is essential to the viability of socially equitable and environmentally sound *sustainable human settlements development* in rural and urban areas alike.

* 107 (a) Identify and document, whenever possible, the historical and cultural significance of areas, sites, landscapes, ecosystems, buildings, and other objects and manifestations and establish conservation goals relevant to the cultural and spiritual development of society

ARTICLE 108

(B) Preserve the inherited historic settlement and landscape forms, while protecting the integrity of the historic urban fabric and guiding new construction in historic areas

* (g) Ensure the incorporation of environmental concerns in conservation and rehabilitation projects;

* (h) take measures to reduce acid rain and other types of environmental pollution that damage buildings and other items of cultural and historical value

(i) adopt human settlements planning policies, including transport and other infrastructure policies, that avoid environmental degradation of historic and cultural areas.

Recognizing equal rights and obligations to conservation and use of natural and cultural resources equal rights and obligations with regard to the conservation and use of natural and cultural resources (14)

adopting performance standards

*169 (n) Join with professional societies to review and revise building codes and regulations based on current standards of engineering, building and planning practices, local conditions and ease of administration, and adopt performance standards, as appropriate

ENVIRONMENTAL SOUNDNESS

Providing environmentally sound shelter

adequate shelter for all ...through the development and improvement of shelter that is environmentally sound (2 bis)

integrating a gender perspective in the design and implementation of environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas (27 d)

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

promoting indigenous planning and design techniques

69(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, and as agreed in the "Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;

Encouraging and supporting the use of ...local building materials

152 * c bis merged with d bis) Encouraging and supporting the use of appropriate building technology and the production of local building materials, as well as supporting the development of international, sub regional and regional networks of institutions involved in research, production, dissemination and commercialization of locally produced building materials;

strengthening the indigenous building materials industry

strengthening the indigenous building materials industry, based as far as possible on locally available resources. (51 d)

Provide data base on adverse environmental effects of building materials (51d)

promoting environmentally sound technologies

promoting education about, and training on, environmentally sound technologies, materials and products (27 f quater)

73 *(b) Establish laws and regulations aimed at preventing discrimination and barriers and, where such laws and regulations already exist, ensure their enforcement

Developing environmentally sound land-use strategies

*85 (d) Develop, with the participation of all interested parties, comprehensive and environmentally sound land-use strategies at the local level.

stimulating ...environmentally sound use of land

56 (d) Apply transparent, comprehensive and equitable fiscal incentive mechanisms, as appropriate, to stimulate the efficient, accessible and environmentally-sound use of land, and utilize land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities

[82 Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other *vulnerable* marginalized and disadvantaged groups from gaining access to suitable land, the location of which does not pose economic,

environmental or health risks to the residents because of such reasons as proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment, especially within the carrying capacity of the ecosystem and the overall system of settlements is one of the basic tasks to be undertaken in achieving a socially equitable and environmentally sound *sustainable* urbanized world. The *tools* means to *for* achieving a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, and revitalization *and management*. National, sub-national and local policies and problems need to be integrated. [The precautionary principle/*approach* and the use of environmental and social impact assessment are essential].

Protecting water resources from harmful effects of human settlements
 * 82 bis Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from the harmful effects of human settlements. Special attention should be paid to guiding potentially hazardous activities away from the fragile areas. Oceans and coastal areas should be protected from land-based sources of pollution.

The use and transfer of environmentally sound technologies is a prerequisite
 ARTICLE 151

151. [The use and transfer of environmentally sound *technologies* practices which have a profound impact on consumption and production patterns is one of the prerequisites for socially equitable and environmentally sound *sustainable* human settlements *development*. Advanced BEST (Best Environmentally Sound Traditions) practices *and appropriate technologies* and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of meaningful employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on BEST practices *available technologies* and options for their transfer. It is understood that the transfer of *technology* BEST practices includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits, particularly those benefits that shall accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology].

151 * the use and transfer of environmentally-sound technologies that have a profound impact

consumption and production patterns are prerequisites for sustainable human settlements development. Advanced and appropriate technologies and the knowledge-based systems that support their application offer new opportunities for more efficient use of human, financial and material resources, more sustainable industrial practices and new sources of employment. International organizations have an important role to play in disseminating and facilitating access to information on technologies available for transfer. It is understood that the transfer of technology will take into account the need to protect intellectual property rights.

TRANSPORT

promoting environmentally sound transportation

environmentally sound transportation systems (27 d)

Reducing transport demand through promoting of spatial development
promotion of spatial development patterns and communications policies that reduce transport demand (27 d)

* 102 Transport and communication systems are the key to the movement of goods, people, information and ideas, and to access to markets, employment, schools and other facilities and land use, both within cities and between cities, and in rural and other remote areas. The transportation sector is a major consumer of non-renewable energy and of land and is a major contributor to pollution, congestion and accidents. Integrated transport and land-use policy and planning can reduce the ill effects of current transport systems. People living in poverty, women, children, youth, older persons, people with disabilities are particularly disadvantaged by the lack of accessible, affordable, safe and efficient public transport systems HABITAT II

Encouraging and researching development and use of non-motorized or low-energy transport systems

101 (d) Promote through regulations use of renewable sources of energy and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.

Exchanging knowledge on environmentally sound substitute for lead gasoline
(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

Reducing negative effects of transport on the environment

Reducing unnecessary travel

Developing alternatives other than the automobile

Developing alternative fuels

102 * Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing and other policies and regulations.

Promoting affordable, efficient and energy-saving modes of transport

* 103 bis. Non-motorized transport is a major mode of mobility, particularly for low-income, vulnerable and disadvantaged groups. One structural measure to counteract the socioeconomic marginalization of these groups is to foster their mobility by promoting affordable, efficient and energy-saving modes of transport

Reducing the need to travel

104 * (b) Coordinate land-use and transport planning in order to encourage spatial settlement patterns that facilitate access to such basic necessities as workplaces, schools, health care, places of worship, goods and services, and leisure, thereby reducing the need to travel

Promoting communications and transport planning to reduce demand for transport

* 84(g) Promote the integration of land-use, communications and transport planning to encourage development patterns that reduce the demand for transport

* 84 (g) bis Develop and implement integrated coastal zone management plans to ensure the proper development and conservation of coastal resources

Encouraging the use of an optimal combination of modes of transport

104 * (c) Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures

Promoting and implementing disincentive measures that discourage the increasing growth of private motorized traffic

Acknowledging that congestion is damaging environmentally

Encouraging alternative transport methods

104 * (d) Promote and implement disincentive measures that discourage the increasing growth of private motorized traffic and reduce congestion, which is

damaging environmentally, economically and socially, and to human health and safety, through pricing, traffic regulations, parking and land-use planning and traffic abatement methods, and by providing or encouraging effective alternative transport methods, particularly to the most congested areas;

Giving priority to collective means of transport with adequate carrying capacity and frequency

104 * e Provide or promote an effective, affordable, physically accessible and environmentally sound public transport and communication system, giving priority to collective means of transport with adequate carrying capacity and frequency that support basic needs and the main traffic flows;

Promoting , regulating and enforcing quiet use efficient and low-polluting technologies

104 (f) Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion, promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and actively fund and promote other alternative forms of energy;

98(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

* brackets removed

98(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98a bis Ensure that clean water is available and accessible to all human settlements as soon as possible through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98 bis (c) Reduce significantly the degradation of the marine environment emanating from land-based activities, including municipal, industrial and agricultural wastes and run-off, which have a pernicious impact on the productive areas of the marine environmental and coastal areas

promoting environmentally sound renewable energy

66* (f) Access to sustainable sources of energy

Reducing energy consumption

* 69 (h) Provide incentives for engineers, architects, planners and contractors and their clients to design and build accessible energy-efficient structures and facilities by using locally assailable resources and to reduce energy consumption in buildings in use

* 71 [(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

71 [(a) Intensify and support research efforts to find substitutes for *or optimize the use of* non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to move through “the transition form the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition establish a time-table for the phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by ;minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)

(vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, services, *industrial* BEST practices *production*, and household and office activities. Current dependence on fossil-fuel-based [note that fossil=fuel was deleted in Istanbul] energy sources in most urban centres [can lead] change in Istanbul] leads to climate change, air pollution, and consequential environmental and human health problems, and [may] represent a serious threat to socially equitable and environmentally sound development. *sustainable development*. Sustainable energy production and use *can be enhanced by encouraging* shall be undertaken through energy conservation, energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness, and through the phasing out of the use of non-renewable or unsafe sources of energy. The socially equitable and environmentally sound development of Human settlements and energy policies should be actively coordinated. Regulations driving the phasing out of non-renewable and unsafe sources of energy will be essential to foster the promotion and development of BEST practices in the area of renewable environmentally sound alternative energy sources.

* brackets removed with noted changes in Istanbul

* 101 In order to promote efficient and sustainable energy use, Governments at the appropriate levels, in partnership with the private sector, non-governmental organizations, community-based organizations and consumer groups, should, as appropriate:

* 101 (a) Promote urban and rural planning and design solutions that are conducive to efficient uses of energy and that pay due attention to end users and their attitudes and practices;

* 101 (b) Introduce appropriate measures to promote the use of renewable and safe sources of energy and to improve the efficiency of energy use in human settlements, while ensuring that people living in poverty and their families are not disadvantaged.

101 (c) Promote energy conservation and energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling systems that make use of waste heat recovery, and co-generation of heating and electricity providing co-generation is not used to justify the continued use of non-renewable or unsafe energy. ;

101 (d) Promote through regulations use of renewable sources of energy and *Encourage and* research, development and use of non-motorized or low-

energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.

101 (g) Stimulate, through fiscal incentives or other measures, and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

101 (h) *Support programmes for* Undertake the prevention, reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

101 (i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption, and to prepare the public for the required changes needed for the phasing out of non-renewable unsafe sources of energy;

101 (j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings, by requiring the phasing out of non-renewable unsafe sources of energy;

101 (k) Encourage the cautious use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction providing that this “environment industry” is not used to justify the continued production of toxic, hazardous, or atomic wastes, or to discourage the needed change to the production of safe renewable resources from production;

101 (l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

Promoting environmental protection and public health

* 98 b bis Dispose as soon as possible, within both rural and urban areas, of sewage, waste waters and solid wastes, including hazardous wastes, in a manner that conforms with national or international environmental quality guidelines

* 98 (c) Promote environmental protection and public health by proper treatment and the recycling and re-use of environmentally compatible sanitation and treatment/disposal of waste water and solid waste;

* c bis Make a concerted effort to reduce the generation of wastes and waste products by, inter alia, setting national and local goals for the reduction of packaging

paying special attention to the built environment

(c) [95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

* 95 quart The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The design of high-rise housing should complement the context of the neighbourhood in which it will be located. In particular, the large-scale development of high-rise housing can bring social and environmental disadvantages; therefore special attention should be paid to the quality of its design, including scale and height, proper maintenance, regular technical inspection and safety measures.

promoting environmentally sound building materials

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

51 (c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

51 (d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of governments and individuals and groups of civil society. *the private and public sectors.*

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *[stakeholders]*, individuals and organizations of civil society with a wide range of experience and

expertise, including particularly those marginalized members of society who may be adversely affected by any decision] should:

70(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

70 (b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *[stakeholders]* individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision. and establish a public mechanism to enforce them;

70 (c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the inter-transfer of BEST (Best Ecologically Sound Traditions) practices *technology* recognizing that in many cases traditional practices could be the most ecologically sound.

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating meaningful employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities world wide. If other factors, such as population growth of and migration to cities, are addressed effectively through, inter alia, requiring cities not to exceed the carrying capacity of the ecosystem that sustains them, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments *industry, together with trade and services*, will provides the main impetus to this process. by driving businesses to engage in socially equitable and environmentally sound practices.

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead

of being treated as a residual of so-called “productive” activities.
(Chapt II A. 5 Habitat 1)

promoting environmentally sound practices and technologies

65 * g Environmentally sound technologies, and the planning, provision and maintenance of infrastructure, including roads, streets, parks and open spaces

67 * (c) involve, encourage and assist, as appropriate, local communities, particularly women, children and persons with disabilities, in setting standards for community facilities and in the operation and maintenance of those facilities

promoting environmentally sound waste management

65 [(b) * Adequate sanitation and environmentally sound waste management based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

non transference of substances or activities that are harmful to human health or to the environment

promoting alternatives to heavy metals

* 95 bis bis Exposure to heavy metals, including lead and mercury, may have persistent and harmful effects on human health and development and on the environment. Children and people living in poverty are often particularly vulnerable, and it is of special concern that the effects of high lead levels on children’s intellectual development are irreversible. Effective and affordable alternatives to many of the uses of these metals are available. Appropriate alternatives should be sought for those products where exposure to lead can neither be controlled or managed. Habitat II

WHAT WOULD CONSTITUTE FULFILLING MEASURES
SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF
MEASURES
WHAT MUST STILL TO BE DONE

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)

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 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)

CITY LAY-OUT AND AESTHETICS (Habitat17)

Promoting good design and aesthetics qualities and sustainable ...qualities
 [(e bis.) Promote, where appropriate, planning and good design in human settlements, both in new developments and in upgrading and rehabilitation, while emphasizing aesthetic qualities as well as environmentally safe and sound *and sustainable* technical and functional qualities, enriching and enlightening the overall quality of life of the people;]

* e bis Promote where appropriate, planning and good design in human settlements, both in new developments and in upgrading and rehabilitation, while emphasizing aesthetic qualities as well as sound and sustainable technical and functional qualities, enriching and enlightening the overall quality of life of the people

*SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT
 In 1974 through General Assembly resolution , called the Resolution for Establishing a new international Economic order, it was agreed that ì there was a united determination to work urgently for the establishment of a new international economic order based on equity interdependence, common interest and cooperation with systems which shall correct inequalities and address existing injustices (This resolution was endorsed at Habitat I but never implemented)

URGENCY RECOGNIZED BY UNITED NATIONS

ARTICLE 117

117. Urban and rural areas are interdependent economically, socially and environmentally. At the turn of the century, a substantial proportion of the worlds population will continue to live in rural settlements, particularly in developing countries. In order to achieve a *more* socially equitable and environmentally sound *sustainable* future for the earth, these rural settlements need to be valued and supported. Although in many cases, insufficient infrastructure and services, lack of

environmentally sound technology, and pollution resulting from the adverse impacts of unsustainable industrialization and urbanization contribute significantly to the degradation of the rural environment, in other cases it is the environmentally sound endogenous practices with local materials that offer the solution to the means of living within the carrying capacity of the ecosystem. Additionally, the lack of appreciation of employment opportunities in rural areas increases rural-to-urban migration often to less meaningful employment and results in a loss of human capacity in rural communities. Policies and programmes for the *sustainable* socially equitable and environmentally sound development of rural areas that integrate rural regions into the national economy require strong local and national institutions for the planning *and management* of human settlements that place an emphasis on rural-urban linkages, that appreciates the innovative and environmentally sound traditional practices of the rural areas, and that treat villages and cities as two ends of a human settlements continuum. (Habitat II)

76. Rapid urbanization, the concentration of urban population in large cities, the sprawl of cities into wider geographical areas and the rapid growth of mega-cities are among the most significant transformations of human settlements. By the year 2000 more than half of the world's population will live in urban areas and approximately 40 per cent of them will be children. Urban areas will strongly influence the world of the twenty-first century, and urban and rural populations will be increasingly interdependent for their economic ,environmental]and social well-being. Among the economic and social factors influencing this process are population growth and voluntary and involuntary migration, real and perceived meaningful employment opportunities, cultural expectations, changing consumption and production patterns and serious imbalances and disparities among regions.

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

MEASURES TO ADDRESS THE URGENCY

- 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)

- Providing access to... healthy shelter

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

1.2. 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 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)

Recognizing access to food as a basic human right

UN Secretariat Plan of Action World Summit for Social Development, March 1995); [affirming] the right to an [adequate[∞]] standards of living

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

1.13. 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)

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 perenniality 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)

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)

various forms of the family exist (Habitat18)

Preventing crime through social development
crime prevention through social development (13)

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)

WHAT WOULD CONSTITUTE FULFILLING MEASURES

75 * (b) Protect all people from and provide legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensure that, as appropriate, alternative suitable solutions are provided

SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF MEASURES

WHAT MUST STILL TO BE DONE

75(b) Composite [Enact and enforce laws to protect people from illegal evictions]; and to retain, and if not in place, to institute rent-control systems.

75(b) [Protect by law all people from illegal evictions, including dismantling of rent-control systems, and, where evictions are unavoidable, ensure that they are strictly according to the law];

(b ter.)

REDEFINITION OF "DEVELOPMENT" IN EQUITABLE AND ECOLOGICAL TERMS

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

4.1. SOCIAL AND CULTURAL

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

4.2. SOCIAL EQUALITY/EQUITY

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

4.3. ENVIRONMENT

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

4.4. HUMAN RIGHTS

- (i) the degree to which there is the absence of discrimination based on gender, sexual orientation, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socio-economic conditions (age) and other status
- (ii) the degree to which there is affirmative action and equal access to [employment]
- (iii) the extent to which a state guarantees the rights of indigenous peoples
- (iv) the ability to minimize the human impact on the environment while fulfilling obligations to human rights
- (v) the degree of enshrining and implementing of the right to socially equitable and environmentally-sound development which includes the right to food, potable water, universal health care, education and shelter, as well as the right to civil and political rights (security, freedom of speech etc.) as well as the right to full and meaningful

participation in the decision-making processes that affect peoples lives.

- (vi) the extent to which there is the absence of religious fanaticism and intolerance

4.5. PEACE

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

4.6. ENFORCEMENT OF LAW

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

4.7. DECISION MAKING

- (i) the degree of participatory decision making opportunities for the citizenry
- (ii) the degree to which citizens are involved in the decision making process from the formulation of the terms of reference

- (iii) the recognition of the importance of grass-root decision making and implementation
- (iv) the degree to which decision making bodies draw upon varying areas of expertise and experience rather than upon those with a vested economic interest

A CALL TO ACTION

"The challenge is to search for imaginative, practical and effective measures" to make cities habitable (Demirel, President of Turkey). "The recipes of the past can no longer suffice (Wally N'Dow)

Cities will be habitable when there is the international political will to make fundamental global change to provide for essential needs. Both humans and ecosystems have basic identifiable needs for survival and quality of life and function.

The urbanization caucus suggests the following overarching broad changes and measures to eliminate fundamental systemic constraints that perpetuate the recipes of the past.

. The moving from vested-interest to principle-based action and decision making

* The ensuring of the rights of all members of the global community recognized through human rights instruments, including the international covenant of social, cultural, economic rights

* The transferring of substantial proportion of the military budget to social programs (as undertaken through expectations created in general Assembly resolutions from 1981)

* The establishing of mandatory international normative standards to drive corporations, including transnationals to BEST (Best Environmentally Sound Traditions) practices.

* The ensuring that corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions including those related to the environment, and other relevant laws (as agreed in Art 167 Platform of Action, UN Conference on Women, 1995)

* The non-transferring of substances and activities that cause environmental degradation or are harmful to human health to other states (Principle 14, Rio Declaration); this would include toxic, hazardous, and atomic wastes

- * The ensuring that funding agencies do not fund socially equitable and environmentally unsound practices
- *The recognizing of the inherent worth of nature beyond human purpose as was done in the World Charter of Nature; and the shifting of the onus of proof from the opponents of an intervention having to demonstrate harm to the proponents having to demonstrate safety
- * The revoking of charters of transnationals that have violated human rights, caused environmental degradation, or have contributed to conflict or war
- * The carrying out of environmental audits linked to Mandatory International Normative Standards, and the factoring into development of ecological consequences (as agreed to in Agenda 21)
- * The replacing of structural adjustment program with a program of reparation through debt forgiveness for the violation of human rights, for the environmental degradation or for the contributing to violence and war
- * The ensuring of the genuine involvement and participation of the community in decision making from the determining or the terms of reference and all throughout the process.
- * The facilitating of citizen's awareness of the cause of their problems and of their capability of solving the problems.

SPECIFIC MEASURES

- * The ensuring of socially equitable and environmentally sound communities within the carrying capacity of the environment
- * The restoring of natural areas, preserving of significant ecosystems and the freezing of development in agricultural land
- * The establishing, preserving and restoring wild life corridors for ranging and migratory animals, and continuity of plant species.
- * The identifying of biodiversity, the carrying out of environmental assessment reviews of activities that could contribute to loss or reduction of biodiversity, and the invoking of the precautionary principle
- * the controlling and regulating of space to grow, and the identifying of areas designated for specific purposes such as agriculture and housing, and providing green spaces, and green buffer zones and pathways

- * The designing of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy
- * The preventing of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resources.
- * The creating of a transportation infrastructure that makes walking, cycling and public transportation safe, convenient and accessible, and that moves away from car-dependency. The right to public transit in contrast to the privilege of car use

The ensuring of the reversal of the transferring of citizens from rural areas to urban areas by providing some of the benefits from the urban to the rural areas

- * The setting up of a needs-oriented approach underlying all design of human communities so that health and livability are always proactively supported
- * The recognizing that learning by doing provides integrated understanding and long-term commitment to place a new community-based approach to planning, and development which harnesses the skills of developers and urban designers as community servants rather than imposers of structure.
- * The establishing of guidelines for mixed income communities
- * The ensuring that community plans are binding and enforceable
- * the ensuring that intermittent use of land does not interfere with the cultural patterns in the community
- * The preserving of the village and city integration in social and functional terms

The banning of the use of pesticides in community land, agricultural and forest areas

The elimination of crime through reducing mistrust, alienation and marginalization

The providing of human including all forms of family friendly cities

DIRECTION OF URBANIZATION TOWARDS SOCIAL JUSTICE AND ENVIRONMENTAL HEALTH

Mindful that the driving force causing the growth of the city is the dynamic of urbanization, governments must be constantly aware that individuals come to the city seeking personal growth and employment opportunities. It is the challenge and opportunity of the Federal, State and Local governments to ensure that all citizens have open and free access to the greatest number of educational, social

and employment opportunities. And that these activities take place in a safe, healthy, affordable ecologically sustainable environment.

It is the responsibility of the local government to develop and promote an appropriate Vision Statement which reflects the highest hopes and aspirations of its population and to create the policies and practices appropriate to the vigorous implementation of these goals and plans. Of specific importance should be policies and actions that promote healthy, happy, successful family community life.

Cities should develop long range, area wide, comprehensive plans, that include specific means for compliance and implementation, without which plans are mostly useless. Political officials must implement enforcement processes by which they themselves will be held accountable to the highest moral, ethical and managerial standards.

The planning process must start from the bottom up, and must be citizen based. Citizens must be at the center of the process at all levels, and in all respects.

Understanding that the modern city is caught in the rip tide forces that often include of serving, profiteering developers on one hand and inept and corrupt politicians on the other, and overwhelming population on the third, and inadequate resources on the fourth, the challenges are immense. Additionally, because the city is dynamic and ever changing, plans and implementation must be flexible.

Cities should implement regulations and plans that call for multi-layer planning to integrate all major elements of the urban fabric. Social, financial, and functional integration should be required of any new development. Current zoning regulations that prevent these practices should be abolished. Specifically, financial integration should be practiced in all residential housing and neighborhoods. The majority of people's daily and weekly needs should be within easy walking distance of their dwelling unit. The goal is to break the dependence on the automobile.

The achievement of these visions, goals and objectives will require major reform and structural changes in the system as they now exist. It is the responsibility of governments to lead the way in initiating and funding socially equitable and environmentally sound research, facilitating, implementing and enforcing these reforms. Government should also drive research through regulations that will foster BEST (Best Environmentally Sound Traditions) practices.

We, the participants of the NGO Forum the urbanization caucus held in Istanbul May 30 to June 15, 1996 have prepared statements in support of the implementation of the Habitat Agenda and action Plan.

The process of urbanization is affecting the human sphere. Urbanization should not be focused on one sided economic growth and technological development, economically and environmentally. Increased economic production and the technological revolution did not bring about a better life for people as development strategies has promised. On the contrary, there was extensive human misery,

dehumanization and oppression and wide spread ecological deterioration as never before experienced.

We believe that the key to the redirection of urbanization lies in their active participation in decisions that affect their own lives, their growth in community, and this meant having control of and access to resources.

SPECIFIC MEASURES RELATED TO URBANIZATION

Ensuring socially equitable and environmentally sound communities within the carrying capacity of the environment

The provision in all habitat development work for the consideration of the bio-regional, sociocultural historic and detailed ecological context and design to respect and enhance these qualities

The restoration of natural areas, preservation of significant ecosystems and the freezing of development on agricultural land

The establishment, preservation and restoration of wildlife corridors for ranging and migratory animals, and continuity of plant species.

The pre-identification of the elements and internal connectivity of habitats and their biodiversity, the environmental impact assessment of activities that could contribute to loss or reduction of biodiversity, and the invocation of the precautionary principle in all developmental enterprises

The control and regulation of space to grow, and the identification of areas designated for specific purposes such as agriculture and housing, and provision of green spaces, and green buffer zones and pathways

The design of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy

CANCELING DEBT

The canceling of third world debt by the replacement of structural adjustment programs with programs of reparation through debt cancellation for the violation of human rights, for the causing of environmental degradation for the contributing to violence and war

*PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the enshrining and guaranteeing of human rights, the preserving, and protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations/networks

131. To ensure effective decentralization and strengthening of local authorities and their associations/networks within a framework of international principles based on the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war, Governments at all appropriate levels, including local authorities, shall *should*:

(a) Adopt and adapt, *as appropriate*, policies and legal frameworks from other Member States that are effectively implementing decentralization while adhering to international principles, and contribute innovative local practices to other states that could benefit from this insight;

(b) Review and revise, as appropriate, legislation to ensure compliance with international obligations, increase local autonomy participation in decision-making, implementation, and resource mobilization and use, especially with respect to human rights, allocation of funding for socially equitable and environmentally sound development *technical and financial resources and local enterprise development*, within the overall framework of international, national, and local principles, obligations and undertakings *social, economic and environmental strategy* and encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities *city neighbourhood or dwellings*;

(c) Seek additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support local authorities reviewing revenue generating mechanisms;

(d) Facilitate the inter-transfer of BEST (Best Environmentally Sound Traditions) Practices *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with businesses that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict., *inter alia*, through technical twinning and inter-transfer *exchange* of experience programmes, recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world;

(e) Enhance the performance of local authorities by requiring BEST practices, and by undertaking comparative analysis of, and disseminating of innovative BEST practices in, the delivery, operation and maintenance of public

goods and services, and in fostering and developing *and in exploiting the fiscal* other potential of their cities;

(f) *Help institutionalize* Ensure and implement broad-based participation in decision-making and management processes at the local level with genuine community involvement and participation in determining the terms of reference and in having input throughout the process;

(g) Ensure and strengthen the capacity of local authorities to seek, respect and rely on genuine community involvement and participation *engage the local private and* community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local socially equitable and environmentally sound development *economic development*;

(h) Promote genuine community involvement and participation in a policy dialogue ~~between~~ among all levels of Government, within a framework of governance principles, *the private and community sectors* to improve planning and coordination in implementing socially equitable and environmentally sound development;

* hbis Within the framework of governance, establish public-private-citizens' partnerships for urban innovation and analyse, evaluate and disseminate information on successful partnerships

(i) Collect, analyse and disseminate, through public channels, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; and facilitate the opportunity for citizens to present evidence of non compliance with obligations through national and international mechanisms

(j) Reinforce measures to increase the participation of indigenous peoples, migrant workers, women, children and youth and other disenfranchised groups. Eradicate corruption and ensure greater transparency through efficient genuine community involvement and participation in the socially equitable and environmentally sound development of local resources;

*j Reinforce measures to eradicate corruption and ensure greater transparency, efficiency, accountability, responsiveness and community participation in the management of local resources

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation within a framework of

international principles particularly to share good BEST practices and innovative approaches to socially equitable and environmentally sound development *sustainable human settlements management*; and

133. To encourage and support civic engagement and the fulfillment of government obligations, expectations, duties, commitments, undertakings and responsibilities, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based genuine involvement and participation of all citizens people in decision-making, including in the determining of the terms of reference and in having input throughout the decision making process, implementation and monitoring of human settlements *strategies*, policies and programmes, and in presenting evidence through legal channels of non-compliance with obligations and expectations; these institutional and legal frameworks would be specifically aimed at, *inter alia*:

133 * To encourage and support participation, civic engagement and the fulfillment of governmental responsibilities, national governments, local authorities and/or civil society organizations should put into effect, at appropriate levels, institutional and legal frameworks that facilitate and enable the broad-based participation of a all people and their community organizations in decision-making and in the implementation and monitoring of human settlements strategies, policies and programmes; these institutional and legal frameworks would be specifically aimed at, *inter alia*

RE: FREEDOM OF INFORMATION ACT

133 (c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

The ensuring of genuine involvement and participation of the community in decision making from the determination of the terms of reference and throughout the process

The facilitation of citizens' awareness of the causes of their problems and of their capacity to solve the problems.

* Ensure adequate opportunity for public participation by all interested parties at all levels of environmental decision-making

* The prevention of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resource

The creation of a environmental sound infrastructure that makes walking, cycling and public transportation safe, accessible and convenient , and that moves away

from car-dependency. The right to public transit in contrast to the privilege of car use.

*PROVISIONS FOR COMPLIANCE

ARTICLE 156

156. [The Habitat Agenda adds new elements to the agenda for national actions and international cooperation, reaffirming, building on the obligations incurred in Conventions, Treaties and Covenants, and on expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, as well as on the results of the recent major United Nations conferences. Governments confirm the need for a coordinated follow-up of the major world conferences, including Habitat II. The very nature of urban challenges requires an integrated approach to *sustainable* socially equitable and environmentally sound development and thus increased cooperation and coherence. Existing intergovernmental bodies within the United Nations system should be used to promote communication and coordination between governments, international bodies - including those of the United Nations system and the Bretton Woods system, as well as other relevant [stake-holders] - and to strengthen a common perception of human settlements priorities].

* 156 The habitat agenda adds new elements to the agenda for national actions and international cooperation and strengthens a common perception of humans settlements priorities. implementation of the habitat agenda should take place within a coordinated framework which ensures that all the united nations conference receive comprehensive follow-up and that the agreed programmes of action are fully implemented, monitored and reviews, together with the results of other major united nations conference where they are related to human settlements.

156 bis. [Implementation of The Habitat Agenda should take place within a coordinated framework which ensures that all the United Nations' obligations incurred in Conventions, Treaties and Covenants, and all the United Nations' expectations created through Declarations, Conference Action plans, and General Assembly Resolutions, *Conferences* are comprehensively followed-up and the agreed programmes of action fully implemented, monitored and reviewed, together with the results of other obligations and expectations from previous international instruments, as well as of other recent United Nations Conferences where they are related to human settlements, particularly the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island

Developing States, the World Summit for Social Development, the International Conference on Population and Development, and the Fourth World Conference on Women. This will require better coordination and cooperation between multilateral and bilateral partners and joint programming, leading to increased and more effective cooperation between UNCHS and other entities within and outside the United Nations system].

ARTICLE 133 i

(i) Ensuring *Improving* access to judicial and administrative channels for affected persons and (UNICEF) disadvantaged and marginalized groups to challenge, or seek redress from decisions that deny social justice, that destroy the environment, that violate human rights, that are destructive to human health and well being, or that contribute to war and conflict *from socially and environmentally harmful decisions and actions*; including legal mechanisms to ensure that all (UNICEF) State bodies both national and local (UNICEF) remain legally accountable for their actions, in accordance with their social *and* environmental and human rights obligations as defined in both national legislation and in international conventions, treaties, covenants, declarations, conference action plans and general assembly resolutions. Affected individuals shall, after exhausting all domestic remedies, have access to an International Court of Compliance to bring evidence of State non-compliance. Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;

(i) bis Ensuring access, when all domestic channels have been exhausted, or when there is no legitimate domestic remedies in place, to an International Court of Compliance where affected persons and groups can seek redress for decisions that deny social justice, that destroy the environment, that violate human rights or that contribute to war and conflict. Broadening the procedural right of individuals and civil society to take legal actions on behalf of affected communities or groups which do not have the resources or skills to take such action themselves, and promoting the representation of inter-generational interests, including children and future generations in decision-making processes.

* i Providing access to effective judicial and administrative channels for affected individuals and groups so that they can challenge or seek redress from decisions and actions that are socially and environmentally harmful or violate human rights, including legal mechanisms to ensure that all State bodies both national and local, and other civil organizations remain accountable for their actions, in accordance with their social, environmental and human rights obligations [as defined in national legislation deleted June 14]

133 (k) Strengthening the capacity of international United Nations bodies to establish mandatory international normative standards-and-regulations (MINS)

based on fundamental principles enshrined in international customary law; and providing opportunities for local authorities and individuals and groups of civil society *organizations* to review social, economic and environmental policies affecting their communities and to set local priorities and contribute to the setting of local standards, based on the mandatory international normative standards, for *services in such areas* basic education, public safety *drug-abuse awareness and environmental management*: environmental protection and pollution prevention, social justice and basic needs and rights —right to housing, food, safe drinking water, social security, education and universal health care and safety *as basic education*, child care(EU), public enshrine the right to primary health care—free emergency health care including treatment completion and foster best practices for health promotion and disease prevention recognizing the value of traditional and natural remedies and to universal health care, water for domestic, agricultural and industrial use, public infrastructure,(FAO) public safety, drug- abuse awareness and environmental protection and pollution prevention *management*; (133)

* k Strengthening the capacity of local authorities and civil society to review social, economic and environmental policies affecting their communities and to set local priorities and contribute to the setting of local standards for services in such areas as basic education, child care, public health, public safety, drug-abuse awareness and environmental management.

PETITION CALLING FOR AN INTERNATIONAL COURT OF COMPLIANCE
submission by the Global Compliance Caucus

Recognizing that for fifty-one years since the inception of the United Nations, member states have incurred obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, and General Assembly resolutions,

NOTING that obligations and expectations are reflected in international instruments undertaking to guarantee the respect of human rights, to preserve, protect and conserve the environment, to prevent conflict and war, and to achieve socially equitable and environmentally sound development

REMINDED of the General Assembly resolution establishing a decade of international law form 1990-1999

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. ii Convention on the Prevention and

Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all forms of Racial Discrimination (1965) International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979);; Convention on the Control of trans-boundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby 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 fulfil this expectation, and convinced of the applicability of this Doctrine to declarations, conference action plans and General Assembly Resolutions.

AWARE that the relevance of the United Nations will be furthered through the demonstration of the political will to ensure the discharging of obligations and the fulfilling of expectations

BE IT RESOLVED THAT IN 1996 STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENHACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCED THE LEGISLATION

BE IT FURTHER RESOLVED THAT IN 19996, A COURT OF GLOBAL COMPLIANCE WILL BEGIN TO BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY OF PRESENTING EVIDENCE OF STATES NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

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)

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.

142 bis. The dissemination of experiences that contribute to facilitate the access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human settlements development. National governments, in partnership with social actors, should:

(a) Promote the selection of urban management practices which stand out by their positive impact in improving habitat, by their use of participatory modes of organization and operation, by their sustainable and lasting character, and by their tendency to become universal;

(b) Set up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field;

(c) Promote dissemination of the selected practices locally, nationally, regionally and internationally, in an integrated manner.

(d) Place special emphasis on the funding, and promotion and dissemination of applied research and innovation in all areas which could contribute to enhancing the capabilities of developing countries particularly those in Africa and least developed countries, to provide shelter, urban services, infrastructure and amenities to their communities;

(d bis.) Support the development of international, sub-regional and regional networks of research, production, dissemination and commercialization institutions for locally produced building materials;

(e) [Enhance the identification and dissemination of new and promising technologies related to human settlements which generate meaningful employment and lower cost of infrastructure, make basic services more affordable, and minimize detrimental environmental impacts, and identify specific roles for existing United Nations organizations, [especially UNCHS (Habitat)] which would promote these goals].

* e [Enhance [ing] the identification and dissemination of new and promising technologies related to human settlements which generate meaningful employment and lower cost of infrastructure, make basic services more affordable, and minimize detrimental environmental impacts, and identify specific roles for existing United Nations organizations, [especially UNCHS (Habitat)] which would promote these goals]. and also identifying specific roles for existing United Nations organizations which would promote these goals.

***PRINCIPLES DRIVING INDUSTRY**

promoting environmentally sound technologies

promoting education about, and training on, environmentally sound technologies, materials and products (27 f quater)

Establishing policies, laws and regulations

Governments at all appropriate levels, including local authorities have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulation for both public and private activities...(19)

Establishing and adopting a regulatory framework

establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels. (50 e)

Seeking to ensure that non-dumping of environmentally unsound technologies

* 151 b Seeking to ensure that the process of technology transfer avoids the dumping of environmentally-unsound technologies on the recipients and that the transfer of environmental-sound technologies and corresponding know-how in particular to developing countries, is on favourable terms, as mutually agreed, taking into account the need to protect intellectual property rights

URGENCY

ARTICLE 117

117. Urban and rural areas are interdependent economically, socially and environmentally. At the turn of the century, a substantial proportion of the worlds population will continue to live in rural settlements, particularly in developing countries. In order to achieve a *more* socially equitable and environmentally sound *sustainable* future for the earth, these rural settlements need to be valued and supported. Although in many cases, insufficient infrastructure and services, lack of environmentally sound technology, and pollution resulting from the adverse impacts of unsustainable industrialization and urbanization contribute significantly to the degradation of the rural environment, in other cases it is the environmentally sound endogenous practices with local materials that offer the solution to the means of living within the carrying capacity of the ecosystem. Additionally, the lack of appreciation of employment opportunities in rural areas increases rural-to-urban

migration often to less meaningful employment and results in a loss of human capacity in rural communities. Policies and programmes for the *sustainable* socially equitable and environmentally sound development of rural areas that integrate rural regions into the national economy require strong local and national institutions for the planning *and management* of human settlements that place an emphasis on rural-urban linkages, that appreciates the innovative and environmentally sound traditional practices of the rural areas, and that treat villages and cities as two ends of a human settlements continuum. (Habitat II)

The use and transfer of environmentally sound technologies is a prerequisite

ARTICLE 151

151. [The use and transfer of environmentally sound *technologies* practices which have a profound impact on consumption and production patterns is one of the prerequisites for socially equitable and environmentally sound *sustainable* human settlements *development*. Advanced BEST (Best Environmentally Sound Traditions) practices *and appropriate technologies* and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of meaningful employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on BEST practices *available technologies* and options for their transfer. It is understood that the transfer of *technology* BEST practices includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits, particularly those benefits that shall accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology].

151 * the use and transfer of environmentally-sound technologies that have a profound impact

consumption and production patterns are prerequisites for sustainable human settlements development. Advanced and appropriate technologies and the knowledge-based systems that support their application offer new opportunities for more efficient use of human, financial and material resources, more sustainable industrial practices and new sources of employment. International organizations have an important role to play in disseminating and facilitating access to information on technologies available for transfer. It is understood that the transfer of technology will take into account the need to protect intellectual property rights.

MEASURES TO ADDRESS THE URGENCY
 WHAT WOULD CONSTITUTE FULFILLING MEASURES
 SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF
 MEASURES
 WHAT MUST STILL TO BE DONE

Devising ...new fiscal instruments that penalize environmental damage from both production and consumption activities

140 (c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment fees levies to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments which are conditional on mandatory international normative standards (MINS) including the penalizing *penalize* of environmental damage arising from both production and consumption of environmentally unsound activities (NGO Composite);

* (c) Develop efficient, fair, equitable and buoyant sources of national and local revenue, including taxation, user charges, tariffs and betterment review, to promote national and local capacity for capital investment in housing, infrastructure and basic services, and devise, as appropriate, new fiscal instruments that penalize environmental damage from both production and consumption activities.

c) Promote an adequate supply and the environmentally sound allocation of sufficiently serviced land for the needs *of the business community, with due regard to the needs* of the small and medium sized-enterprises which engage in BEST—Best Environmentally Sound Technology—practices;

114 (c) Encourage fair treatment of the informal sector, promote the use of environmentally sound practices, and encourage links between financial institutions and non-governmental organizations that support the informal sector where it exists, and encourage financial institutions to use Mandatory International Normative standards (MINS) to be the basis for conditional funding and to drive industry to BEST practices;

142as the Internet, networks and libraries of local initiatives and the dissemination of information on *best* BEST (Best Environmentally Sound Technique) practices;

142(d) Implement programs that encourage participation of children, youth, women, the elderly, people in poverty, and other members of marginalized groups in the use of public libraries and communication networks (NGO Composite);

142 (e) Facilitate the learning process through the dissemination of both successful and unsuccessful experiences in human settlements taken from governments, public institutions, BEST practices enterprises, corporations, including transnationals, *private* and community organizations *sectors*;

promoting best practices

*69 (c) encourage the exchange of regional and international experience of best practices and facilitate the transfer of planning, design and construction techniques

*69 (j) Adopt and ensure the enforcement of appropriate standards relating to planning, design, construction, maintenance and rehabilitation

84 (j) Promote best practices for community-based land management inhuman settlements

97 (e) Provide incentives and disincentives to promote the use of clean production and energy- and water-saving processes and technologies such as BEST practices *that, among other things, can increase economic opportunities in the area of environmental technology, environmental clean-up and Environmentally sound friendly activities and products and can improve the attractiveness and competitiveness* of human settlements for economic investments of other BEST practices;

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)

167

total operation principle all part s of the operation must satisfy principles

non relaxation of standards

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)

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).

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)

7.11. 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)

8.8. 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)

Conserving

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)

* 84 (g) bis Develop and implement integrated coastal zone management plans to ensure the proper development and conservation of coastal resources (Habitat II, 84 bis II, 1996)

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 sub-regional, 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)

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)

10.1. 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)

10.8. 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)

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).

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)

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)

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)

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)

16.5. 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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1991)

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)

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)

***PRINCIPLE BASED EDUCATION AND COMMUNICATION**

The recognition that learning by doing provides integrated understanding and long-term commitment to place: a new community-based approach to planning, and development which harnesses the skills of developers, and urban designers as community servants rather than imposers of structure

The establishment of guidelines for mixed income communities

Ensuring that community plans are binding and enforceable and that the users are involved in all stages of their development and revision

the ensuring that intermittent or seasonal use of land does not interfere with the cultural patterns in the community

The preservation of village and city integration in social and functional terms
the elimination of crime through reducing mistrust, alienation and marginalization, and concurring with the General Assembly Resolution, Crime Prevention and Criminal Justice, 1981) that crime prevention and criminal justice should be considered in the context of social and cultural systems as well as in the context of the new International Economic Order.

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

- Affirm the right of peoples to peace (Right of all Peoples to Peace, 974)
- 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 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.

Establishing and reinforcing of global networks for the exchange of environmentally sound technology

We

have been working on a document entitled "The Istanbul Manifesto." At our meetings

we decided that we would build on previous obligations that had been incurred by governments, and recommendations made by NGOs. We are compiling a publication of resolutions based on a synthesis of international obligations incurred through treaties, conventions, and covenants, and of expectations created through UN General Assembly resolutions and conference action plans. A content analysis has been done of the June 15 Habitat II document coming from Istanbul and the significant sections

from the Habitat II document have been incorporated in this new document.

This document will also be used to evaluate state performance related to obligations incurred through Conventions for UNCED, and related to expectations created through the Rio Declaration and Agenda 21.

In addition, it will be used in a joint project evaluating the performance of two cities under federal governments: Victoria in Canada and Adelaide in Australia for, a conference in Australia.

ISTANBUL MANIFESTO PRINCIPLES REFLECTED IN INTERNATIONAL AGREEMENTS: OBLIGATIONS INCURRED AND EXPECTATIONS CREATED

OVERVIEW

The year 1999 ends the decade dedicated to the respect and furtherance of international law. This respect and furtherance can only be realized if member states of the United Nations discharge obligations and fulfill expectations through signing and ratifying what they have not yet signed and ratified; and through enacting the necessary legislation to ensure the discharging of obligations; and the fulfilling of expectations.

For over fifty years through international agreements, the member states of the United Nations have undertaken: to promote and fully guarantee respect for human rights; to ensure the preservation and protection of the environment; to create a global structure that respects the rule of law, to achieve a state of peace; justice and security, and to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference action plans and General Assembly Resolutions. If these fifty years of obligations had been discharged, and if these fifty years of expectations fulfilled, 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.

In international agreements member states of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

In the Platform of Action from the UN Conference on Women: Equality, Development and Peace(1995) and in the Habitat II Agenda from the Habitat II Conference (1996) member states have undertaken “to ensure that corporations, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements and conventions, including those related to the environment, and other relevant laws. (Article 167). In Habitat II this undertaking was reaffirmed and then extended to include the “private sector” (Article 148).

Member states that have ratified Conventions, Treaties and Covenants are held to be legally responsible for discharging all obligations under these agreements. Also, members states that have signed but not ratified agreements are required under Article 18 of the Convention on the Law of Treaties to not defeat the purpose of the convention in the interim between the signing and the coming into force of the convention. There is no provision, however, for states to be bound to appear before the International Court of Justice or be bound by its decision. In addition there is no provision for an international court of Compliance where citizens could take evidence of state non-compliance.

Expectations that have been created from General Assembly Resolutions, Declarations and Conference Action plans could be judiciable under the Doctrine

of Legitimate Expectation. The doctrine of legitimate expectation justifies the considering of what is usually deemed to be only of moral suasion in a legal context. the Doctrine of Legitimate Expectation has been recognized in Common Law and has been described in the following way:

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)

JULY JULY 1996

() THAT in 1996, I drafted a **resolution for non-catchment lands (sea to sea greenbelt and trail corridor) 1996**

EXHIBIT

Noting that it has been reported in the Water board Commission's "Land Use Issues" brief that the forest cover in the non-catchment lands are representative of the Coastal Western Hemlock and Coastal Douglas Fir bio-geoclimatic zones within the Nanaimo Lowlands Ecosession

Noting also that it has been reported in the Commission's "Land Use Issues" brief that less than 2 % of this ecosession is protected under the Provincial Protected Areas Strategy (PAS) and that these forest types are under-represented in parks and protected areas

Mindful that in a CRD Parks, report from 1995, it was confirmed that "both remnant forest stands in lowlands and upland d vegetation found in the non-catchment lands, have high conservation values. The high value areas identified by CRD Parks include: Veitch catchment, portion of Humpback catchment south of Kapoor Main Rd, southeast portion of Waugh catchment and the Niagara catchment"

Mindful also that it was indicated Waterboard Commission's "Land Use Issues" that in the northwest portions of the Waugh catchment also have high scenic and recreation values

Convinced that other potential benefits of preserving green-spaces include a greenbelt boundary to contain urban growth and a regional trail linkage

Convinced that the obligations incurred by the Canadian government are binding on the provincial , regional and local governments; and that the expectations created by the Canadian government and provincial government are binding on the regional and local governments.

Mindful that the discharging of obligations and the fulfilling of expectations will not take place if (i) the “non-catchment lands Sea to Sea Greenbelt and trail corridor” park proposal does not proceed; and (ii) the Kapoor swap in the Waugh catchment is carried out; or (iii) logging in any form is permitted in the non-catchment areas including the proposed logging through the “Community Forest” organization

Cognizant that the Canadian government has incurred the following obligations and the Canadian government and provincial government have created the following expectations

OBLIGATIONS INCURRED

Concerned that through practices at the provincial, regional and local level the Canadian government has failed to discharge obligations under the Biodiversity Convention and the Framework Convention on Climate Change

1. The Canadian government has contravened the Biodiversity Convention because, the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by having failed to identify biodiversity

Under the Convention the parties are required "to identify biodiversity"

At the ratification of the Biodiversity Convention in the December 4, 1992, Prime Minister Mulroney, informed the public about the state of identification of species in Canada and admitted that there were an equally large number of species not reported:

Canada is one of the largest countries in the world and is home to about 70,000 known species and many different habitats. However, many of Canada's ecosystems are threatened.

Biodiversity the web of life (environment Canada publication)

A total of just over 70,000 species of animals, plants and micro-organisms have been described or reported to occur in Canada. The same number remain undescribed or unreported by science. If viruses are added, the total is doubled to 290,000

Canada may claim to be complying with the Biodiversity Convention by indicating that they are developing a “Canadian Biodiversity Strategy”(see draft document June, 1994); however, even by its own admission:

the Status of Biodiversity is also not fully understood. As many as half of the estimated 140,000 species in Canada have not yet been

identified.... and that only vertebrates and vascular plants are being evaluated..... The status of most of Canada's species such as fungi, bacteria and invertebrates -- all of which play crucial roles in ecosystem function — is not known.

Yet , B.C. continues to log primary forest ecosystems that contain the biodiversity that will be lost before it is identified.

From the B.C. government's own "State of the Environment Reporting" document the B.C. government also recognized the importance of identifying species and its inability to assess the current state of species diversity in B.C:

Genetic diversity enables species to adapt to changes in their environment over time. It is difficult and costly to measure genetic diversity and therefore difficult to assess its current state in B.C.

British Columbia had not sufficiently identified biodiversity at the time of signing the Convention, and British Columbia has continued to permit practices that contribute to the loss of biodiversity. By the government's own admission it acknowledges the virtual impossibility of sufficiently identifying species; it should not defeat the purpose of the Biodiversity Convention by ensuring that the storehouses of biodiversity not be logged. The continued logging in the non-catchment areas and the raising of the Sooke Dam defeat one of the purposes of the Biodiversity Convention: the identification of Biodiversity in particular peri-urban biodiversity.

2. The Canadian government has contravened the Biodiversity Convention because the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by having failed to carry out a legitimate environmental assessment review of anything that could contribute to a loss or reduction of biodiversity,

In jurisdictions where an environmental impact assessment has been carried out, practices, typical of those carried out currently in BC forests and those carried out in the watershed, have been assessed in other jurisdictions as contributing to loss or reduction of biodiversity. For example, a German biologist, Dr. Schutt, indicated the following about environmentally unsound logging practices:

Commercial logging followed by artificial reforestation has undoubtedly many technical and organizational advantages.

In the course of time, however, soil scientists and ecologists found out that these practices automatically leads to considerable drawbacks:

- wounding of the soil surface through logging operations.
- Risk of erosion -High irradiation and higher climatic extremes alter the microclimate, the flora and the microflora and deteriorate the growing conditions for a number of valuable tree species. -
- Soil compression and a reduction of species richness
- An accelerated decomposition of organic matter occurs, combined with a wash out of nutrients, and the eutrophication of ground water, rivers and lakes occur

(Dr. Schutt, Biological Department, University of Munich, Environmental Ethics Conference, 1992, Vancouver)

3. The Canadian government has contravened the Biodiversity Convention because the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by failing to invoke the precautionary principle which reads as follows: .

..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)

As of June 1992, the Canadian government undertook the obligation under the Biodiversity Convention to invoke the precautionary principle.

At the ratification of the Biodiversity Convention in the December 4, 1992, speech by Prime Minister Mulroney indicated his awareness of the loss of biodiversity and in particular the impact of modern forestry practices:

Biodiversity is being threatened directly and indirectly by human activity such as

(i) Destruction of wildlife habitat

the conversion of natural areas, on land and at sea, to other uses destroys disrupt animal and plant habitat. Such loss of habitat leads directly to the loss of species. ...

(ii) Over-exploitation of animal and plant species

(iii) Disturbances of natural ecosystems

Each of the world' ecosystems consists of a community of animals, plants and micro-organisms and the sunlight, water, soil and minerals they need to survive. These ecosystems exist in a delicate balance, with each piece of the puzzle playing a specialized role.

Any disruption of the balance can cause a ripple effect of disruptions, threatening the entire ecosystem and individual parts of it...

(1v) Modern agricultural and forestry practices

...similarly, modern forestry often replants a single high-yielding tree species after logging a diverse forest ecosystem

Any human activity that has a negative effect on the environment has a negative effect on biodiversity.

Framework Convention on Climate Change

The Canadian government has contravened the Framework Convention on Climate Change because, the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by having failed to conserve carbon sinks

B.C and regional districts, since June 1992 have defeated the purpose of Climate Change Convention by having failed to protect carbon sinks; they have continued to permit the harvesting in significant carbon sinks like the non-catchment lands of the Sooke Water district. Under the Framework Convention on Climate Change Canada is required to protect and enhance Green house gas sinks and reservoirs:

Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.

The old growth area in the non-catchment lands provides significant greenhouse sinks and should not be logged.

EXPECTATIONS CREATED

Concerned that through practices at the provincial, regional and local level the Canadian government has failed to fulfill expectations from the Caracas Declaration (1992) , the United Nations Convention on Environment and Development (UNCED) and from the Habitat II Conference

Expectations created through the Caracas Declaration

Mindful that Canada and B.C. have failed to fulfill a commitment made through B.C 's endorsement of the Caracas Convention (Parks Protected Areas and the Human Future: the Caracas Declaration, February 1992) and in its participation in the Caracas Congress to "move from logging old growth to second growth" (Report on implementation requirements of the Caracas Declaration, Mar. 1992)

Obligations under the "Parks, Protected Areas and the Human Future: The Caracas Declaration" (February, 1992), and under recommendations by the Caracas Congress.

In a publicly distributed letter dated ,March, 1992 from both the Provincial Ministry of Forests and the Provincial Ministry of Environment: imputed the following intention

As we, in BC Parks and BC Forest Service begin to work on implementing our components of B.C.'s protected areas under the aegis of the Commission on Resources and Environment, we will be mindful of this Declaration [Parks Protected Areas and the Human Future: the Caracas Declaration] and its implications. Our objective will be to have a system of protected areas which we are proud to present to the world.

Through this intention to be "mindful of this Declaration" the Provincial Government of B.C. through its Ministries of Environment and Forests has recognized the CARACAS Declaration and the UN Resolution 37/7 (1982) World Charter for Nature.

The Caracas Declaration was adopted by over fifteen hundred leaders and participants at the fourth World Congress on national parks and Protected Areas. (Feb. 1992). The Caracas Congress which is responsible for interpreting the Declaration made the following recommendations that have been endorsed by the Ministry of Forests and the Ministry of Environment:

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to move from harvesting primary to secondary forests as recommended by the Caracas Congress

The congress urgently requested that all countries urgently undertake surveys to identify additional sites of critical importance for conservation of biological diversity, and wherever possible, accord total protection to them. Harvesting should be relocated from primary to secondary forests p 8

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to prevent incompatible land use. as recommended by the Caracas Congress

Protected areas have sometimes been seen as islands of nature and tranquility, surrounded by incompatible land uses. But the congress made it clear that such an "island mentality" is fatal in the long run. The congress recognized that it is unlikely that protected areas will be able to conserve biodiversity if they are surrounded by degraded habitats that limit gene-flow alter nutrient and water cycles and produce regional and global climate change that may lead to the final disappearance of these "island parks".

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to address the urgency and the need for global efforts to conserve biological diversity.

"the loss of biodiversity has reached crisis proportion and if present trends continue up to 25 % of the world's species may be sentenced to extinction or suffer severe genetic depletion in the next several decades, accompanied by equally significant and alarming degradation of habitats and ecosystems. This loss of biological diversity is impoverishing the world of its genetic resources, its species, habitats and ecosystems.

All species deserve respect, regardless of their usefulness to humanity. This Principle was endorsed by the UN Assembly when it adopted the UN Resolution 37/7 (1982) World Charter of Nature. The loss of the living richness of the planet is dangerous, because of the environmental systems of the world support all life, and we do not know which are the key components in maintaining their essential functions.

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed that:

all governments, regional and local authorities and international institutions include protected areas as internal elements in development policies, programmes, plans and projects; (4. Caracas Declaration, 1992)

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to

“urge all governments, local authorities, international institutions and non-governmental organizations to inform and educate all sectors of society about the importance of protected areas, and the economic, social and environmental benefits they provide, and so make the public active partners and supporters in their protection; (6 Caracas Declaration, 1992)

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to

take urgent action to consolidate and enlarge national systems of well-managed protected areas with buffer zones and corridors, so that by the year 2000 they safeguard the full representative range of land, freshwater, coastal and marine ecosystems of each country and allow these ecosystems space to adapt to climate change (Caracas Declaration, 1992)

Expectations created through habitat ii agenda

Mindful that as a result of Habitat II the Canadian government has created the expectation that through out Canada the following will occur

- Periurban and urban biodiversity will be preserved

In order to promote a healthy environment that will continue to support adequate shelter for all and sustainable human settlements for current and future generations, Governments at the appropriate levels, in partnership with all relevant interested parties, should:

Promote the conservation and sustainable use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity; the protection of biodiversity should be included within local sustainable development planning activities (Habitat II, * 98 bis (a)

- Green spaces ensured

Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic development. Vegetation creates natural habitats and permits better absorption of rainwater by natural means, which implies savings in water management. Green areas and vegetation also play an important part in reducing air pollution and in creating more suitable climatic conditions, thereby improving the living environment in cities. Healthy and environmentally sound agricultural activities and the provision of common land should be integrated into the planning of urban and peri-urban areas. (83 bis, Habitat II, 1996)

- Fragile ecosystems and environmentally vulnerable areas protected

protecting fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements (27e)

- The [human] ecological footprint will be reduced

promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs

thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; (27 b)

Mindful that at the Habitat II Conference knowledge of Eco-cycles was deemed relevant for the prevention of environmental damage:

To facilitate capacity-building and institutional development for the improvement of human settlements planning and management, governments at the appropriate levels, including local authorities and their associations, should: * be encouraged to increase their knowledge about the eco-cycles involving their cities so as to prevent environmental damage (Art. 135, Habitat II, 1996)

Noting that at the Habitat II conference serious consideration has been given to the need to prevent anthropogenic disasters:

Prevention of disasters, including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence, and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i, Habitat II)

Noting also that at the Habitat II conference numerous sections of the Habitat Agenda proposed the moving away from car-dependency, by instituting appropriate regulations and the adopting of environmentally sound transportation such as bicycle paths

Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures (104 c Habitat II)

Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing and other policies and regulations. (2102 Habitat II)

BE IT RESOLVED THAT FULL PROTECTION OF THE NON-CATCHMENT LANDS AND MAINTENANCE OF A GREENBELT EXTENDING FROM FINLAYSON ARM TO SOOKE BASIN BE GRANTED

BE IT FURTHER RESOLVED THAT FULL PARK DESIGNATION WOULD MEAN:

That no logging will occur in the catchment and non-catchment area

That the entire area currently proposed as the "proposed Sea to Sea Greenbelt park be given that immediate park designation

That the periurban biodiversity be thus preserved and the green spaces, ensured

That the impossibility to comply with the international obligations will not occur

That Biodiversity will be identified and conserved

That carbon sinks will be conserved

That the dam not be raised and thus the ecological al footprint will be reduced and potential disaster avoided

That serious conservation measures be regulated and enforced

That no logging including community forest projects be permitted anywhere in the catchment and in the non-catchment lands

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1996 October 28

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e-mail alternat@fes.uwaterloo.ca

DRAFT :PARTIALLY COMPLETED FOR CIRCULATION

BY DR JOAN E. RUSSOW, CHAIR, URBANIZATION CAUCUS

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TO THE MEMBERS OF THE URABANIZATION CAUCUS AND GLOBAL COMPLIANCE CAUCUS THAT WERE FORMED IN ISTANBUL IN SEPTEMBER 1996

COMPLEMENTARITY OF COMMUNITIES: INTERNATIONAL AND LOCAL

ARTICLE 5

During the course of history, urbanization has been associated with economic and social progress, *the promotion of literacy and education, the improvement of the general state of health, greater access to social services, and cultural, political and*

religious participation. Unfortunately urbanization and progress have also been associated with increased violations of human rights, unmitigated environmental degradation, perpetuated unsustainable patterns of economic consumption, widened gaps between the rich and poor (the enfranchised and disenfranchised), increased abuse of the marginalized, and increased incidents of conflict, violence and crime. The growth of cities and towns causes social, economic and environmental changes that go beyond city boundaries, through urban sprawl. The growth of cities and towns causes social, economic and environmental changes that go beyond city boundaries, through urban sprawl and industrial conversion of productive land and of areas worthy of preservation.

Cities and towns have been engines of growth **often beyond the carrying capacity of the ecosystem that contains them** and incubators of civilization or **destroyers of culture** and have facilitated or repressed the evolution of knowledge, culture and tradition, *as well as of industry and commerce.*

Urban **communities settlements**, properly planned *and managed*, **in harmony with rural communities, within the carrying capacity of the ecosystem and within a system of preserved ecosystems could** hold the promise for **socially equitable and environmentally sound** human development and for **the preservation of nature and for** protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Habitat II deals with all settlements - large, medium and small - and reaffirms the need for universal improvements in living and working conditions. **While** decentralized, participatory planning *and management which* are important features of a successful urban future, **the planning should be grounded in fundamental principles related to the enshrining and guaranteeing of human rights, the ensuring of social justice, the preserving, protecting and conserving of the environment, and the promoting of peace.** It should be acknowledged that although there has been some increased participation by individuals and groups of civil society in bringing about the necessary global changes for the establishment of socially equitable and environmentally sound development of communities, there is a long way to go to achieve the necessary *Democratization has enhanced such access and meaningful participation and involvement for* **of civil society actors, and for public-private partnerships;**

ISTANBUL MANIFESTO

PREAMBLE

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that solutions do not lie in the recipes of the past.

The urgency of the global situation has been acknowledged throughout the United Nations documents: the continuing violation of human rights, the continuing destruction of the environment- ozone depletion, climate change, desertification, species extinction, deforestation, toxic hazardous, atomic waste production, the continuing escalation of war and conflict, and production of arms including weapons of mass destruction , and continuing human misery - many dwellers live in absolute poverty, lacking adequate access to housing, to potable water and sanitation in overcrowded cities.

Yet when called upon to seriously address the urgency by rejecting old recipes, many states lack the necessary resolve.

Systemic Constraints Preventing Change

The lack of the necessary resolve is reflected in the perpetuation of the following systemic constraints:

The lack of political will of states to discharge obligations incurred through treaties, conventions, and covenants, and the lack of political will to fulfill expectations created through General Assembly resolutions, Conference Action Plans and Declarations.

The failure of states to sign instruments, to sign instruments without ratifying them, to ratify instruments without enacting the necessary legislation to ensure compliance, or to enact the necessary legislation without enforcing the legislation.

The failure of states to establish mandatory international standards based on long-standing principles established by the UN to guarantee human rights of citizens, to preserve, protect and conserve the environment, to prevent war and conflict and to enable social equity, equality and justice; and the reluctance of states to revoke the charters of corporations for failing to adhere to these standards.

The failure on the part of states to accept the authority of international bodies reflected particularly in the lack of willingness to appear before the International Court of Justice and being willing to disregard the rulings of the International Court of Justice.

The fact that there is no clear agreement on the relationship between the authority of international bodies and sovereign states.

The lack of vision to go beyond existing obligations and expectations, and to undertake new commitments that will fundamentally change the recipes of the past.

The final systemic constraint is that those who are in a power to bring about change are those that benefit most from the perpetuation of the recipes of the past.

A CALL TO ACTION

"The challenge is to search for imaginative, practical and effective measures" to make cities habitable (Demirel, President of Turkey). "The recipes of the past can no longer suffice (Wally N'Dow)

Cities will be habitable when there is the international political will to make fundamental global change to provide for essential needs. Both humans and ecosystems have basic identifiable needs for survival and quality of life and function.

The urbanization caucus suggests the following overarching broad changes and measures to eliminate fundamental systemic constraints that perpetuate the recipes of the past.

UNDERTAKING COMPLIANCE

Mindful that the member states of the United Nations have through various international instruments and agreements undertaken to address environmental problems that impact on human settlements. For example, various obligations have been incurred related to the elimination or reduction of ozone depleting substances (Vienna Convention, 1985); the reduction of carbon dioxide and the conservation of carbon sinks (Framework Convention on Climate Change); the identification of biodiversity and the environmental impact assessment review of anything that could contribute to the loss or reduction of biodiversity (Convention on Biological Diversity, 1992); Conventions on the Prevention of disasters, Convention on the combating desertification. In addition in Agenda 21 all the states undertook to prevent the transfer of substances and activities that are harmful to human health and to the environment to other states (Principle 14 UNCED,)

Mindful that at the United Nations Conference on Women, and the Habitat II Conference, members states have undertaken "to ensure that corporations including transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws" (Art 167).

Concerned that unfortunately many states have not as yet signed these agreements, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations.

Concerned also that certain irresponsible Industries, particularly those whose violations are most egregious have been lobbying governments to allow for

voluntary conformance rather than mandatory performance. Nevertheless, there is a growing community of responsible enterprises which promote regulations for the common good. We draw your attention to ...adhere to and promote

Noting that in Habitat II states agreed that "All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good.... (Article 79 Habitat II)

We call upon member states of the United Nations:

- to sign and ratify all existing environmental agreements, enact the necessary legislation and ensure the discharging of the obligations.
- to establish Mandatory International Normative Standards that will ensure industrial compliance
- to clarify that the transfer of toxic, hazardous and atomic waste would be included in the category of substances that are harmful to the environment, and extend this principle to cover the transfer of harmful substances within areas within the same state; for example the transfer of nuclear waste onto indigenous lands

RESOLUTION TRANSNATIONAL CORPORATIONS COMPLYING WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME STATES OR INTERNATIONAL STANDARDS WHICH EVER ARE HIGHER

Aware that some states have limited capacity to monitor and regulate the activities of transnational firms in primary, secondary and tertiary sectors of their economics to minimize environmental and social impacts of poor practices or misconduct;

Noting that developments by such corporations, particularly in the primary and secondary sectors, are often of a nature and scale which are not in keeping with the development status, aspirations or regulatory capacity of host countries and communities in those areas where they are planned or located;

Mindful that different countries have different environmental standards, based on different policies and procedures, both regulatory and voluntary, for setting and ensuring compliance with such standards, but that States share a common goal of achieving the highest environmental standards and lowest pollution loads;

Mindful also that significant principles can be drawn from obligations undertaken through the Charter of the United Nations, through Conventions, treaties, and covenants, and from expectations created through General Assembly resolution and conference action plans, and that these principles could form a basis for Mandatory International Normative Standards

Aware that, in general developed countries, within which most transnational corporations have their home base, usually have higher standards and superior capacity to monitor and regulate such corporations compared to developed countries within which most of their operations are often located.

Asserting, as a matter of principal, that corporations operating overseas from their home or base country are morally and should be legally obliged to operate to environmental standards at least as high as those prevailing within the territorial jurisdiction of their home country, or with international standards which ever are higher

Concerned that often transnational corporations threaten to move their operations from their home base when environmental regulations are stiffened,

Concerned also that states lower environmental standards or fail to enforce standards to attract industry

We call upon the state of the United Nations

- to undertake to establish Mandatory International Normative Standards drawn from the highest tenable practices and from the highest tenable principles extracted from the body of international obligations and expectations related to the guaranteeing of human rights, the preservation, conservation and protection of the environment, the prevention of conflict and war, and the achievement of social equity and justice
- To ensure that corporations including transnational corporations comply with these Mandatory International Normative Standards
- To revoke charters of transnationals that fail to guarantee human rights, the preservation, conservation and protection of the environment, the prevention of conflict and war, and the achievement of social equity and justice

COMPENSATION PRINCIPLE

Through mandatory international normative standards (MINS) , states shall require corporations including transnationals to pay compensation for environmental degradation, and human rights violations.

Given that throughout the member states of the United Nations corporate-sympathetic government regimes have failed in the past both to ensure corporate compliance with international obligations, and to enforce their own statutory legislation, and given that there has been resultant environmental

degradation, states shall now seek environmental compensation from companies that can be shown to have contributed to environmental degradation or human rights violations. The funds from environmental compensation shall be put into a restoration fund, into developing BEST (Best Ecologically Sound techniques) and into addressing human rights violations.

Often industries that have contributed to environmental degradation seek compensation from states when areas are taken out of production for environmental reasons. Any potential compensation shall be assessed against the estimate of previous ecological consequences.

States shall ensure that the cost of potential compensation is not used as justification for not fulfilling the duty to preserve, protect, and conserve the environment

REGULATIONS AND STANDARDS
supporting regulations and compliance

Establishing policies, laws and regulations

Governments at all appropriate levels, including local authorities have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulation for both public and private activities...(19)

Establishing and adopting a regulatory framework

establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels. (50 e)

Establishing legislative and regulatory frameworks

* 180 (a) Establishing legislative and regulatory frameworks, institutional arrangements and consultative mechanisms for involving organizations in the design, implementation and evaluation of human settlements strategies and programmes;

Ensuring of compliance of private sector

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and

establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on an equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children

Facilitating dissemination of regulatory frameworks and best practices

* 153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. The United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at the national and international levels could be explored.

64 Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces. The lack of adequate basic services, a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for people living in poverty in urban and rural areas. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards. (Habitat II 64)

promoting compliance and enforcement

*75 (d) Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups

DOCUMENTATION OF PRECEDENT

GUARANTEEING OF HUMAN RIGHTS

Mindful that states have agreed to guaranteeing the following rights through various human rights instruments:

DOCUMENT OF PRECEDENTS: ENUNCIATION OF RIGHTS

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:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of **meaningful** 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;

- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theaters and parks.
(Elimination of all forms of discrimination, 1965)

We call upon the member states of the United Nations:

- To sign, and ratify all international human rights instruments, and to enact and enforce the necessary legislation for compliance
- To ensure of the rights of all members of the global community are recognized through human rights instruments, including the international covenant of social, cultural, economic rights.
- To ensure that the protection from discrimination should be inclusive of additional grounds that have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration, there were listed a series of grounds concluding with the expression “Other status” which indicated the intention to include other grounds as they arose. Through various human rights instruments, states have recognized the following grounds of discrimination: race, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents “sexual orientation” has also been included, but remained bracketed,. In keeping with the intention of ‘other status’, the UN should include this ground.

RESPECTING THE RIGHTS OF FUTURE GENERATIONS

Mindful that member states through various documents have been committed to undertaking to respect the rights of in previous documents such as the UN Convention for the Protection of Cultural and Natural Heritage (1972), the UN Conventions on Humans and the Environment (1972), and in the General Assembly Resolution the World Charter for Nature (37/7 1982) where it appeared in the following form:

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)

Noting also that the rights of future generations is affirmed in the following way in Agenda 21 in Chapter 8

...Its goals [sustainable development strategy] should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situation and initiatives (Article 7, Chapter 8. Integrating of Environment and Development, Agenda 21)

We call upon member states of the United Nations:

- To consult with the youth in all areas affecting their rights
- To ensure the rights of future generations to their cultural and ecological heritage

(10)

PRECAUTIONARY PRINCIPLE

Through mandatory international standards, states shall invoke and ensure compliance with the precautionary principle.

The precautionary principle has been enunciated in international documents since at least the 1972 United Nations Conference on Humans and the Environment (Stockholm Convention), where it appeared in a rudimentary form; it was then reinforced in the 1982 UN Resolution 37/7, the World Charter of Nature, and then re-enunciated throughout the UNCED documents.

The precautionary principle has been enunciated ” as follows:

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

(Note: that the precautionary principle shall not be misconstrued to mean” that there is evidence but not scientific certainty that a particular practice, substance or activity is causing harm therefore we shall continue the practice; or the precautionary principle should not be used to justify not using an environmentally sound practice because it is not scientifically based.)

The precautionary principle shall be applied to all potentially harmful emissions, contaminants, agents of pollutants, or re-concentrated substances—created through imbalance in bio-geochemical cycles

(11)

ANTICIPATORY PRINCIPLE

States shall ensure that in all their activities and in the activities of corporations including transnational corporations there is adherence to the anticipatory principle.

In the international documents different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

11.1. ENSURING DOUBT-DRIVEN ACTION

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 not proceed (General Assembly Resolution, 37/7, 1982)

11.2. ENSURING PREVENTIVE MEASURES

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)

11.3. TAKING INTO ACCOUNT CRADLE-TO-GRAVE APPROACH

taking into account the cradle-to-grave approach **by phasing out and eventually eliminating the production and consumption of hazardous waste to the management of hazardous wastes, in order to identify BEST practices for phasing out and eventually eliminating options for minimizing the generation of hazardous wastes, through safer handling, storage, disposal and destruction** (20.20 e Hazardous wastes, Agenda 21).

11.4. ENSURING THE MONITORING FROM CRADLE TO GRAVE

Governments, in collaboration with industry and appropriate international organizations, and **through the establishment of Mandatory International Normative standards** should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (20.20 e Hazardous wastes)

11.5. ENSURING FULL LIFE CYCLE CARE

promote efficient use of materials and resources, taking into account all aspects related to life cycles of products **including the phasing out and eventual elimination of toxic chemicals and the ensuring of BEST (Best Environmentally Sound Traditions) practices** (19.15 e, Toxic Chemicals, Agenda 21)

11.6. PROMOTING A 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)

11.7. ENSURING RESPONSIBLE CARE

Industry **shall be required** *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)

11.8. REVISITING 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)

11.9. RECOGNIZING THE NEED OF ANTICIPATORY POLICIES

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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1994)

The anticipatory principle shall be followed as a pro-active measure to ensure that substances and processes which are harmful to the environment or to human health are prevented from entering the environment. One aspect of the anticipatory principle is to determine in advance before extracting resources whether the extraction causes environmental harm or is culturally inappropriate to indigenous peoples whose territory is beyond the treaty frontier.

(12)

PREVENTION PRINCIPLE AND "REVERSE ONUS " PRINCIPLE

Through mandatory international normative standards (MINS), states shall ensure that in all its activities and in the activities of corporations, including transnational corporations, there is adherence to the prevention principle and "reverse onus " principle

12.1. PREVENTION PRINCIPLE

Mandatory standards and technical regulations will be developed to prevent adverse effects of substances 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, bioaccumulation, 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, thermal discharges, hormone mimicry, egg-shell thinning

Adverse effects include the above environmental effects and effect and impacts on human health.

PROMOTING THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL, MENTAL AND ENVIRONMENTAL HEALTH

Human health and quality of life are at the centre of the effort to develop sustainable human settlements. We therefore commit ourselves to promoting and attaining the goals of universal and equal access to quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care **and Universal Health care (Habitat II 22 ter)**

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)

PREVENTION OF DISASTERS

Concurring with Habitat II on the need for ensuring adequate regulatory and other measures to prevent disasters including technological disasters, and to avoid their occurrence and to reduce the impacts of natural disasters and other emergencies on human settlements

Concurring also with Habitat II on promoting the use of tools for disaster prevention

Noting that in Habitat II there was a call for immediate removal of anti-personnel land mines following the cessation of armed conflict", **and concerned that this should be extended to include the immediate ban of the production and use of land mines**

Recognizing that the impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, **such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes;** such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, **and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports.**

Convinced that since the development of nuclear technology the most significant preventable anthropogenic disaster has been the preventing of nuclear-related disasters, and convinced that the outcome of nuclear

hazards, accidents or disasters, from the mining of uranium, from the use of MOX from weapons grade plutonium from dismantled nuclear reactors, from the production and testing of nuclear arms and from the use of nuclear civil nuclear power , has had irreversible consequences that cannot be considered to have been remediated from transport from acts of malice such as terrorist

Aware of the undertaking by members states of the United Nations in 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws”. This undertaking was reaffirmed and extended in the Habitat II Agenda to include the “private sector”.

Mindful that at the 1972 UN Conference on Human Environment (UNCHE) held in Stockholm the states globally adopted the commitment to “eliminate the production of weapons of mass destruction” and twenty years later a Nobel Laureates Declaration called for the phasing out of civil nuclear power.

Aware of the call from the NGOs at the Habitat II Conference for the instituting of the reverse onus principle. With this principle the proponents of an intervention into the ecosystem for their own benefit have the affirmative duty to demonstrate safety, rather than leaving the burden of protecting the environment solely on those acting on behalf of the public trust from having to come forward and prove harm.

Mindful of the existence of numerous general Assembly resolutions as an expression of democratic international will calling for the elimination of the production and testing of nuclear weapons

Concerned that and for the time bound elimination and that whenever there has been a time-bound phasing out of nuclear arms in the General Assembly has voted with the nuclear weapons states,

Call upon the member states of the United Nations:

- to ensure that significant public concern about an activity or technology that could lead to preventable disaster be taken seriously and the activity or technology shall be prevented or banned**

- to ensure that regulations that will prevent preventable anthropogenic disasters and encourage continued domestic and international resources for disaster reduction activities for non-preventable disasters**

- **to embark upon the prevention of preventable disaster, by preventing the mining of uranium, the continued production of nuclear arms, for the producing of nuclear arms, the testing of nuclear arms, the circulating and harbouring of nuclear-armed or nuclear-powered military vessels, the using of civil nuclear reactors, the use of MOX from weapons-grade plutonium from dismantled nuclear weapons in civil nuclear reactors**
- **to ban the further production and consumption of all ozone depleting substances, and to ensure that the recycling of these substances not be used as a justification for the continued production and consumption**
- **to immediately ban of the production and use of land mines**
- **to re-submit a general Assembly resolution on a time-bound phasing out of nuclear arms in the General Assembly**

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DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS
PEACE, DEVELOPMENT AND GLOBAL CHANGE IN THE CONTEXT OF
HABITAT II

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)

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)

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)

7.11. 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)

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*** REDUCTION AND TRANSFER OF THE MILITARY BUDGET**

Concerned that currently the Global Community spends \$800 billion on the military budget at a time when the right to housing, the right to food, the right to health care, the right to equality of all , the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Noting that the commitment was made to transfer a substantial proportion of the military budget to social programs (as undertaken through expectations created in general Assembly resolutions from 1981)

Noting also that

- in 1981, in general assembly resolution entitled the reduction of the military budget, the majority of the member states reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget.

-in 1981, the majority of states recognized that the military budget constituted a heavy burden for the economies of all nations, and have extremely harmful consequences on international peace and security.

-in 1981 the majority of states undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.

- in 1981 the majority of states through a general assembly resolution

Reiterated 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 (Resolution on the Reduction of Military budgets, 1981)

Reminded that this request was further reinforced in a 1983 General Resolution on the Relationship between disarmament and development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries. Also in this resolution state considered 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.

We call upon the member states of the United Nations

- to immediately reduce the military budget to 50% of what it currently is and to transfer these funds into socially equitable and environmentally sound development
- to embark on plans for military conversion with the remaining 50%, and with the setting up of alternative structures for preventing conflict and war through an international regime that respects the rule of international law, and through establishing an international court of compliance where citizens could take evidence of state non-compliance with international law

ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ABOLITION OF NUCLEAR WEAPONS BY THE YEAR 2000

Mindful to the decision from the International Court of Justice that the threat or threat to use nuclear weapons is illegal and contrary to international humanitarian law,

Mindful also that in 1972 at the UN Conference on Humans and the Environment, states undertook to eliminate the production of weapons of mass destruction (Art. 21, UNCHE, 1972)

Noting with concern that numerous General Assembly resolutions have been passed on total nuclear disarmament, and that these resolutions have been continually ignored by the nuclear arms states:

We call upon the member states of the United Nations:: those with nuclear arms capabilit

- To immediately cease all production of nuclear arms

*To achieve the abolition of nuclear weapons by the year 2000

ESTABLISHMENT OF MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS

Concurring with the necessity of establishing of mandatory international normative standards to drive corporations, including transnationals to BEST (Best Environmentally sound Traditions) practices.

Mindful that at the United Nations Conference on Women, and the Habitat II Conference, members states have undertaken “to ensure that corporations including transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws” (Art 167). In Habitat II this undertaking was reaffirmed and then extended to include the “private sector” (Article 148). Underlying this undertaking is the assumption that each state government would itself comply with its own national codes and would discharge its own international obligations.

We call upon the member states of the United Nations:

- to establish Mandatory International Normative Standards drawn from United Nations principle to drive industry to BEST (Best Environmentally Sound Traditions) practices
- to revoke charters of transnationals that have failed to comply with international law by violating human rights, causing environmental degradation, or have contributing to conflict or war
- to carry out environmental audits linked to Mandatory International Normative Standards, and the factor into development the costs of ecological consequences (as agreed to in Agenda 21)

THE INSTITUTION OF ENVIRONMENTAL MEASURES

Concurring with the recognition of the inherent worth of nature beyond human purpose as was done in the World Charter of Nature;

Advocating the shifting of the onus of proof from the opponents of an intervention having to demonstrate harm to the proponents having to demonstrate safety

Mindful of the precautionary principle and its associated measures:

The precautionary principle has been one of the key principles of sustainable development, and has been enunciated in the Convention on Biological Diversity in the following way

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

In the Habitat II Agenda new environmental measures associated with sustainable human settlements development were endorsed: Preserving of peri urban and urban biodiversity (Article 98 bis a, Habitat II Agenda); Providing “green spaces (Article 27 f, Habitat II Agenda); ” Protecting Fragile ecosystems and environmentally vulnerable areas (Article 27e, Habitat II Agenda); Reducing the ecological footprint (Article 27b, Habitat II Agenda); Ensuring Green spaces (Article 83 bis, Habitat II Agenda); Knowing ecocycles (Article 134h, Habitat II Agenda) preventing environmental damage (Article 135, Habitat II Agenda); Preventing anthropogenic disasters (Article 27 i, Habitat II Agenda).

The precautionary principle has been associated with various key measures and elements of the anticipatory principle such as “Ensuring preventive measures”(18.45); Embodying environmental care (6.1); Taking into account cradle to grave approach (20.21); Taking account of “live cycles of products” (19.15e); “Promoting a culture of safety” (7.60); “Developing responsible care” (19.51,b) etc.

Mindful of the recognition in Agenda 21 that “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)

Aware of the environmental measures promoted through Habitat II Agenda:

Noting that states indicated that “sustainable human settlements development incorporates... the precautionary principle, pollution prevention, respect for the carrying capacity of ecosystems and preservation of opportunities for future generations. (16, Habitat II).

Respecting the carrying capacity of ecosystems also entails acknowledging that there are limits to growth, and respecting the inherent worth of nature, and thus does not justify increased pollution in pristine areas, or give a licence to pollute less polluted areas.

Concurring with Habitat II that the need for “promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental

stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlement”

Aware of the undertaking by members states of the United Nations in 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws”. This undertaking was reaffirmed and extended in the Habitat II Agenda to include the “private sector”.

We call upon governments the Member states of the United Nations:

- **to respect the carrying capacity of the ecosystem**
- **to ensure that this principle is not used to justify increased pollution in pristine or less polluted areas**

* to phase out all environmentally unsound practices, to institute regulations that will phase out and eventually ban all environmentally unsound practices that contribute to the ecological footprint

- to drive industry to BEST (Best Environmentally Sound Traditions) practices
- **to adopt, through mandatory international standards, the reverse-onus principle. With the reverse onus, the onus of proof shall shift from the opponents of an intervention having to demonstrate harm to the proponents of an intervention having to demonstrate safety.**

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

THE REQUIREMENT OF CONDITIONAL FUNDING

Understanding that for over 50 years states since the formation of the United Nations, member states have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants; and member states have create expectations through declarations, conference action plans and General Assembly Resolutions. This obligations and expectations have been reflected in international instruments undertaking to guarantee the enshrining and respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

Mindful that for years international funding agencies have not placed conditions (related to the human rights, peace and the environment) on their funding

We call upon the member states of the United Nations

* The ensuring that funding agencies institute conditional funding based on guaranteeing the enshrining and respect of human rights; preserve, protecting and conserving the environment, preventing conflict and war, achieving social justice and enabling socially equitable and environmentally sound development and communities.

CONDEMNING THE UNSUSTAINABLE PATTERN OF CONSUMPTION

Recognizing the concern expressed in Habitat I about excessive consumption “Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I, 1976)

Concurring with Agenda 21, UNCED, that “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, UNCED)

Concurring also with the subsequent reaffirmation in the Platform of Action, UN Conference on ...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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

Noting in Habitat II that member states of the United Nations undertook to reduce the ecological footprint

We call upon the member states of the United Nations, particularly those in the developed countries to reduce the ecological footprint

RESOLUTION: COMPENSATION

Through mandatory international normative standards (MINS) , states shall require corporations including transnationals to pay compensation for environmental degradation, and human rights violations.

Given that throughout the member states of the United Nations corporate-sympathetic government regimes have failed in the past both to ensure corporate compliance with international obligations, and to enforce their own statutory legislation, and given that there has been resultant environmental degradation, states shall now seek environmental compensation from companies that can be shown to have contributed to environmental degradation or human rights violations. The funds from environmental compensation shall be put into a restoration fund, into developing BEST (Best Ecologically Sound techniques) and into addressing human rights violations.

Often industries that have contributed to environmental degradation seek compensation from states when areas are taken out of production for environmental reasons. Any potential compensation shall be assessed against the estimate of previous ecological consequences.

States shall ensure that the cost of potential compensation is not used as justification for not fulfilling the duty to preserve, protect, and conserve the environment

RESOLUTION: PERSISTENT ORGANIC POLLUTANTS

Aware of the mounting evidence that reveals the global scale and severity of toxic persistent organic pollutant (POP) contamination of all life forms and ecosystems, in all regions of the planet;

Further aware that fish, reptiles, birds and mammals, including humans are all affected by POPs via a growing list of actual and suspected effects that includes cancer, damage to immune and reproductive systems and developmental problems.

Appreciative of the special attention that the United Nations Environment Programme (UNEP) has given to POPs, in the context (a) of its May 1995 Governing Council Decision 18/32 that established an expedited assessment process for prioritized list of POPs, and (b) the Washington Conference on Protection of the Marine Environment from Land Based Activities, which agreed, among other things that "international action is needed to develop a global legally binding instrument, among other international and national actions, for the reduction and/or elimination of emissions and discharges, whether intentional or not, and where appropriate, the elimination of the manufacture and use of, and illegal traffic in "priority toxic persistent organic pollutants;

Appreciative also of the Fourth Session (1996) of the Commission on Sustainable Development's endorsement of the Washington conference's global Programme of Action, including recognition of the intention of governments to take action to develop a global, legally binding instrument to regulate POPs, with special consideration for countries in need of assistance;

Call on the member states of the United Nations to support the establishment of an Intergovernmental Negotiating Committee (INC) with a mandate to meet several times during 1997, and beyond as a matter of high priority, and

(b) support in the INC for the negotiation of a legally binding, comprehensive POPs instrument that:

(i) has as its overall goal the elimination of the POPs listed as priorities in Decision 18/32 with implementation measures that are rapid, equitable and enforceable;

(ii) includes mechanisms for adding other POPs beyond the original, prioritized ones, based on scientific, social, economic and moral considerations;

(iii) includes, as a matter of priority mechanisms for special financing, technology transfer and capacity building for the benefit of countries in need of assistance; and

(iv) promotes information exchange, transparency and effective civil society participation in decision making.

(from original resolution by Friends of the Earth International, and Greenpeace Australia proposed for consideration at the IUCN World Conservation Union meeting in Montreal 1996.

RE: ELIMINATING SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

Whereas no satisfactory method has been found for disposing of radioactive wastes generated by commercial sources;

Whereas no satisfactory method has been found to halt nuclear proliferation or prevent diversion of nuclear material by subversive or terrorist elements;

Whereas the costs and problems associated with decommissioning nuclear power plants have not been properly analyzed or accounted for in the costs of nuclear power, and governments are using taxpayer's money to subsidize nuclear power;

Whereas no satisfactory method has been found to guarantee safe operation of nuclear power plants in the event of employee negligence or sabotage;

Whereas the enormous environmental and health damage caused by uranium mining have not properly been considered.

Calls on all states to end all subsidies for nuclear power and *begin to assist in the process of phasing out* commercial nuclear power

Calls on All states to assist in the rapid closing of especially dangerous nuclear power plants and to obtain a halt to further investments in nuclear power throughout the world.

(from proposal for IUCN meeting 1996, supported by a range of groups)

RE: THE PROMOTION OF ORGANIC AGRICULTURE

Recognizing that the Green Revolution has failed because it could not ensure global food security and to a high extent has caused and promoted the accelerated degradation of the earth's natural ecosystems. More than ever before, the harmonization of human activity and its natural environment ...is the key to the survival of many living communities, including human kind. IFOAM (International Federation of Organic Agricultural Movements) promotes the constructive integration of organic agriculture and nature conservation.

Welcoming that organic agricultural therefore, replaces chemo-synthetic conventional agricultural by means of the extension of bio-intensive organic farming, in order to pressure from highly valued centres of biodiversity which are adjacent to densely populated agricultural areas. Site-specific and environmentally sound organic agricultural methods thus minimize pollution, habitat-destruction and degradation of soils.

Call upon member states of the United Nations to develop an international action plan to implement the principal standards and aims of organic agricultural as set out in the IFOAM Basic Standards of Organic Agriculture and Food Processing. (Excerpts from original resolution by International Federation of Organic Agriculture and others proposed for consideration at the IUCN World Conservation Union meeting in Montreal 1996.

THE REQUIREMENT OF BEST PRACTICES

Aware that In Habitat II the promotion of BEST Practices has been advocated "through exchanging of regional and international experience of best practices and facilitate[ing] the transfer of planning, design and construction techniques (69c); Through setting up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field (142b); Through promoting best practices for community-based land management in human settlements (84(j)); Through cooperating in south-south,

north-south and south-north exchanges of best practices (145); Through exchanging experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements; (152c). The component of BEST Practices was most clearly articulated in Article 153

To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. the United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

We call upon the member states of the United Nations:

- to ensure that all corporations including transnationals and the private sector immediately be required to phase out socially inequitable and environmentally unsound practices and to adopt BEST practices

RE: the Promotion of organic Agriculture

THE CANCELLATION OF DEBT TO BE COMPLETED

* The replacing of structural adjustment program with a program of reparation through debt forgiveness for the violation of human rights, for the environmental degradation or for the contributing to violence and war

RESOLUTION: REDUCTION OF ENVIRONMENTALLY HARMFUL SUBSIDIES

Aware of the obligations incurred and expectations created in relation to renewable environmentally sound energy

Concurring with the recent reports indicating that there continues to be a substantial subsidy given to both nuclear energy and to fossil fuel energy.

We call upon the member states of the United Nations :

- to immediately cease all subsidies to civil nuclear energy (as proposed by the Standing committee) , and to the fossil fuel industry; and to begin a full subsidy program on environmentally sound energy
- to commence to phase out civil nuclear energy (as proposed in the Noble Laureate declaration to UNCED) and fossil fuel energy (As proposed in Habitat 1)

THE NON-TRANSFERENCE OF HARMFUL SUBSTANCES AND ACTIVITIES
 Aware that the members states of the United Nations agreed through the Rio Declaration that they should prevent the transfer of substances and activities that cause environmental degradation or are harmful to human health to other states (Principle 14, Rio Declaration)

Noting that toxic, hazardous and atomic wastes as well medical products that have been banned or restricted for use in the country of origin could be deemed to be harmful to human health and could cause environmental degradation

Noting also that within states the siting of industries that produce or emit substances or carry out activities that cause harm to human health or environmental degradation is usually within the areas of the disfranchised

Concurring with Habitat II in the “seeking to ensure that the process of technology transfer avoids the dumping of environmentally-unsound technologies on the recipients and that the transfer of environmentally-sound technologies and corresponding know-how in particular to developing countries, is on favourable terms, as mutually agreed, taking into account the need to protect intellectual property rights (151 b Habitat II)

The Rio Declaration (Principle 14) calls upon states to not transfer substances or activities that could cause environmental degradation or be harmful to human health to other states; This should include the transfer of toxic, hazardous and atomic wastes.

Through various international instruments states have undertaken to ban the use of production and consumption of ozone depleting substances (Vienna Convention on depletion of the ozone layer, 1985); to reduce the production of greenhouse gases and to conserve carbon sinks (Framework Convention on Climate Change, 1992); to identify biodiversity and to carry out and environmental impact assessment of activities that could contribute to the loss or reduction of biodiversity; to combat desertification (Convention on the Combating of desertification); to promote renewal energy (Chapter 9, Agenda 21) and to phase out fossil fuel (Habitat 1). To preserve cultural and natural heritage (Convention on the Protection of Cultural and Natural Heritage, 1972)

In addition states have agreed to the precautionary principle, the anticipatory principle, the internalizing of environmental costs (environmental audit). Yet few states if any have taken the necessary measures.

We call upon the member states of the United Nations:
to implement principle 14 of the Rio Declaration and immediately cease the transfer of toxic, hazardous and atomic wastes as well medical products that have been banned or restricted for use in the country of origin to other states to, in addition, immediately cease the siting of these industries in the areas of vulnerable and disenfranchised population

HEALTH AND ENVIRONMENT

Reducing environmental health hazards

* 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

Acknowledging that the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease

Preventing diseases as important as availability of ... medical treatment

Placing holistic approach to health prevention and care within the context of environmental policy

93 * Sustainable human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and decrease disparities in the quality of their lives. [people are entitled to a healthy and productive life in harmony with nature [culture and spiritual heritage]. [note this section was deleted on June 14]. the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Children are particularly vulnerable to harmful urban environments and must be protected. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is therefor essential to take a holistic approach to health, whereby both prevention and care are placed within the context of environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and ca

Acknowledging that health problems are related to adverse environmental conditions

Providing and environmentally sound infrastructure

* 94 health problems related to adverse environmental conditions, including a lack of access to safe water and sanitation, inadequate waste management, poor drainage, air pollution, and exposure to excessive noise levels, as well as ineffective and inadequate health services, exact a heavy toll on the quality of life and the overall contribution to society of millions of people. They may also aggravate social tension and inequity and increase the vulnerability of people to the effects of disasters. An integrated approach to the provision of environmentally sound infrastructure in human settlements, particularly for people living in poverty in rural and urban areas, is an investment in sustainable human settlements development that can enhance the quality of life, reduce negative impacts on the environment, improve the overall health of a population, and reduce the burden of investment in curative health and poverty alleviation.

96 (e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene; (Habitat II)

97 (i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed **for socially equitable and environmentally sound** *sustainable* human settlements *development*;

Including environmental characteristics as being a quality of “livability”

* 95 quinquens. The livability of the built environment has an important bearing on the quality of life in human settlements. Quality of life implies those attributes catering for diversified and growing aspirations of citizens that go beyond the satisfaction of basic needs. Livability refers to those spatial, social and environmental characteristics and qualities that uniquely contribute to people’s sense of personal and collective well-being and to their sense of satisfaction in being the residents of that particular settlement. The aspirations for livability vary from place to place, and evolve and change in time; they also differ among the diverse populations that make up communities. There, conditions for livable human settlements presuppose a working democracy in which processes of participation, civic engagement and capacity-building mechanisms are institutionalized.

INVESTMENT

Encouraging socially and environmentally responsible community investment

* 157 e bis Encourage public-private partnerships in socially and environmentally responsible community investment and reinvestment in shelter and sustainable human settlements programmes and make publicly available and accessible the data and best practices developed through them;

promoting socially and environmentally responsible corporate investment (31 d)

Strengthening regulatory and legal frameworks to enable markets to work, overcome market failure and facilitate independent initiative and creativity, as well as to promote socially and environmentally responsible corporate investment....(31 d)

ENVIRONMENTAL SOUNDNESS

Providing environmentally sound shelter

adequate shelter for all ...through the development and improvement of shelter that is environmentally sound (2 bis)

integrating a gender perspective in the design and implementation of environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas (27 d)

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

promoting indigenous planning and design techniques

69(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, **and as agreed in the “Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;**

Encouraging and supporting the use of ...local building materials

152 * c bis merged with d bis) Encouraging and supporting the use of appropriate building technology and the production of local building materials, as well as supporting the development of international, sub-regional and regional networks of institutions involved in research, production, dissemination and commercialization of locally produced building materials;

strengthening the indigenous building materials industry

strengthening the indigenous building materials industry, based as far as possible on locally available resources. (51 d)

Provide data base on adverse environmental effects of building materials (51d)

promoting environmentally sound technologies

promoting education about, and training on, environmentally sound technologies, materials and products (27 f quater)

73 *(b) Establish laws and regulations aimed at preventing discrimination and barriers and, where such laws and regulations already exist, ensure their enforcement

Developing environmentally sound land-use strategies

*85 (d) Develop, with the participation of all interested parties, comprehensive and environmentally sound land-use strategies at the local level.

stimulating ...environmentally sound use of land

56 (d) Apply transparent, comprehensive and equitable fiscal incentive mechanisms, as appropriate, to stimulate the efficient, accessible and environmentally-sound use of land, and utilize land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities

[[82 Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other *vulnerable marginalized* and disadvantaged groups from gaining access to suitable land; the location of which does not pose economic, environmental or health risks to the residents because of such reasons as proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment, **especially within the carrying capacity of the ecosystem** and the overall system of settlements, is one of the basic tasks to be undertaken in achieving a **socially equitable and environmentally sound sustainable** urbanized world. The *tools means to for* achieving a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures but also innovative methods of urban planning and design and of urban development, **and revitalization and management**. National, sub-national and local policies and problems need to be integrated. [The precautionary principle/*approach* and the use of environmental and social impact assessment are essential].

Protecting water resources from harmful effects of human settlements

* 82 bis Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from the harmful effects of human settlements. Special attention should be paid to guiding potentially hazardous activities away from the fragile areas. Oceans and coastal areas should be protected from land-based sources of pollution.

The use and transfer of environmentally sound technologies is a prerequisite

ARTICLE 151

151. [The use and transfer of environmentally sound *technologies practices* which have a profound impact on consumption and production patterns is one of the prerequisites for **socially equitable and environmentally sound sustainable human settlements development**. Advanced **BEST (Best Environmentally Sound Traditions) practices and appropriate technologies** and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of **meaningful** employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on **BEST practices available technologies** and options for their transfer. It is understood that the transfer of *technology BEST practices* includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits; **particularly those benefits that shall accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology**].

151 * the use and transfer of environmentally-sound technologies that have a profound impact, consumption and production patterns are prerequisites for sustainable human settlements development. Advanced and appropriate technologies and the knowledge-based systems that support their application offer new opportunities for more efficient use of human, financial and material resources, more sustainable industrial practices and new sources of employment. International organizations have an important role to play in disseminating and facilitating access to information on technologies available for transfer. It is understood that the transfer of technology will take into account the need to protect intellectual property rights.

REDUCTION OF CAR-DEPENDENCY

Noting the undertakings in Habitat II "To encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures (Article 104 c, Habitat II Agenda)

Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing.

The prevention of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resource

The creation of an environmental sound infrastructure that makes walking, cycling and public transportation safe, accessible and convenient, and that moves away from car-dependency. The right to public transit in contrast to the privilege of car use.

We call upon member states of the United Nations:

- To move away from car-dependency, by instituting appropriate regulations, phasing out the use of the automobile and the adopting of environmentally sound transportation such as bicycle paths

TRANSPORT

promoting environmentally sound transportation

environmentally sound transportation systems (27 d)

Reducing transport demand through promoting of spatial development

promotion of spatial development patterns and communications policies that reduce transport demand (27 d)

* 102 Transport and communication systems are the key to the movement of goods, people, information and ideas, and to access to markets, employment, schools and other facilities and land use, both within cities and between cities, and in rural and other remote areas. The transportation sector is a major consumer of non-renewable energy and of land and is a major contributor to pollution, congestion and accidents. Integrated transport and land-use policy and planning can reduce the ill effects of current transport systems. People living in poverty,

women, children, youth, older persons, people with disabilities are particularly disadvantaged by the lack of accessible, affordable, safe and efficient public transport systems HABITAT II

Encouraging and researching development and use of non-motorized or low-energy transport systems

101 (d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

Exchanging knowledge on environmentally sound substitute for lead gasoline

(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

Reducing negative effects of transport on the environment

Reducing unnecessary travel

Developing alternatives other than the automobile

Developing alternative fuels

102 * Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing and other policies and regulations.

Promoting affordable, efficient and energy-saving modes of transport

* 103 bis. Non-motorized transport is a major mode of mobility, particularly for low-income, vulnerable and disadvantaged groups. One structural measure to counteract the socioeconomic marginalization of these groups is to foster their mobility by promoting affordable, efficient and energy-saving modes of transport

Reducing the need to travel

104 * (b) Coordinate land-use and transport planning in order to encourage spatial settlement patterns that facilitate access to such basic necessities as workplaces,

schools, health care, places of worship, goods and services, and leisure, thereby reducing the need to travel

Promoting communications and transport planning to reduce demand for transport

* 84(g) Promote the integration of land-use, communications and transport planning to encourage development patterns that reduce the demand for transport

* 84 (g) bis Develop and implement integrated coastal zone management plans to ensure the proper development and conservation of coastal resources

Encouraging the use of an optimal combination of modes of transport

104 * (c) Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures

Promoting and implementing disincentive measures that discourage the increasing growth of private motorized traffic

Acknowledging that congestion is damaging environmentally

Encouraging alternative transport methods

104 * (d) Promote and implement disincentive measures that discourage the increasing growth of private motorized traffic and reduce congestion, which is damaging environmentally, economically and socially, and to human health and safety, through pricing, traffic regulations, parking and land-use planning and traffic abatement methods, and by providing or encouraging effective alternative transport methods, particularly to the most congested areas;

Giving priority to collective means of transport with adequate carrying capacity and frequency

104 * e Provide or promote an effective, affordable, physically accessible and environmentally sound public transport and communication system, giving priority to collective means of transport with adequate carrying capacity and frequency that support basic needs and the main traffic flows;

Promoting , regulating and enforcing quiet use efficient and low-polluting technologies

104 (f) **Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion,** promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and **actively fund and promote** other alternative forms of energy;

98(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

* brackets removed

98(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98a bis Ensure that clean water is available and accessible to all human settlements as soon as possible through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98 bis (c) Reduce significantly the degradation of the marine environment emanating from land-based activities, including municipal, industrial and agricultural wastes and run-off, which have a pernicious impact on the productive areas of the marine environment and coastal areas

promoting environmentally sound renewable energy

66* (f) Access to sustainable sources of energy

Reducing energy consumption

* 69 (h) Provide incentives for engineers, architects, planners and contractors and their clients to design and build accessible energy-efficient structures and facilities by using locally available resources and to reduce energy consumption in buildings in use

* 71 [(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

71 [(a) Intensify and support research efforts to find substitutes for or *optimize the use of* non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to move through “the transition form the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition, establish a time-table for the phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, hydro-power and biomass,... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, (Section 9. Subsection 9 g, Agenda 21, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)

(vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, **services, industrial BEST practices production**, and household and office activities. Current dependence on fossil-fuel-based [note that fossil=fuel was deleted in Istanbul] energy sources in most urban centres [can lead] change in Istanbul] leads to climate change, air pollution, and consequential environmental and human health problems, and [may] represent a serious threat to **socially equitable and environmentally sound development. sustainable development.** Sustainable energy production and use *can be enhanced by encouraging* **shall be undertaken through energy conservation, energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness, and through the phasing out of the use of non-renewable or unsafe sources of energy.** The **socially equitable and environmentally sound development of Human settlements and energy policies should be actively coordinated. Regulations**

driving the phasing out of non-renewable and unsafe sources of energy will be essential to foster the promotion and development of BEST practices in the area of renewable environmentally sound alternative energy sources.

*** brackets removed with noted changes in Istanbul**

* 101 In order to promote efficient and sustainable energy use, governments, at the appropriate levels, in partnership with the private sector, non-governmental organizations, community-based organizations and consumer groups, should, as appropriate:

* 101 (a) Promote urban and rural planning and design solutions that are conducive to efficient uses of energy and that pay due attention to end users and their attitudes and practices;

* 101 (b) Introduce appropriate measures to promote the use of renewable and safe sources of energy and to improve the efficiency of energy use in urban settlements, while ensuring that people living in poverty and their families are not disadvantaged.

101 (c) Promote **energy conservation and** energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling systems that make use of waste heat recovery, and co-generation of heating and electricity **providing co-generation is not used to justify the continued use of non-renewable or unsafe energy.** ;

101 (d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

101 (g) Stimulate, through fiscal incentives or other measures, and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

101 (h) *Support programmes for* **Undertake the prevention,** reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

101 (i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption, **and to prepare the public for the required changes needed for the phasing out of non-renewable unsafe sources of energy;**

101 (j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings, **by requiring the phasing out of non-renewable unsafe sources of energy;**

101 (k) Encourage the **cautious** use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction **providing that this “environment industry” is not used to justify the continued production of toxic, hazardous, or atomic wastes, or to discourage the needed change to the production of safe renewable resources from production;**

101 (l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

Promoting environmental protection and public health

* 98 b bis Dispose as soon as possible, within both rural and urban areas, of sewage, waste waters and solid wastes, including hazardous wastes, in a manner that conforms with national or international environmental quality guidelines

* 98 (c) Promote environmental protection and public health by proper treatment and the recycling and re-use of environmentally compatible sanitation and treatment/disposal of waste water and solid waste;

* c bis Make a concerted effort to reduce the generation of wastes and waste products by, inter alia, setting national and local goals for the reduction of packaging

paying special attention to the built environment

(c) [95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

* 95 quart The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The design of high-rise housing should complement the context of the neighbourhood in which it will be located. In particular, the large-scale development of high-rise housing can bring social and environmental disadvantages; therefore special attention should be paid to the quality of its design, including scale and height, proper maintenance, regular technical inspection and safety measures.

promoting environmentally sound building materials

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

51 (c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

51 (d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of **governments and individuals and groups of civil society**. *the private and public sectors*.

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *stakeholders*, **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision** should:

70(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

70 (b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *stakeholders* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized**

members of society who may be adversely affected by any decision. and establish a public mechanism to enforce them;

70 (c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the **inter-transfer** of **BEST (Best Ecologically Sound Traditions) practices** *technology recognizing that in many cases traditional practices could be the most ecologically sound.*

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating **meaningful** employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities world wide. If other factors, such as population growth of and migration to cities, are addressed effectively through, inter alia, **requiring cities not to exceed the carrying capacity of the ecosystem that sustains them**, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through **the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments industry, together with trade and services, will** provides the main impetus to this process. **by driving businesses to engage in socially equitable and environmentally sound practices.**

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities.
(Chapt II A. 5 Habitat 1)

promoting environmentally sound practices and technologies

65 * g Environmentally sound technologies, and the planning, provision and maintenance of infrastructure, including roads, streets, parks and open spaces

67 * (c) involve, encourage and assist, as appropriate, local communities, particularly women, children and persons with disabilities, in setting standards for community facilities and in the operation and maintenance of those facilities

promoting environmentally sound waste management

65 [(b) * Adequate sanitation and environmentally sound waste management based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

non transference of substances or activities that are harmful to human health or to the environment

promoting alternatives to heavy metals

* 95 bis bis Exposure to heavy metals, including lead and mercury, may have persistent and harmful effects on human health and development and on the environment. Children and people living in poverty are often particularly vulnerable, and it is of special concern that the effects of high lead levels on children’s intellectual development are irreversible. Effective and affordable alternatives to many of the uses of these metals are available. Appropriate alternatives should be sought for those products where exposure to lead can neither be controlled or managed. Habitat II

*PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the enshrining and guaranteeing of human rights, the preserving, and protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations /networks

131. To ensure effective decentralization and strengthening of local authorities and their associations /networks **within a framework of international principles based on the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war,** Governments at all appropriate levels, including local authorities, **shall should:**

(a) Adopt and adapt, *as appropriate*, policies and legal frameworks from other Member States that are effectively implementing decentralization **while adhering to international principles, and contribute innovative local practices to other states that could benefit from this insight;**

(b) Review and revise, as appropriate, legislation **to ensure compliance with international obligations**, increase local autonomy **participation** in decision-making, implementation, and resource mobilization and use, especially with respect to human **rights, allocation of funding for socially equitable and environmentally sound development** *technical and financial resources and local enterprise development*, within the overall framework of **international**, national, and local principles, obligations and undertakings *social, economic and environmental strategy* and **encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities** *city neighbourhood or dwellings*;

(c) Seek **additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support** local authorities reviewing revenue generating mechanisms;

(d) Facilitate the **inter-transfer of BEST (Best Environmentally Sound Traditions) Practices** *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with **businesses that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict.**, *inter alia*, through technical twinning and **inter-transfer** *exchange* of experience programmes, **recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world**;

(e) Enhance the performance of local authorities **by requiring BEST practices**, and by undertaking comparative analysis of, and disseminating of innovative **BEST** practices in, the delivery, operation and maintenance of public goods and services, **and in fostering and developing** *and in exploiting the fiscal other* potential of their cities;

(f) *Help institutionalize* **Ensure and implement** broad-based participation in decision-making and management processes at the local level **with genuine community involvement and participation in determining the terms of reference and in having input throughout the process**;

(g) **Ensure and** strengthen the capacity of local authorities **to seek, respect and rely on genuine community involvement and participation** *engage the local private and* community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local **socially equitable and environmentally sound development** *economic development*;

(h) Promote **genuine community involvement and participation in a** policy dialogue ~~between~~ **among** all levels of Government, **within a framework of governance principles**, *the private and community sectors* to improve planning and coordination **in implementing socially equitable and environmentally sound development**;

* hbis Within the framework of governance, establish public-private-citizens' partnerships for urban innovation and analyse, evaluate and disseminate information on successful partnerships

(i) Collect, analyse and disseminate, through **public channels**, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; **and facilitate the opportunity for citizens to present evidence of non compliance with obligations through national and international mechanisms**

(j) Reinforce measures to increase the participation of **indigenous peoples, migrant workers, women**, children and youth and **other disenfranchised groups**. Eradicate corruption and ensure greater transparency **through** efficient **genuine community involvement and participation** in the **socially equitable and environmentally sound development** of local resources;

*j Reinforce measures to eradicate corruption and ensure greater transparency, efficiency, accountability, responsiveness and community participation in the management of local resources

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation **within a framework of international principles** particularly to share good **BEST** practices and innovative approaches to **socially equitable and environmentally sound development sustainable human settlements management**; and

133. To encourage and support civic engagement and the fulfillment of government **obligations, expectations, duties, commitments, undertakings and** responsibilities, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based **genuine involvement and participation** of all ~~citizens~~ **people** in decision-making, **including in the determining of the terms of reference and in having input throughout the decision making process, implementation** and monitoring of human settlements *strategies*, policies and programmes, **and in presenting evidence though legal**

channels of non-compliance with obligations and expectations; these institutional and legal frameworks would be specifically aimed at; *inter alia*:

133 * To encourage and support participation, civic engagement and the fulfillment of governmental responsibilities, national governments, local authorities and/or civil society organizations should put into effect, at appropriate levels, institutional and legal frameworks that facilitate and enable the broad-based participation of all people and their community organizations in decision-making and in the implementation and monitoring of human settlements strategies, policies and programmes; these institutional and legal frameworks would be specifically aimed at *inter alia*

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RE: FREEDOM OF INFORMATION ACT

133 (c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

The ensuring of genuine involvement and participation of the community in decision making from the determination of the terms of reference and throughout the process

The facilitation of citizens' awareness of the causes of their problems and of their capacity to solve the problems.

* Ensure adequate opportunity for public participation by all interested parties at all levels of environmental decision-making

* Believing that the rights to information and participation need to be guaranteed through legally binding measures in combination with effective mechanisms ensuring public participation access to information and access to justice.

Underlining the rights of citizens to access to information about the environment, in the access to information about the environment in the absence of a compelling reason for keeping such information from public scrutiny;

Welcoming the decision to develop a UN/ECE Convention on Access to Environment Information and public Participation in Environmental decision making.

We call upon states of the United Nations to develop a global Convention within the framework of the United Nations, ensuring that the democratic right to information and participation are upheld throughout the world.

on all states in the world to adopt and implement national legislation to this effect.

Ensure the right of access applies to any person, irrespective of, for example, citizenship, residency and without their having to prove an interest

The definition of information covered should be sufficiently broad to ensure that all significant information is covered

(iv) exemption of information should only be permitted under explicit and narrowly defined circumstances where non-disclosure can be shown to be in the public interest;

(information should be supplied within 10 working days of the request, and in the form specified by the person making the request (for example on paper, on disk) provided it is held in that form

(iv) charges levied for providing information should not exceed the material costs of copying and supplying the information with fee waiver provisions for small amounts of easily accessible information

(v) a person refused or overcharged for information should be able to contest the decision through an appeals process which is timely, low-cost, transparent, binding, independent and comprehensive.

(viii) officials wrongfully withholding information should face the risk of penalties for example, in the form of disciplinary action

B. Measures are introduced to ensure that public authorities are themselves in possession of adequate information; Such measures should include the supply of information to public authorities on a mandatory basis through mechanisms.

(c) The “passive” obligation to respond to public requests for information is complemented by an active obligations to keep the public informed on matters related to issues.

(d) Provisions relating to public participation ensure that:

(i) the right to participate extends in principle to any natural or legal person as well as organizations

(ii) the range of decisions in which public participation occurs is sufficiently broad to encompass all decisions that have significant implications.

(iii) financial barriers do not prevent meaningful participation or lead to imbalances in participation

(iv) public consultation commences early in a given decision-making process with due public notice given and a reasonable time allowed for public comment; and with the opportunity to assist in the determination of the terms of reference

(v) a reasoned decision is published addressing each of the substantive arguments raised in the decision making process.

(vi) the public have the right to appeal a decision, or the manner in which it was arrived at through an appeals process which is low-cost, independent and transparent and which preceded confirmation and implementation of the decision.

(g) All states provide individuals and organizations with effective access to the courts and administrative appeals processes to contest any action presenting a threat or considered to be breach of law, at a reasonable cost

(i) rights of access to judicial or administrative proceedings should include for any person without their having to prove an interest.

the right of access to administrative review of an administrative decision proposal, where the possibility of such a review exists within the national legal system, if an administrative act is believed to violate a rule of law.

the right to seek a judicial review of a decision or act of a public body (including a failure to act) considered to be in breach of the law

The right to take action directly against those carrying out, having carried out or about to carry out harmful activities who are considered to be in breach of the law

(ii) Where judicial remedies are sought, states should provide for the possibility of effective interim relief.

(iii) the cost of administrative and judicial proceedings, including lawyers' and expert's fees and possible security deposits, should not present a barrier to the commencement or continuation of such proceedings. In particular, a successful plaintiff should be entitled to recovery of all cost reasonably incurred. If the action is unsuccessful but has been brought on the basis of an arguable case and in good faith, the plaintiff should not be required to pay court fees or the cost of other parties.

We support the Eco-cities standards

An Ecocity is a human settlement modeled on the self-sustaining resilient structure and function of natural ecosystems.

- An ecocity seeks to provide healthy abundance to its inhabitants without consuming more renewable resources than it replaces.
- It seeks to function without producing more waste than it can assimilate or recycle for new uses or than nature can dilute and absorb harmlessly, and without being toxic to itself or neighbouring ecosystems.
- Its inhabitants' ecological impacts reflect planetary supportive lifestyles; its social order reflects fundamental principles of fairness, justice, reasonable equity and consensus at ample levels of happiness.

ECOCITY BUILDERS reshapes cities for the long-term health of human and natural systems. We develop and implement policy, design and educational tools and strategies to build thriving and resilient urban centres based on “access by proximity” and to reverse patterns of sprawl and excessive consumption. Eco-city Builders and associates' definition of “ecocity” is conditional upon a healthy relationship of the city's parts and functions, similar to the relationship of organs in living complex organisms. We are concerned with city design, planning, building, and operations in an integral way and in relation to the surrounding environment and natural resources of the region, utilizing organic, ecological and whole-systems lessons to reverse the negative impacts of climate change, species extinction and the destruction of the biosphere. We believe the form of the city matters, that it is within our ability and indeed crucial to reshape and restructure cities to address global environmental challenges. 1 ACADEMIC LEAD: BCIT SCHOOL OF CONSTRUCTION AND THE ENVIRONMENT WHY THE IES?

Helen and William Mazer Foundation Health Bridge Columbia Foundation Novatek SPONSORS: The British Columbia Institute of Technology (BCIT) School of Construction and the Environment is concerned with the natural environment, the built environment, and the relationship between them. The School has stepped forward as the academic lead for development of the International Ecocity Standards (IES). This initiative aligns with the School's expertise and interest to advance the state of practice through education and applied research in the natural and built environments (www.bcit.ca/construction). An important role of the International Ecocity Standards (IES) is driving innovation and improvement in performance measurement and management. Cities and towns around the world are interested in the ecocity model. However, there is enormous diversity in how ecocities are built, including the level of performance these initiatives achieve. It is this concern with accountability for performance, meaning the ability to achieve ecocity objectives for reducing human impact on the earth while simultaneously advancing socially just and livable human habitats, that served as the impetus for development of the IES. Led by Eco-city Builders with worldwide input from ecocity activists and academics, the IES seeks to describe both the conditions for an ecologically healthy and restorative human presence on earth as well as a practical methodology for helping design, assess and guide the journey toward

achievement of an ecocity civilization. 2 Eco-city Builders and its network of Partner Advisers is creating the first International Eco-cities Standards (IES) so participating cities may assess their ecological condition in conjunction with a global network of local governments and subject matter experts committed to a whole-systems improvement process. The goal of the IES is to provide support and criteria by which cities can adopt measures that would enable them to successfully move toward becoming Eco-cities. This approach provides a network, tools and a methodology for cities to assess their performance relative to the IES. Through the process of deconstructing, or “unpacking” the 15 Ecocity Level 1 definitions, we have identified individual candidate indicators and assessed their readiness for use based on availability of information, efficacy, elegance and funding potential. Prioritization of appropriate indicators is based on existing indicators that can be successfully applied statistically, practically and economically at the necessary scale (City, Metropolitan Sub Area or Bioregion).

() in December 1996 I found out about Canada’s requirement to issue a report in 1997,

In June 1997 the member states of the United Nations are required to submit a report on how well they have lived up to its undertakings at the United Nations Conference on the Environment and Development. This report is to be submitted to the United Nations Commission on Sustainable Development. Citizens groups are currently preparing an alternative report to reveal Canada’s failure to discharge obligations and to fulfill expectations from the United Nations Conference on Environment and Development

() THAT in 1996, I wrote the following:

THE ESTABLISHMENT OF PRINCIPLE-BASED DECISION MAKING

* The ensuring of the genuine involvement and participation of the community in decision making from the determining or the terms of reference and all throughout the process.

* The facilitating of citizen's awareness of the cause of their problems and of their capability of solving the problems.

SPECIFIC MEASURES

* The ensuring of socially equitable and environmentally sound communities within the carrying capacity of the environment

* The restoring of natural areas, preserving of significant ecosystems and the freezing of development in agricultural land

- * The establishing, preserving and restoring wild life corridors for ranging and migratory animals, and continuity of plant species.
- * The identifying of biodiversity, the carrying out of environmental assessment reviews of activities that could contribute to loss or reduction of biodiversity, and the invoking of the precautionary principle
- * The controlling and regulating of space to grow, and the identifying of areas designated for specific purposes such as agriculture and housing, and providing green spaces, and green buffer zones and pathways
- * The designing of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy
- * The preventing of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resources.
- * The creating of a transportation infrastructure that makes walking, cycling and public transportation safe, convenient and accessible, and that moves away from car-dependency. The right to public transit in contrast to the privilege of car use

The ensuring of the reversal of the transferring of citizens from rural areas to urban areas by providing some of the benefits from the urban to the rural areas

- * The setting up of a needs-oriented approach underlying all design of human communities so that health and livability are always proactively supported
- * The recognizing that learning by doing provides integrated understanding and long-term commitment to place a new community -based approach to planning, and development of ? which harnesses the skills of developers and urban designers as community servants rather than imposers of structure.
- * The establishing of guidelines for mixed income communities
- * The ensuring that community plans are binding and enforceable
- * the ensuring that intermittent use of land does not interfere with the cultural patterns in the community
- * The preserving of the village and city integration in social and functional terms

The banning of the use of pesticides in community land, agricultural and forest areas

The elimination of crime through reducing mistrust, alienation and marginalization

The providing of human including all forms of family friendly cities

() IN 1996 I wrote the following:

DIRECTION OF URBANIZATION TOWARDS SOCIAL JUSTICE AND ENVIRONMENTAL HEALTH

Mindful that the driving force causing the growth of the city is the dynamic of urbanization, governments must be constantly aware that individuals come to the city seeking personal growth and employment opportunities. It is the challenge and opportunity of the Federal, State and Local governments to ensure that all citizens have open and free access to the greatest number of educational, social and employment opportunities; and that these activities take place in a safe, healthy, affordable ecologically sustainable environment.

It is the responsibility of the local government to develop and promote an appropriate Vision Statement which reflects the highest hopes and aspirations of its population and to create the policies and practices appropriate to the vigorous implementation of these goals and plans. Of specific importance, should be policies and actions that promote healthy, happy, successful family community life.

Cities should develop long range, area wide, comprehensive plans, that include specific means for compliance and implementation, without which plans are mostly useless. Political officials must implement enforcement processes by which they themselves will be held accountable to the highest moral, ethical and managerial standards.

The planning process must start from the bottom up, and must be citizen based. Citizens must be at the center of the process at all levels, and in all respects.

Understanding that the modern city is caught in the rip tide forces that often include of serving, profiteering developers on one hand and inept and corrupt politicians on the other, and overwhelming population on the third, and inadequate resources on the fourth, the challenges are immense. Additionally, because the city is dynamic and ever changing, plans and implementation must be flexible.

Cities should implement regulations and plans that call for multi-layer planning to integrate all major elements of the urban fabric. Social, financial, and functional integration should be required of any new development. Current zoning regulations that prevent these practices should be abolished. Specifically, financial integration should be practiced in all residential housing and neighborhoods. The majority of people's daily and weekly needs should be within easy walking distance of their dwelling unit. The goal is to break the dependence on the automobile.

The achievement of these visions, goals and objectives will require major reform and structural changes in the system as they now exist. It is the responsibility of governments to lead the way in initiating and funding socially equitable and environmentally sound research, facilitating, implementing and

enforcing these reforms. Government should also drive research through regulations that will foster BEST (Best Environmentally Sound Traditions) practices.

We, the participants of the NGO Forum the urbanization caucus held in Istanbul May 30 to June 15, 1996 have prepared statements in support of the implementation of the Habitat Agenda and action Plan.

The process of urbanization is affecting the human sphere. Urbanization should not be focused on one sided economic growth and technological development, economically and environmentally. Increased economic production and the technological revolution did not bring about a better life for people as development strategies has promised. On the contrary, there was extensive human misery, dehumanization and oppression and wide spread ecological deterioration as never before experienced.

We believe that the key to the redirection of urbanization lies in their active participation in decisions that affect their own lives, their growth in community, and this meant having control of and access to resources.

SPECIFIC MEASURES RELATED TO URBANIZATION

Ensuring socially equitable and environmentally sound communities within the carrying capacity of the environment

The provision in all habitat development work for the consideration of the bio-regional, sociocultural historic and detailed ecological context and design to respect and enhance these qualities

The restoration of natural areas, preservation of significant ecosystems and the freezing of development on agricultural land

The establishment, preservation and restoration of wildlife corridors for ranging and migratory animals, and continuity of plant species.

The pre-identification of the elements and internal connectivity of habitats and their biodiversity, the environmental impact assessment of activities that could contribute to loss or reduction of biodiversity, and the invocation of the precautionary principle in all developmental enterprises

The control and regulation of space to grow, and the identification of areas designated for specific purposes such as agriculture and housing, and provision of green spaces, and green buffer zones and pathways

The design of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy

CANCELLING DEBT

The canceling of third world debt by the replacement of structural adjustment programs with programs of reparation through debt cancellation for the violation of

human rights, for the causing of environmental degradation for the contributing to violence and war

DEBT FORGIVENESS

61 (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, **through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities;**

() in 1996 I made a submission to the URBANIZATION CAUCUS FOR THE DRAFTING OF OUR ISTANBUL MANIFESTO
*PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING

COMMON GOOD

All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good.... (Habitat II19)

In the Istanbul Manifesto principles related to environmental preservation and protection, to guaranteeing human rights, to have been extracted from a synthesis of international obligations derived from the UN Charter, UN Conventions, treaties Covenants; and of expectations derived from United Nations Declarations, Conference action plans and General Assembly Resolutions. In addition, consideration has also been given to Non Governmental Organization submissions.

As a result of the expectation created in recent United Nations Conferences including UN Conference on Women, and Habitat for states to ensure private sector, corporate including transnational compliance with international agreements, this report is advocating the establishing of Mandatory International Normative Standards (MINS) drawn from international principles. The establishment of mandatory international normative standards-and-technical regulations (MINS) will drive the corporations, including transnationals, and funding agencies such as the development banks to ensure socially equitable and environmentally sound development. Currently, the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling "clean-up environmental technology" which

is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry will there be the needed shift towards a real cooperation based on the highest tenable principles. Global mandatory regulations and standards are essential to drive corporations including transnationals to participate in socially equitable and environmentally sound development. The international community, including multilateral financial institutions, has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical -regulations (MINS) based on principles established over the past 50 years in international instruments. In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, states undertook to ensure that all corporations (including transnational corporations), comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws ." In addition, the lending institutions shall not support the "clean-up environment industries" which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best Environmentally Sound Traditions that national efforts to foster and achieve the objectives of socially equitable and environmentally sound development will be achieved.

In this Manifesto, a series of principles drawn from international agreements, coupled with additional principles suggested by non-governmental organization, are delineated. Non-governmental Organization principles are included as a reflection of a new development in United Nations Conferences. In the Habitat II Conference, a second committee had been set up to receive input from "partners" one of whom was the non-governmental organization community; and for the first time a report from the NGOs was included in the official documentation to be circulated by the United Nations.

This manifesto is a preliminary report where the principles are enunciated and where some of the actions that would need to be undertaken to ensure fulfillment of these principles have been proposed. A second report which will delineate further on what would constitute compliance with the principles is being prepared. In addition, a book entitled " Global Non- Compliance: Over 50 years of obligations incurred and expectations created" linking environment, peace, human rights and social justice issues, is being proposed. This book is a follow-up to the "Charter of Obligations"— 350 pages, which was officially distributed at the UN conference on Women: Equality, Development and Peace and to the " Comment on Habitat II Agenda: moving beyond Habitat I, to discharging

Obligations and to fulfilling expectations” which was circulated to state delegations at Habitat II.

BEING IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER AND INTERNATIONAL LAW

The objectives of the Habitat Agenda are in full conformity with the purposes and principles of the Charter of the United Nations and International law (pre to Goals and Principles, Commitments and Global Plan of Action)

CALL TO ACTION

The Habitat Agenda is a global call to action at all levels. It offers, within a framework of goals and principles and commitments, a positive vision of sustainable human settlements— where all have adequate shelter, a healthy and safe environment, basic services and productive and freely chose employment. The Habitat Agenda will guide all efforts to turn this vision into reality (Art. 2). The Habitat Agenda will only turn vision into reality if the following measures are undertaking immediately.

ACKNOWLEDGING THAT THERE IS A NEED FOR THE POLITICAL WILL OF ALL STATES

ARTICLE 143

[143. The goals of ensuring adequate shelter for all and making human settlements and communities environmentally sound, *productive*, healthy, safe, more equitable and sustainable contribute to achieving world peace, development, stability and justice. International cooperation takes on added significance and importance in the light of recent trends in the globalization and the interdependence of the world economy. There is an urgent need to redefine and resuscitate the existing processes and structure of cooperation and to evolve new and innovative forms of cooperation with a view to enabling humankind to face the challenges posed by the development of rural and urban areas. There is urgency to redefine development and move towards a new “international economic order” based on socially equitable and environmentally sound development. This new order may require the political will to reduce the global military budget by 50% (from the current 800 billion to 400 billion which it was in 1981 when there was a UN General Assembly resolution to freeze and reduce the military budget) at with the undertaking to transfer the peace dividend to socially equitable and environmentally sound development. The States of the world must firmly adhere to the principle endorsed in the United Nations Conference on Human Environment, where States agreed to eliminate weapons of mass destruction, which, by definition, would include nuclear weapons as well and chemical and biological. In

addition, the global community must undertake to condemn the continued mining of uranium for weapons production, the use of civil nuclear reactors whose waste is a scourge for future generations and the use of plutonium from former nuclear weapons sites as a fuel for nuclear reactors. Thus, there is a need for the political will of all States, as well as specific action by the international community, to establish and inspire new forms of cooperation, partnership, coordination and investment, including the local private sector, in order to contribute effectively to the provision and improvement of shelter conditions in human settlements, especially in developing countries, taking into account the diversity of the needs of human settlements among countries. Habitat

144. Although the formulation and implementation of strategies for human settlements development are the responsibility of each country at the national and local levels, and should take into account the economic, social and environmental diversity of conditions in each country, fundamental principles derived from the obligations incurred in the United Nation Conventions, Treaties, Covenants and from the expectations created in the United Nations Declarations, Conference action plans and General Assembly Resolutions shall establish the basis for socially equitable and environmentally sound development. The overall decline in official development assistance, however, is a serious cause for concern. This trend has also been accompanied by considerable increases in international flows of capital as well as increasing private sector involvement in infrastructure and services development and management. This shift from aid to trade requires the establishment of mandatory international normative standards-and-technical regulations (MINS) that will drive the corporations, including transnationals, and funding agencies such as the development banks to ensure socially equitable and environmentally sound development. Currently, the concept of sustainable development appears to justify the continuation of the currently over-consumptive model of development with a coupling “clean-up environmental technology” which is moving the global community away from adopting BEST (Best Environmentally Sound Traditions) practices from the outset. Only when there is the global political will to agree to high global mandatory regulations and standards, and only when these regulations and standards are in place to drive industry, will there be the needed shift towards a real cooperation based on the highest tenable principles. This shift from aid to trade clearly points to the need for global mandatory regulations and standards to drive corporations (including transnationals) and *private sector* to participate in socially equitable and environmentally sound development (*participation in the shaping of international cooperation*). The international community, including multilateral financial institutions, has an important role to play in providing funding that is conditional on the adherence to high mandatory international normative standards-and-technical-regulations (MINS) based on principles established over the past 50 years in international instruments. In section 167 of the Platform of Action of the United Nations Conference on Women: Equality, Development and Peace, states undertook to ensure that all

corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws". In addition the lending institutions shall not support the "clean-up environment industries" which thrive on the relaxing of regulations related to toxic, hazardous and atomic wastes, and which continue to perpetuate the old world order of over-consumption, inequity and environmental destruction, and intrastate and interstate conflict. It is only through promoting socially equitable and environmentally sound development through global mandatory standards and regulations with additional resources for Best Environmentally Sound Technology that *environmental to ensure that additional resources to reinforce* national efforts to foster *an enabling environment to* and achieve the objectives of adequate shelter for all and the socially equitable and environmentally sound *sustainable development* of human settlements.

GENERAL PRINCIPLES

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.

EXPECTATION PRINCIPLE

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)

"SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT" TO REPLACE THE EXPRESSION "SUSTAINABLE DEVELOPMENT"

The expression "socially equitable and environmentally sound development" was used in the International Conference on Population and 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)

GENERAL GLOBAL URGENCY RECOGNIZED BY THE UNITED NATIONS

RENOUNCING OF PRACTICES DESTRUCTIVE TO SUSTAINABLE SETTLEMENTS

[Civil, ethnic and religious strife, nuclear armament, armed conflict, alien and colonial domination, foreign occupation, international economic imbalance, coercive economic measures, poverty, organized crime and terrorism in all its forms are destructive to sustainable human settlements development and should therefore be renounced by all states] (in June 12 version)

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)

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.

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)

Continued inequitable distribution of natural resources

(3.13., International Conference on Population and Development, 1994)

Continued inequality/inequity between "developed" and "underdeveloped" states (3.11. International Conference on Population and Development, 1994)

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

(7.6., Agenda 21, UNCED, 1992)

Continued impact of poverty on enjoyment of human rights

(Art. 14, World Conference on Human Rights, 1993)

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)

77 [As recognized in Agenda 21 UNCED Demographic factors, combined with poverty and lack of access to resources *[[in some areas]]* and excessive consumption and wasteful production patterns in others/unsustainable patterns of production and consumption, particularly in industrialized countries, may (added June 14) cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit *sustainable* socially equitable and environmentally sound development.] Therefore, a largely urbanized world implies that *sustainable* socially equitable and environmentally sound development will depend very largely on the capacity of urban and metropolitan areas to manage production and consumption patterns, and the transport and waste disposal systems needed to preserve the environment (Habitat II) .

*77 Demographic factors, combined with poverty and lack of access to resources and unsustainable patterns of production and consumption, particularly in industrialized countries, *may* [added June 14] cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit sustainable development. Therefore, a largely urbanized world implies that sustainable development will depend very largely on the capacity of urban and metropolitan areas to manage the production and consumption patterns and the transport and waste disposal systems needed to preserve the environment.

ACKNOWLEDGED 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

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.

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that "solutions do not lie in the recipes of the past".

Urgency

The urgency of the Global situation has been acknowledged throughout the United Nations documents: the continuing violation of human rights, the continuing destruction of the environment- ozone depletion, climate change, desertification, species extinction, deforestation, toxic hazardous, atomic waste production, the continuing escalation of war and conflict, and production of arms including weapons of mass destruction , and continuing human misery as many dwellers live in absolute poverty; lacking adequate access to housing, to potable water and sanitation in overcrowded cities.

Yet many, when called upon to seriously address the urgency by rejecting old recipes, states lack the necessary resolve.

SYSTEMIC CONSTRAINTS

Systemic constraints preventing change

The lack of the necessary resolve is reflected in the perpetuation of following systemic constraints:

- * the lack of political will of states to discharge obligations through obligations incurred through treaties, conventions, and covenants, and the lack of political will to fulfil expectations created through General Assembly resolutions, Conference Action Plans and Declarations.
- * the failure of states to sign instruments, to sign instruments without ratifying them, to ratify instruments without enacting the necessary legislation to ensure compliance, or to enact the necessary legislation without enforcing the legislation.
- * the failure of states to establish mandatory international standards based on long-standing principles established by the UN to guarantee human rights of citizens, to preserve, protect and conserve the environment, to prevent war and conflict and to enable social equity, equality and justice, and the reluctance of states to revoke the charters of corporations for failing to adhere to these standards.
- * the failure on the part of states to accept the authority of international bodies reflected particularly in the lack of willingness to appear before the International Court of Justice and being willing to appear to fail to comply with the ruling of the international court of justices.
- * the failure to go beyond existing obligations and expectations to undertake new commitments that will fundamentally change the recipes of the past
- * The final systemic constraint is that those who are in a power to bring about change are those that benefit most from the perpetuation of the recipes of the past

* PRINCIPLES EXTRACTED FROM UN DOCUMENTS THAT ADDRESS THE URGENCY COURSE TO ADDRESS THE URGENCY BY THE UNITED NATIONS

For over 50 years, since the formation of the United Nations, member States have incurred obligations through the Charter, treaties, conventions and covenants; and have created expectations through declarations, conference action plans and General Assembly Resolutions. These obligations and expectations have been reflected in international instruments undertaking to guarantee the enshrining and

respect of human rights; to preserve, protect and conserve of the environment, to prevent conflict and war, to achieve of social justice and to enable socially equitable and environmentally sound development.

The global community is midway in the decade devoted to the respect and furtherance of international law.

It has become a principle of international customary law that State parties to treaties and conventions undertake to enact the necessary legislation to ensure compliance with their obligations (as exemplified in Art. III on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

The Doctrine of Legitimate Expectations whereby, 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 fulfill this expectation, is applicable to General Assembly Resolutions, Declarations and Conference action plans.

The relevance of the United Nations will be furthered and strengthened through the demonstration of state political to ensure discharging of obligations and the fulfilling of expectations.

In respect for the Decade of International Law, and in commemoration of the culmination of the series of significant global conference here in Istanbul, we propose that States sign what they have not yet signed, ratify what they have not yet ratified, enact the necessary legislation to ensure compliance.

In addition, we propose that a International Court of Compliance be instituted. This court will give citizens an opportunity to present evidence of state non-compliance with international obligations and expectations.

This establishment of a new international economic order was promoted in Habitat I.

With this, new international economic order proposed in 1974, States agreed to achieve universal progress in the quality of life, a fair and balanced structure of the economic relations and agreed with united determination to work urgently for the establishment of a new international order based on equity... interdependence, common interest and co-operation with systems which shall correct inequalities and address existing injustices.. and to ensure steadily social development and peace and justice for present and future generations.

Habitat II should strive to fulfil the expectation of Habitat I for a new international order based on equity, and the states should fulfil the expectations from the General Assembly resolutions calling for the reduction of the military budget and the transferring of the increased funds to guaranteeing the enshrining and respect of human rights; to preserving, protecting and conserving the environment, to preventing conflicting and war, to achieving social justice and to enabling socially equitable and environmentally sound development and communities.

ase (The Imperative of Equity: the Missing Dimension of UNCED, Statement)

*CONDEMNATION OF THE UNSUSTAINABLE MODEL OF PRODUCTION AND DEVELOPMENT

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 they are 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)

1.2. 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)

Continued waste production form unsustainable and wasteful production and consumption patterns

* (b) [95 ter. Unsustainable and wasteful production and consumption patterns *[particularly in industrialized countries]* *[deleted in Istanbul]* also lead to increasing problems in waste management. It is essential to intensify efforts aimed at minimizing the production and discharge of waste, and at recycling and reuse as much as possible, and disposing of the remainder in an environmentally sound manner. This will require changes in attitudes and consumption patterns, as well as in the design of buildings and neighbourhoods as well as innovative, efficient and sustainable modalities for waste management. (Habitat II)

REGULATIONS AS AN INSTRUMENT OF CHANGE

REGULATIONS AND STANDARDS

Supporting regulations and compliance

Establishing policies, laws and regulations

Governments, at all appropriate levels (including local authorities), have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulation for both public and private activities...(19)

Establishing and adopting a regulatory framework

establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels. (50 e)

Establishing legislative and regulatory frameworks

* 180 (a) Establishing legislative and regulatory frameworks, institutional arrangements and consultative mechanisms for involving organizations in the design, implementation and evaluation of human settlements strategies and programmes;

Ensuring of compliance of private sector

148 *e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on an equal basis with men; and observe national labour,

environment, consumer, health and safety laws, particularly those that affect women and children

EXERCISING EFFECTIVE CONTROL OVER TRANSNATIONAL CORPORATIONS

Every State has the sovereign right to rule and exercise effective control over foreign investments, including the transnational corporations—within its national jurisdiction, which affect directly or indirectly the human settlements programme (II 17, Habitat I)

US addition

[38 For economic globalization to be beneficial for all affected parties, we must ensure that all corporations including transnational corporations comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and institutions and individuals engaged in all aspects and levels of economic activity should do so with proper considerations for the environmental, social and cultural impact of their activities]

52 *(d) When necessary, review and adjust the legal, fiscal and regulatory framework to respond to the special needs of those belonging to vulnerable and disadvantaged groups, in particular, people living in poverty and low-income people

54 *(h) Develop, as appropriate, flexible instruments for the regulation of housing markets, including the rental market, taking into account the special needs of vulnerable groups

Facilitating dissemination of regulatory frameworks and best practices

* 153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. The United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at the national and international levels could be explored.

64 Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces. The lack of adequate basic services,

a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for people living in poverty in urban and rural areas. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards.(Habitat II 64)

ARTICLE 61* (d) promote transparency, accountability and ethical practices in financial transactions through support from effective legal and regulatory frameworks (Habitat II)

57 (e) Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, standards and development regulations (Habitat II)

56 (c) prepare comprehensive inventories of publicly held land and, where appropriate, develop programmes for making them available for shelter and human settlements development, including , where appropriate, development by non-governmental and community-based organizations;

Ensuring participation of people living in poverty in a policy and regulatory environment

*89 c bis Ensure that people living in poverty have access to productive resources, including credit, land, education and training, technology, knowledge and information, as well as to public services, and that they have the opportunity to participate in decision-making in a policy and regulatory environment that would enable them to benefit from employment and economic opportunities

Using regulatory measures

104 * (c) Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures

Adopting standards and norms

* 90 a Adopt, where appropriate, by-laws, standards and norms and develop planning guidelines that take into consideration the needs and situations of men and boys, women and girls in relation to human settlement planning

Devising ...new fiscal instruments that penalize environmental damage from both production and consumption activities

140 (c) Develop efficient, equitable and buoyant sources of national and local revenues, including taxation, user charges, tariffs and betterment fees levies to promote national and local capacity for capital investment in housing, infrastructure and basic services; and devise, as appropriate, new financial instruments which are conditional on mandatory international normative standards (MINS) including

the penalizing *penalize* of environmental damage arising from both production and consumption of environmentally unsound activities (NGO Composite);

* (c) Develop efficient, fair, equitable and buoyant sources of national and local revenue, including taxation, user charges, tariffs and betterment review, to promote national and local capacity for capital investment in housing, infrastructure and basic services, and devise, as appropriate, new fiscal instruments that penalize environmental damage from both production and consumption activities.

Setting environmental standards

97 [(d) Set high mandatory international normative **environmental standards** and technical regulations **so as to drive and facilitate the selection and development of BEST (Best Ecologically Sound Traditions) practices *appropriate technologies and their appropriate use;***]

*97 d Set environmental standards so as to facilitate the selection and development of appropriate technologies and their appropriate

promoting compliance and enforcement

*75 (d) Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups

DOCUMENTATION OF PRECEDENT

RE: ENSURING CORPORATE COMPLIANCE WITH THE LAW;
 “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws.” (UN Conference on Women: Equality, Development and Peace. Section 167).

SYSTEMIC CONSTRAINTS PREVENTING CHANGE

*HUMAN RIGHTS URGENCY

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)

6.8. 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)

6.12. 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)

MEASURES TO ADDRESS THE URGENCY

NOTE THAT PART OF THE BRACKETED SECTION IN CHAPTER III IN COMMITMENTS WAS DELETED

[The global plan of action is drawn up in conformity with the purposes and principles of the charter of the United Nations. . ~~In conformity with universally recognized international human rights.~~ was deleted on June 14, 6 pm

Through various human rights instruments, States have agreed to the following rights

(i) The right to equal treatment before the tribunals and all other organs administering justice;

(ii) 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;

(iii) 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 Government as well as in the conduct of public affairs at any level and to have equal access to public service;

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

the right to nationality

(iii) The right to marriage and choice of spouse

(iv) The right to own property alone as well as in association with others

(v) the right to inherit

(vi) The right to freedom of thought, conscience and religion

(vii) The right to freedom of opinion and expression;

(viii) The right to freedom of peaceful assembly and association;

Economic social and cultural rights, in particular

(i) The right 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

The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, and theatres and parks

(Convention on the Elimination of all forms of discrimination, 1965)

WHAT WOULD CONSTITUTE FULFILLING MEASURES SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF MEASURES

The resistance to embrace the tolerance principle those that are intolerant against others cannot decry intolerance of those who oppose their intolerance. Intolerance against intolerance is not intolerance. Those who seek to be excluded from listed grounds, those undefinable groups against whom there has been discrimination cannot invoke intolerance against those that seek the inclusion of those groups

WHAT MUST STILL TO BE DONE

Protection from discrimination should be inclusive of additional grounds that have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration there were lists a series of grounds concluding with the expression other status which indicated the intention to include other grounds as they arise.

Through various human rights instruments, states have recognized the following grounds of discrimination:

All people without discrimination of any kind as to race, tribe, or culture, colour, ethnicity, national, ethnic or social origin, nationality of birth, refugees or immigrant status, marital status, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents sexual orientation has also been included but remained bracketed. In keeping with the intention of other status this ground should be included.

various forms of the family exist (1 Habitat II 8)

Eradicating and ensuring legal protection from discrimination in access to shelter and basic services, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability and age or other status.

Contributing actively to the common good

All people have rights and must also accept their responsibility to respect and protect the rights of others—including future generations—and to contribute actively to the common good. (Article 19, Habitat 1996)

Accepting responsibility and respecting and protecting the rights of others

All people have rights and must also accept their responsibility to respect and protect the rights of others—including future generations—and to contribute actively to the common good. (Article 19, Habitat 1996)

Having the responsibility to ensure respecting and protecting of the rights of others encouraging public-spirited leadership

Governments at all appropriate levels, including local authorities, have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulations for both public and private activities, encouraging responsible private activities in all fields, facilitating community groups' participation, adopting transparent procedures, encouraging public-spirited leadership and *public-private partnerships*, and helping people to understand and exercise their rights and responsibilities through open and effective participatory processes, universal education and information dissemination. (Article 19, Habitat 1996)

Reaffirming commitment to ensuring the realization of the human rights set out in international instruments

We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and we reaffirm our commitment to ensuring the realization of the human rights set out in international instruments and in particular, in this context, the right to adequate housing as set forth in the Universal Declaration of Human Rights, the International covenant on Economic, Social and Cultural 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 that the right to adequate housing shall be realized progressively. We reaffirm that all human right—civil, cultural, economic, political and social —are universal, indivisible, interdependent and interrelated. We subscribe to the following principles and goals to guide us in our actions.

Bearing in mind the duty to promote and protect all human rights and fundamental freedoms

While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of all states to promote and protect all human rights and fundamental freedoms (change proposed in 13 on last day)

SAFEGUARDING THE GLOBAL INTEREST OF PRESENT AND FUTURE GENERATIONS IN HUMAN SETTLEMENTS IS ONE OF THE FUNDAMENTAL GOALS OF THE INTERNATIONAL COMMUNITY.
RIGHT TO SHELTER (ART 22)

HEALTH

Paying special attention to the shelter needs of vulnerable children, such as street children, refugee children and children who are victims of sexual exploitation. Parents and other persons legally responsible for children have responsibilities, rights and duties, consistent with the convention on the rights of the child, to address these needs.

Recognizing the right to standard of living

Everyone has the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation and to the continuous improvement of living conditions. (Art 9, HABITAT)

Recognizing the existence of various forms of the family

family (18 In different cultural, political and social systems, various forms of the family exist. Marriage must be entered into with the free consent of the intending spouses, and *husband and wife should be equal partners*. (Art 18, Habitat, 1996)

Giving special attention to the needs of people who are homeless

[In implementing these commitments, we shall give special attention to the circumstances and needs of people who are homeless, are living in poverty or in some other way disadvantaged or vulnerable, especially women, children, older people, indigenous people, displaced people or people with disabilities 23 bis]

Reaffirming our commitment to full and progress realization of the right to adequate housing

We reaffirm our obligation to ensure the enactment of the right to adequate — affordable, accessible, tenure security, safe, healthy and environmentally sound— housing commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods.

Gender Issues

Providing Ensuring legal security of tenure

Providing Ensuring [NOTE CHANGED FROM ENSURING] legal security of tenure and equal access to serviced land including through a diverse range of tenure options (25 (b) Habitat II);

In general, all human rights issues apply to women and men along with all the human groups and identities however defined. Many NGOs feel in addition that women often have special needs, approaches and concerns, and are often especially susceptible to discrimination and unequal treatment, unemployment, poverty and health problems.

Existing covenants and conventions protect women specifically from discrimination and these should be enforced. Women should be equitably involved in all aspects of human settlements - in leadership roles, consultation, employment, design, development, construction, property ownership and inheritance. Women are potential key people in community development and rebuilding. The right to education for women and girls is emphasized, and prostitution, as an effect of poverty, must be addressed.

NGOs and CBOs are extremely concerned about the tendency for the rights of women, the needy, the aged, the young, the disabled and other groups without a voice to be overlooked when the profit motive is dominant.

Ensuring the realization of the human rights set out in international instruments
commitment to ensuring the realization of the human rights set out in international instruments...(13 bis)

with full respect for all human rights and fundamental freedoms (2 ter)

in conformity with universally recognized international human rights (intro to commitments pre 23) also 24

PROMOTING THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL, MENTAL AND ENVIRONMENTAL HEALTH

Human health and quality of life are at the centre of the effort to develop sustainable human settlements. We therefore commit ourselves to promoting and attaining the goals of universal and equal access to quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care and Universal Health care (Habitat II 22 ter)

*PEACE

124. The impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes; such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports. Armed conflicts also have consequences that affect human settlements and the country as a whole and call for specific rehabilitation and reconstruction processes that may necessitate international involvement, at the request of the Government of the concerned country. The impact of such disasters and emergencies is especially severe in

countries where prevention, preparedness, mitigation and response capacities are ineffective in dealing with such situations. (Habitat II)

ARTICLE 139

139. Financing the future of urban development and sustaining the economic viability of cities represents a particular challenge which will require innovative systems of finance at national and local levels. Effective cooperation *partnerships* between the public and BEST practices enterprises are needed which combine local taxes on production and consumption with fiscal incentives for investment by *industry, commerce, trade and the private service sector*. BEST practices enterprises with local materials and that provide socially equitable and environmentally sound meaningful employment New forms of municipal finance are needed to meet the future needs of urban economic development and the costs of supporting infrastructure and services. In addition funding shall be sought from the reduction of the military budget and from requiring the payment of deferred taxes from industry. It is thus necessary to reduce military expenditures and production in order to finance programs for habitat (NGO Composite).

BACKGROUND

The international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget and a resolution to reallocate resources saved from the proposed reduction to economic and social needs. In 1994, States, in adopting the statement from the International Conference on Population and Development, concurred that the attainment of “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.(Article 1.19) In 1995, Similarly, states in adopting the statement from the Social Development Summit endorsed the calling for “the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member States of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action States have made a commitment to maintain “ peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict” (Art. 14) and to reduce ..military

expenditures “ (Art. 15), states have also made a commitment to the “prevention and resolution of conflicts,” (Art 15) and to “increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes, (145a)

In 1995, states have also undertaken in the Platform of Action of the UN Conference on Women: Equality, Development and Peace to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws. and international environmental law” (Section 167). Yet, through sympathetic administrations states have for years failed to ensure corporate compliance with national laws, codes and regulations, and international agreements. States have continued to provide subsidies and tax deferrals to corporations, a large proportion of whom have engaged in socially inequitable and being habitat environmentally unsound development.

149 (n) Recognizing the negative effect of excessive military expenditures, trade in arms, especially of those arms that are particularly injurious or have indiscriminate effects such as land mines whose use should be banned, and excessive investment for arms production and acquisition; the international community spent 370 billion on the military in 1981, and is now spending over 800 billion. Yet in 1981, the General Assembly passed a resolution supporting the reduction and freezing of the military budget (UN General Assembly 36/81). Also, in 1981 the UN General Assembly undertook to reallocate resources saved from the proposed reduction to economic and social needs (UN General Assembly Resolution 36/81.

* 149 n Recognizing the negative effect of excessive military expenditures and trade in arms, especially of arms that are particularly injurious or have indiscriminate effects, and excessive investment for arms production and acquisition, while acknowledging legitimate national defence needs.

DOCUMENTATION OF PRECEDENT:

RE; PREVENTING WASTE AND MISUSE OF RESOURCES FOR WAR

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS
PEACE, DEVELOPMENT AND GLOBAL CHANGE IN THE CONTEXT OF
HABITAT II

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)

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)

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)

7.11. 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)

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that "solutions do not lie in the recipes of the past".

For over 50 years since the formation of the United Nations, member states have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants; and member states have created expectations through declarations, conference action plans and General Assembly resolutions. These obligations and expectations have been reflected in international instruments undertaking to guarantee respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

Through the United Nations process the course for the necessary global change has been set. At the conjunction of the decade devoted to the respect and furtherance of international law, and the Habitat Conference as the culmination of a significant series of conferences is a unique opportunity for states to summon up the political will, with the assistance of civil society, to move beyond the recipes and constraints of the past.

Currently the Global Community spends over \$800 billion on the military budget at a time when the right to housing, the right to food, the right to universal health care, the right to be free from discrimination, the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Twenty-five years ago, in General Assembly resolutions the majority of states of the world expressed deep concern about the military budget which at that time was 50% of what it is now.

In 1981, in a General Assembly resolution entitled "Reduction of the Military Budget", the majority of the member states reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget. Also in 1981, the majority of states recognized that the "military consequences on international peace and security." In addition, in 1981 the majority of states undertook "to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war."

In 1981 the majority of states through the general assembly resolution on the Reduction of Military Budgets, reiterated the appeal to all States, in particular the most heavily armed States, pending the concluding 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."

This request was further reinforced in a 1983 General Resolution on the "Relationship between Disarmament and Development", that "curbing the arms

build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries.” Also in this resolution states considered 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 [which had been proposed in 1974] .”

The establishment of a new international economic order was promoted in Habitat I. With this new international economic order as proposed in 1974 “states agreed to achieve universal progress in the quality of life, a fair and balanced structure of the economic relations and agreed with united determination to work urgently for the establishment of a new international order based on equity...interdependence, common interest and co-operation with systems which shall correct inequalities and address existing injustices ...and to ensure steadily social development and peace and justice for present and future generations.”

Habitat II should strive to fulfil the expectation of Habitat I for a new international order based on equity, and the states should fulfil the expectations from the General Assembly resolutions calling for the reduction of the military budget and the transferring of the increased funds to guaranteeing the enshrining and respect of human rights, to preserving, protecting and conserving the environment, to preventing conflict and war, to achieving social justice and to enabling socially equitable and environmentally sound development and communities.

Article 139 in the Habitat II Agenda should include this commitment of member states to fulfil this 25 year old expectation. Yet it is those who are in power to bring about change that benefit most from the perpetuation of the “recipes of the past.”

Dr Joan E. Russow
Global Compliance Research Project

() THAT I had been contacted by Jack Littlepage to submit data on the way the project would contribute to women in development – one of the requirements of the CIDA project

REQUEST information deadline
co July 2 before 3

721 7120fax sent to Jack Littlepage

Jack

I have contacted the Brazilian embassy and the United Nations Association for responses to the following questions:

1. Was Agenda 21 and the Rio Declaration translated into Portuguese?
2. If translated are they available on disk, and if so, how can it be accessed?
3. What is the General policy about translating UN documents into Portuguese.

KATHLEEN MACRAW LEGAL ADVISOR CIDA

() THAT I received a message from Jack Littlepage

“DRAFT FOR QUICK INPUT

Women in development:

Environment/development education program.

The Environment/development education program will have as one of its goals the ensuring that women, through strengthening their knowledge base within a practical context, to improve their capacity to advocate, lobby and participate in policy-making. This educational program will also give women the confidence to determine the terms of reference within the decision-making process which will enable them to work together to solve environment and development problems. Part of the program will focus on the constraints that women experience in their pursuit of meaningful socially equitable and environmentally sound employment, and on the means to overcome these constraints.

The Environment/development educational program will build on Educational Philosophy enunciated through various UN recommendations drawn from recent United Nations Conferences. In particular, for the program guideline, the program will build on the recommendations from Chapter 36 of Agenda 21 UNCED, “promoting education, public awareness and training”; for substance, the program will build on principles extracted from Conference action plans, such as the “Platform of Action from the UN Conference on Women, and the Habitat II agenda, and on Conventions, Covenants and General Assembly resolutions. For “process”, the program will build on the various sections in Agenda 21 that call for the

meaningful and genuine involvement of women (Chapter 24), Youth (Chapter 25), Indigenous peoples (Chapter 26); and NGOs (Chapter 27) in the creating of development and environment education [socially equitable and environmentally sound development] curricula through incorporating relevant local issues and examples into a larger principle-based framework.

In Chapter 36 of Agenda 21, "Education" for "improving the capacity of the people to address environment and development" issues is advocated. (36.3); the "awareness of the interrelated nature of all human activities and the environment" (36.8) is stressed; and [the] "need to increase public sensitivity to environment and development problems and involvement in their solutions and foster a sense of personal environmental responsibility..." (36.8) is recognized. In addition, Article 36.9. enunciated the objective of promot[ing] broad public awareness as an essential part of a global education..."

The essence of the program will be the interaction between principles and relevant local examples that amplify, expand and clarify principles through the meaningful involvement of members of the community.

Year 1

The groundwork for this proposal has already been carried out through research into relevant international principles, and the development of principle-based education. The first stage will be to find the counterparts of these international principles in the UN material that has been translated into Portuguese. The initial work for this could be done at the University of Victoria where the ground work has already been carried out in the preparation of educational material on global issues.

The second phase will be to visit Santa Catalina and discuss the creation of relevant educational material based on local examples within the framework of principles. University students including a strong representation of women students will be contacted about co-creating the program. Their involvement will be to first participate in a two + week course experimenting with innovative means of communicating the international principles through local actual cases, hypothetical cases, metaphors, analogies, etc. and through general analytical critical thinking processes. The students will then go into the community and carry out a similar process with the members of the community; at all times the students will be encouraging the members of the community to be involved in the creation of educational curricula on socially equitable and environmentally sound development.

The third phase will be a subsequent visit from the co-coordinator from University of Victoria, when the students will submit reports and further develop the material.

Outcomes of these phases;

The centre for the educational program will be the University of Santa Catalina. At this university initial overview will be given on relevant international principles to students interested in doing outreach into the community. Women will be encouraged to play an active role in creating the program and in training others to expand the program.

For the first year, the task will be to establish a network of educators and members of the community at Santa Catalina interested in working in the co-creation of an educational and public awareness program on socially equitable and environmentally sound development.

1. The preparation of a booklet of socially equitable and environmentally sound development principles in Portuguese, along with relevant local examples and illustrations and a documentation of innovative teaching methods that have been devised through this consultative process.
2. The continuous input into the creation of materials from members of the community will be documented

Year 2.

Phase 1

The first phase will be for the coordinator and interested students, and members of the community to visit the other universities involved in the project where they will explain the process initiated at Santa Catalina.

At each university there will be a core group that will meet with members of the local community.

Outcomes

1. the compilation of materials from the Universities involved will be collated into an educational program
2. Small conference could be organized bringing in representatives from universities and community members to discuss the educational material

Year 3

The comparative program between Canada and

687 4589

REQUEST FROM JACK LITTLEPAGE TO JOAN RUSSOW

Gender-WID - a more solid understanding of what it takes to address WID issues should be demonstrated in any agreement document." According to our CIDA rep this translates as a need to know how we are going to assess our progress in this area. We have outlined what we are going to do but not how to measure it. Our program for WID is covered on pages 10, 16-17 and 27 of our proposal. Any help would be most appreciated.

year to year plan
 what we will be doing
 no mechanism
 this is a general policy
 5 people employed

24.3. Governments should take active steps to implement the following:

(a) Measures to review policies and establish plans to increase the proportion of women involved as decision makers, planners, managers, scientists and technical advisers in the design, development and implementation of policies and programmes for sustainable development;

(b) Measures to strengthen and empower women's bureau, women's non-governmental organizations and women's groups in e

Basis for action

36.8. There is still a considerable lack of awareness of the interrelated nature of all human activities and the environment, due to inaccurate or insufficient information. Developing countries in particular lack relevant technologies and expertise. There is a need to increase public sensitivity to environment and development problems and involvement in their solutions and foster a sense of personal environmental responsibility and greater motivation and commitment towards sustainable development.

36.9. The objective is to promote broad public awareness as an essential part of a global education effort to strengthen attitudes, values and actions which are compatible with sustainable development. It is important to stress the principle of devolving authority, accountability and resources to the most appropriate level with preference given to local responsibility and control over awareness-building activities.

Year 1.

and for the need for an interdisciplinary approach linking issues. In all sections on education in Agenda 21 there is a call for co-development for the involvement of the community (36), women (Chapter, NGO youth (Chapter 25) and Indigenous peoples in the development of educational material and in the decision-making process.

In Chapter 36 of agenda 21 there is a recommendation to

36.9. The objective is to promote broad public awareness as an essential part of a global education effort to strengthen attitudes, values and actions which are compatible with sustainable development. It is important to stress the principle of devolving authority, accountability and resources to the most appropriate level with preference given to local responsibility and control over awareness-building activities.

In particular in Chapter 24 on women there is envisioned an important role for women as

Basis for action

36.3. Education, including formal education, public awareness and training should be recognized as a process by which human beings and societies can reach their fullest potential. Education is critical for promoting sustainable development and improving the capacity of the people to address environment and development issues. While basic education provides the underpinning for any environmental and development education, the latter needs to be incorporated as an essential part of learning. Both formal and non-formal education are indispensable to changing people's attitudes so that they have the capacity to assess and address their sustainable development concerns. It is also critical for achieving environmental and ethical awareness, values and attitudes, skills and behaviour consistent with sustainable development and for effective public participation in decision-making. To be effective, environment and development education should deal with the dynamics of both the physical/biological and socioeconomic environment and human (which may include spiritual) development, should be integrated in all disciplines, and should employ formal and non-formal methods and effective means of communication.

36.4. (b) To achieve environmental and development awareness in all sectors of society on a world-wide scale as soon as possible;

(c) To strive to achieve the accessibility of environmental and development education, linked to social education, from primary school age through adulthood to all groups of people;

(d) To promote integration of environment and development concepts, including demography, in all educational programmes, in particular the analysis of the causes of major environment and development issues in a local context, drawing on the best available scientific evidence and other appropriate sources of knowledge, and giving special emphasis to the further training of decision makers at all levels.

36.5 (d) Educational authorities, with the appropriate assistance from community groups or non-governmental organizations, are recommended to assist or set up pre-service and in-service training programmes for all teachers, administrators, and educational planners, as well as non-formal educators in all sectors, addressing the nature and methods of environmental and development education and making use of relevant experience of non-governmental organizations;

36.5 (f) Educational authorities should promote proven educational methods and the development of innovative teaching methods for educational settings. They should also recognize appropriate traditional education systems in local communities;

(h) There is a need to strengthen, within five years, information exchange by enhancing technologies and capacities necessary to promote environment and development education and public awareness. Countries should cooperate with each other and with the various social sectors and population groups to prepare educational tools that include regional environment and development issues and initiatives, using learning materials and resources suited to their own requirements;

(i) Countries could support university and other tertiary activities and networks for environmental and development education. Cross-disciplinary courses could be made available to all students. Existing regional networks and activities and national university actions which promote research and common teaching approaches on sustainable development should be built upon, and new partnerships and bridges created with the business and other independent sectors, as well as with all countries for technology, know-how, and knowledge exchange;

(j) Countries, assisted by international organizations, non-governmental organizations and other sectors, could strengthen or establish national or regional centres of excellence in interdisciplinary research and education in environmental and developmental sciences, law and the management of specific environmental problems. Such centres could be universities or existing networks in each country or region, promoting cooperative research and information sharing and dissemination. At the global level these functions should be performed by appropriate institutions;

(k) Countries should facilitate and promote non-formal education activities at the local, regional and national levels by cooperating with and supporting the efforts of non-formal educators and other community-based organizations. The appropriate bodies of the United Nations system in cooperation with non-governmental organizations should encourage the development of an international network for the achievement of global educational aims. At the national and local levels, public and scholastic forums should discuss environmental and development issues, and suggest sustainable alternatives to policy makers;

26

Basis for action

36.8. There is still a considerable lack of awareness of the interrelated nature of all human activities and the environment, due to inaccurate or insufficient information. Developing countries in particular lack relevant technologies and expertise. There is a need to increase public sensitivity to environment and development problems and involvement in their solutions and foster a sense of personal environmental responsibility and greater motivation and commitment towards sustainable development.

36.9. The objective is to promote broad public awareness as an essential part of a global education effort to strengthen attitudes, values and actions which are compatible with sustainable development. It is important to stress the principle of devolving authority, accountability and resources to the most appropriate level with preference given to local responsibility and control over awareness-building activities.

36.10 (a) Countries should strengthen existing advisory bodies or establish new ones for public environment and development information, and should coordinate activities with, among others, the United Nations, non-governmental organizations and important media. They should encourage public participation in discussions of environmental policies and assessments. Governments should also

facilitate and support national to local networking of information through existing networks;

26.10 (d) Countries should stimulate educational establishments in all sectors, especially the tertiary sector, to contribute more to awareness building. Educational materials of all kinds and for all audiences should be based on the best available scientific information, including the natural, behavioural and social sciences, and taking into account aesthetic and ethical dimensions;

36.10 (f) Countries, in cooperation with the scientific community, should establish ways of employing modern communication technologies for effective public outreach. National and local educational authorities and relevant United Nations agencies should expand, as appropriate, the use of audio-visual methods, especially in rural areas in mobile units, by producing television and radio programmes for developing countries, involving local participation, employing interactive multimedia methods and integrating advanced methods with folk media;

(g) Countries should promote, as appropriate, environmentally sound leisure and tourism activities, building on The Hague Declaration of Tourism (1989) and the current programmes of the World Tourism Organization and UNEP, making suitable use of museums, heritage sites, zoos, botanical gardens, national parks, and other protected areas;

C. Promoting training

Basis for action

36.12. Training is one of the most important tools to develop human resources and facilitate the transition to a more sustainable world. It should have a job-specific focus, aimed at filling gaps in knowledge and skill that would help individuals find employment and be involved in environmental and development work. At the same time, training programmes should promote a greater awareness of environment and development issues as a two-way learning process.

36.13. The following objectives are proposed:

(a) To establish or strengthen vocational training programmes that meet the needs of environment and development with ensured access to training opportunities, regardless of social status, age, gender, race or religion;

(b) To promote a flexible and adaptable workforce of various ages equipped to meet growing environment and development problems and changes arising from the transition to a sustainable society;

(c) To strengthen national capacities, particularly in scientific education and 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;

(d) To ensure that environmental and human ecological considerations are integrated at all managerial levels and in all functional management areas, such as marketing, production and finance.

27 c Promoting changes in sustainable production and consumption patterns, particularly in industrialized countries, population policies and settlement structures that are more sustainable, reduce environmental stress promote the efficient and rational use of natural resources— including water, air, biodiversity, forests, energy sources and land — and meet basic needs thereby providing a healthy living and working environment for all **and reducing the ecological footprint of human settlements;**

This principle was included in the Habitat II Agenda.

130 bis

Accountability and transparency are imperative in order to prevent corruption and ensure that the available resources are used to benefit of all people. Each government should ensure the right of all members of its society to take an active part in the affairs of the community in which they live, and ensure and encourage participation in policy-making at all levels.

36.15. National professional associations are encouraged to develop and review their codes of ethics and conduct to strengthen environmental connections and commitment. The training and personal development components of programmes sponsored by professional bodies should ensure incorporation of skills and information on the implementation of sustainable development at all points of policy- and decision-making.

Basis for action

25.2. It is imperative that youth from all parts of the world participate actively in all relevant levels of decision-making processes because it affects their lives today and has implications for their futures. In addition to their intellectual contribution

and their ability to mobilize support, they bring unique perspectives that need to be taken into account.

25.3. Numerous actions and recommendations within the international community have been proposed to ensure that youth are provided a secure and healthy future, including an environment of quality, improved standards of living and access to education and employment. These issues need to be addressed in development planning.

Objectives

25.4. Each country should, in consultation with its youth communities, establish a process to promote dialogue between the youth community and Government at all levels and to establish mechanisms that permit youth access to information and provide them with the opportunity to present their perspectives on government decisions, including the implementation of Agenda 21.

24.1. The international community has endorsed several plans of action and conventions for the full, equal and beneficial integration of women in all development activities, in particular the Nairobi Forward-looking Strategies for the Advancement of Women, ^{1/} which emphasize women's participation in national and international ecosystem management and control of environment degradation. Several conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex) and conventions of ILO and UNESCO have also been adopted to end gender-based discrimination and ensure women access to land and other resources, education and safe and equal employment. Also relevant are the 1990 World Declaration on the Survival, Protection and Development of Children and its Plan of Action (A/45/625, annex). Effective implementation of these programmes will depend on the active involvement of women in economic and political decision-making and will be critical to the successful implementation of Agenda 21.

(b) To increase the proportion of women decision makers, planners, technical advisers, managers and extension workers in environment and development fields;

(c) To consider developing and issuing by the year 2000 a strategy of changes necessary to eliminate constitutional, legal, administrative, cultural, behavioural, social and economic obstacles to women's full participation in sustainable development and in public life;

(d) To establish by the year 1995 mechanisms at the national, regional and international levels to assess the implementation and impact of development

and environment policies and programmes on women and to ensure their contributions and benefits;

(e) To assess, review, revise and implement, where appropriate, curricula and other educational material, with a view to promoting the dissemination to both men and women of gender-relevant knowledge and valuation of women's roles through formal and non-formal education, as well as through training institutions, in collaboration with non-governmental organizations;

(f) To formulate and implement clear governmental policies and national guidelines, strategies and plans for the achievement of equality in all aspects of society, including the promotion of women's literacy, education, training, nutrition and health and their participation in key decision-making positions and in management of the environment, particularly as it pertains to their access to resources, by facilitating better access to all forms of credit, particularly in the informal sector, taking measures towards ensuring women's access to property rights as well as agricultural inputs and implements;

(g) To implement, as a matter of urgency, in accordance with country-specific conditions, measures to ensure that women and men have the same right to decide freely and responsibly the number and spacing of their children and have access to information, education and means, as appropriate, to enable them to exercise this right in keeping with their freedom, dignity and personally held values;

(h) To consider adopting, strengthening and enforcing legislation prohibiting violence against women and to take all necessary administrative, social and educational measures to eliminate violence against women in all its forms.

24.3. Governments should take active steps to implement the following:

(a) Measures to review policies and establish plans to increase the proportion of women involved as decision makers, planners, managers, scientists and technical advisers in the design, development and implementation of policies and programmes for sustainable development;

(b) Measures to strengthen and empower women's bureau, women's non-governmental organizations and women's groups in enhancing capacity-building for sustainable development;

(c) Measures to eliminate illiteracy among females and to expand the enrolment of women and girls in educational institutions, to promote the goal of universal access to primary and secondary education for girl children and for

women, and to increase educational and training opportunities for women and girls in sciences and technology, particularly at the post-secondary level;

(d) Programmes to promote the reduction of the heavy workload of women and girl children at home and outside through the establishment of more and affordable nurseries and kindergartens by Governments, local authorities, employers and other relevant organizations and the sharing of household tasks by men and women on an equal basis, and to promote the provision of environmentally sound technologies which have been designed, developed and improved in consultation with women, accessible and clean water, an efficient fuel supply and adequate sanitation facilities; (e) 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, responsible planning of family size and services, as appropriate, in keeping with freedom, dignity and personally held values. 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 fully breastfeed at least during the first four months post-partum. Programmes should fully support women's productive and reproductive roles and well-being and should pay special attention to the need to provide equal and improved health care for all children and to reduce the risk of maternal and child mortality and sickness;

(f) Programmes to support and strengthen equal employment opportunities and equitable remuneration for women in the formal and informal sectors with adequate economic, political and social support systems and services, including child care, particularly day-care facilities and parental leave, and equal access to credit, land and other natural resources;

(g) Programmes to establish rural banking systems with a view to facilitating and increasing rural women's access to credit and to agricultural inputs and implements;

(h) Programmes to develop consumer awareness and the active participation of women, emphasizing their crucial role in achieving changes necessary to reduce or eliminate unsustainable patterns of consumption and production, particularly in industrialized countries, in order to encourage investment in environmentally sound productive activities and induce environmentally and socially friendly industrial development;

(i) Programmes to eliminate persistent negative images, stereotypes, attitudes and prejudices against women through changes in socialization patterns, the media, advertising, and formal and non-formal education;

(j) Measures to review progress made in these areas, including the preparation of a review and appraisal report which includes recommendations to be submitted to the 1995 world conference on women.

24.4. 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 (Agenda 21, 24.4).

24.5. States parties to the Convention on the Elimination of All Forms of Discrimination against Women should review and suggest amendments to it by the year 2000, with a view to strengthening those elements of the

24.8. Countries should develop gender-sensitive databases, information systems and participatory action-oriented research and policy analyses with the collaboration of academic institutions and local women researchers on the following:

(a) Knowledge and experience on the part of women of the management and conservation of natural resources for incorporation in the databases and information systems for sustainable development;

(b) The impact of structural adjustment programmes on women. In research done on structural adjustment programmes, special attention should be given to the differential impact of those programmes on women, especially in terms of cut-backs in social services, education and health and in the removal of subsidies on food and fuel;

(c) The impact on women of environmental degradation, particularly drought, desertification, toxic chemicals and armed hostilities;

(d) Analysis of the structural linkages between gender relations, environment and development;

(e) The integration of the value of unpaid work, including work that is currently designated "domestic", in resource accounting mechanisms in order better to represent the true value of the contribution of women to the economy, using revised guidelines for the United Nations System of National Accounts, to be issued in 1993;

(f) Measures to develop and include environmental, social and gender impact analyses as an essential step in the development and monitoring of programmes and policies;

(g) Programmes to create rural and urban training, research and resource centres in developing and developed countries that will serve to disseminate environmentally sound technologies to women.

140 (b) Adopt macroeconomic policies and frameworks that in housing, basic infrastructure and other settlements development; capacity for capital investment in housing, infrastructure and basic services, and devise, as appropriate, new financial instruments that penalize environmental damage; the borrowers' capacity to repay the debt; Note that this has been changed to read adopt macroeconomic policies and frameworks that encourage increased domestic savings and facilitate their use in housing, basic infrastructure and other aspects of the social and economic development of human settlements;

140. To strengthen the national and local economies and sustainable human settlements development, Governments at the appropriate levels, including local authorities, should seek to provide an enabling framework which aims to:

(f) Support local efforts to encourage voluntary private and community sector partnerships and participation in building, operating and maintaining basic infrastructure and services, and open green spaces;

142 Bbis<B. The dissemination of experiences that contribute to facilitating access to adequate housing for all and the development of sustainable human settlements is helpful in the formulation of public policies on human with social actors should:

(a) Promote the selection of urban management practices habitat, their use of participatory modes of organization and operation, their sustainable and lasting character, and their with the participation of non-governmental organizations active in the urban development field; locally, nationally, regionally and internationally, in an integrated manner.

Governments and local authorities should, as appropriate:

(a) Upgrade information infrastructure and technology and encourage their use by all levels of Government, public

(d) Encourage the participation of children, youth and

educational institutions in the use of public libraries and
(g) (See para. 142 <Bbis</B, sub para. (e) below).

133 (k) Strengthening the capacity of local authorities and civil society organizations to review social, economic and environmental policy affecting their community and to set standards for services in such areas as basic education, public health, water for domestic, agricultural and industrial use, public infrastructure, public safety, drug-abuse awareness and environmental management and to effectively feed these standards back into a coordinated national policy;

<B Caucus on older people</B

elders, and institutions at many levels to ensure that the special needs of all groups, particularly the vulnerable, are met. The scarcity of ...

<BNGO composite</B

136. ... Among the characteristics of metropolitan areas that require special skills to handle the negative impacts of the global economy on local economies are their ethnically and culturally diverse populations, which include women and marginalized groups; large concentrations of urban poverty within economically deprived zones; extensive infrastructure networks ...

<BNGO composite</B

(d) Strengthen the capacity and mandates of metropolitan authorities to deal effectively with issues of regional and national importance, such as land and property rights for women, energy and water resources management, environmental management, access to adequate social infrastructure, transportation and communication, trade and finance, and social integration;

includes women in all areas of expertise who are trained in the technical aspects of planning and development of primary infrastructure and are responsive to emergency planning;

139 (f) Support local efforts to encourage voluntary private and community sector partnerships and participation in building, operating and maintaining **basic infrastructure and services that employ gender-sensitive policies, address the needs of marginalized groups and empower women with financial resources for home acquisition;**

year to year plan

what we will be doing
 no mechanism
 this is a general policy
 5 people employed

education
 information
 survey

information deadline
 co July 2 before 3

141. ... including those that uphold the rights of the family, children, women and other vulnerable groups in the context of growing urbanization.

<BNGO composite</B

conjunction with the liberalization of trade and the free flow of capital on a global scale, are bringing about radical changes in the roles and functions of cities and their decision-making and resources allocation processes. Those Governments that make the necessary investments in information technology and infrastructure and enable and empower their citizens to make effective use of such technology can expect to foster tremendous additional productivity gains in productivity gains have benefited only a fortunate few, while contributing to increasing income inequality and unemployment who can afford them and place the substantial majority of people who do not have access to them at an increasing recognized that this improved information technology may potentially be utilized to enhance and improve education, training, the development of employment programmes for women and marginalized groups, and public awareness of the social, economic and environmental issues affecting the quality of communities to the exchange of habitat practices, including those that uphold the rights of children, women and other

25 (d) Promoting appropriate, affordable, safe, efficient and environmentally friendly construction materials, methods and technologies, particularly in developing countries, at the national, sub regional and regional levels;
 through rehabilitation and maintenance;

27 (h <Bbis</B) Formulating and implementing programmes that contribute to maintaining and strengthening the vitality of rural areas;

29 (c) Collection, analyzing and disseminating gender-disaggregated data and information on human settlement issues for use in policy and programme planning and implementation; implementation of environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas;

29. (b <Bbis</B) Supporting local initiatives at the local, municipal, community, private sector and non-governmental levels for improving living conditions and social services;
<BWFP</B

25 (a <Bbis</B) Ensuring that women and men have equal access to resources, including credit opportunities, and the right to inheritance and ownership of land and property;

25 (l) Avoiding forced evictions, when possible; when unavoidable, striving for rehabilitation.

<BGroup of 77 and China</B

at the national level within the framework of national development programmes that include shelter policies and strategies, and urban and housing policies in order to support resource mobilization, employment generation, poverty eradication and social integration; tenure options, and equal access to serviced land, especially by people living in poverty, particularly women;

<Group of 77 and China</B

at the national level within the framework of national development programmes that include shelter policies and strategies, and urban and housing policies in order to support resource mobilization, employment generation, poverty eradication and social integration; tenure options, and equal access to serviced land, especially by people living in poverty, particularly women;

25. We further commit ourselves to the objectives of:
and shelter policies and strategies, in order to support eradication; **provide security of tenure and equal access to serviced land for all land-users, especially indigenous people, women, local communities and people living in poverty; finance for all; technologies that are affordable, safe, and efficient, that emphasize greater use of local materials and human resources, that encourage and support design efficiency and energy-saving methods, and that are environmentally sound and protective of human health;**

27. We further commit ourselves to the objectives of:

(a) Promoting socially integrated and accessible human settlements, including appropriate facilities for health and education, combating segregation and discriminatory and other exclusionary policies and practices, and recognizing and respecting the rights of all, especially of women, persons with special needs and persons belonging to vulnerable or context of sustainable development that will attract investments, generate employment and provide revenues for human settlements development;

(g) Enabling sustainable economic development that will for human settlements development; impacts of structural adjustment and economic transition on human settlements through well-designed policies, especially on members of vulnerable groups and women; disasters on human settlements;

29 (c) Collection, analyzing and disseminating gender-disaggregated data and information on human settlement issues for use in policy and programme planning and implementation; implementation of environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas; practices to promote the full and equal participation of women

131. (d) Facilitate the exchange of technology, experience and management expertise vertically between government delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development, through technical twinning and exchange of women, eradicate corruption and ensure greater transparency, efficiency and community participation in the management of local resources;

(I) Develop, in collaboration with appropriate international organizations, associations/networks of local organizations, a global and easily accessible information network to facilitate the exchange of experience, know-how expertise.

133 (h) Promoting equality, incorporating gender considerations and the full and equal participation of women, and involving vulnerable and disadvantaged groups, including people living in poverty and low-income groups, through institutional measures to ensure that their interests are represented in policy- and decision-making processes and formation;

133 (d) Undertaking civic and human rights education and training programmes, using all forms of the media and education and information campaigns, to promote a civic spirit and an awareness of civil, cultural, economic, political and social rights and responsibilities and the means of exercising and enjoying them, of the changing roles of women and men and of issues relating to sustainable economic development.

(e <Bbis</B) Removing legal barriers to participation in public life by socially marginalized groups and promoting non-discrimination legislation;

141. Recent developments in information technology, in conjunction with the liberalization of trade and the free flow of capital on a global scale, will bring about radical changes in the roles and functions of cities and their decision-making and resource allocation processes. Those Governments that make the necessary investments in information technology and effective use of such technology can expect to foster tremendous productivity gains in industry, trade and commerce. This improved information technology should be appropriately and optimally utilized to preserve and share moral values and enhance and improve education, training and public awareness of the social, economic and environmental issues affecting the and communities to the exchange of habitat practices, including those that uphold the rights of children, women and other vulnerable groups in the context of growing

141. Recent developments in information and communication and the free flow of capital on a global scale, will bring and their decision-making and resource allocation processes. Societies that make the necessary investments in information technology and infrastructure and enable and empower their citizens to make effective use of such technology can expect to foster sustainable productivity gains in industry, trade and commerce. **This improved technology should be appropriately and optimally utilized to improve education, training and public awareness of the social, economic and environmental issues affecting the quality of life, to preserve and share moral values** and to facilitate access by all key actors and communities to the exchange of habitat practices, including those that uphold the rights of children, women, people with disabilities, the frail elderly and other vulnerable groups in the context of growing urbanization.

() THAT I submitted further documents on Women and Development
EXHIBIT
BEST practice Questionnaire 1996
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 DISAGREE)**

**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 socioeconomic 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) Analyze, 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)**

Several key concepts and principles have emerged from the recent international conferences such as UNCED, ICPD, World Human Right conference. The UN Conference on Women: Equality, Development and Peace; concept that will impact on the role of women in socially equitable and environmentally sound development. These concepts and principles that constitute implementations of these concepts and principles has to become an integral part of an educational program.

Praxis: what has often been described as a linking of theory and practice or principle and action needs to be conveyed.

In this project one of the aspects of the programs to encourage the meaningful and equal access and participation of women in capacity building and development will be a community based educational program. This proposed educational program

will draw upon the need for the respecting of local traditions and practices within the context of equitable and ecological principles.

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;

custom

73. **Discrimination in girls' access to education persists in many areas, owing to customary attitudes,** early marriages and pregnancies, inadequate and gender-biased teaching and educational materials, sexual harassment and lack of adequate and physically and otherwise accessible schooling facilities. Girls undertake heavy domestic work at a very early age. Girls and young women are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and early drop-out from the educational system. This has long-lasting consequences for all aspects of women's lives.

119. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. **Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society.** Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and to enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.

125 (k) 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;

232. By Governments:

(a) Give priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origins, property, birth or other status;

(d) Review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, and revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice;

*** 180. (b) Enact and enforce laws and introduce implementing measures, including means of redress and access to justice in cases of non-compliance, to prohibit direct and indirect discrimination on grounds of sex, including by reference to marital or family status in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment;**

258 (c) Ensure the full compliance with relevant international obligations, including where relevant, the Basel Convention and other conventions relating to the trans-boundary movement of hazardous wastes (which include toxic wastes) and the IAEA Code of Practice relating to the movement of radioactive wastes; enact and enforce regulations for environmentally sound management related to safe storage and movements; consider taking action towards the prohibition of those movements which are unsafe and insecure and ensure the strict control and management of hazardous wastes and radioactive

waste, in accordance with relevant international and regional obligations and eliminate the exportation of such wastes to countries that, individually or through international agreements, prohibit their importation;

ELIMINATE ∞, PROHIBIT*

ARTICLE 2. STATES PARTIES CONDEMN DISCRIMINATION AGAINST WOMEN IN ALL ITS FORMS, AGREE TO PURSUE BY ALL APPROPRIATE MEANS AND WITHOUT DELAY A POLICY OF ELIMINATING DISCRIMINATION AGAINST WOMEN AND, TO THIS END, UNDERTAKE:

(A) 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;

(B) TO ADOPT §APPROPRIATE§ LEGISLATIVE AND OTHER MEASURES, INCLUDING SANCTIONS WHERE APPROPRIATE, PROHIBITING ALL DISCRIMINATION AGAINST WOMEN;

61. By multilateral financial and development institutions, including the World Bank, the International Monetary Fund and regional development institutions, and through bilateral development cooperation:
- (a) In accordance with the commitments made at the World Summit for Social Development, seek to mobilize new and additional financial resources that are both adequate and predictable and mobilized in a way that maximizes the availability of such resources and uses all available funding sources and mechanisms with a view to contributing towards the goal of poverty eradication and targeting women living in poverty.;
 - (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;
- 61 (d) Ensure that structural adjustment programmes are designed to minimize their negative effects on vulnerable and disadvantaged groups and communities and to assure their positive effects on such groups and communities by preventing their marginalization in economic and social activities and devising measures to ensure that they gain access to and

control over economic resources and economic and social activities; take actions to reduce inequality and economic disparity;

- (e) Review the impact of structural adjustment programmes on social development by means of gender-sensitive social impact assessments and other relevant methods, in order to develop policies to reduce their negative effects and improve their positive impact, ensuring that women do not bear a disproportionate burden of transition costs; complement adjustment lending with enhanced, targeted social development lending
69. By Governments, intergovernmental organizations, academic and research institutions and the private sector:
- (a) Develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economic policy-making, including structural adjustment planning and programmes;

DEBT FORGIVENESS

- 61 (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, **through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities;**

21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.

(STRONGLY AGREE 1 2 3 4 5 STRONGLY DISAGREE)

Principles will be conveyed to the community by drawing upon local analogy and cultural

The challenge with this program will be to essence of the program will be to expand the traditional roles through expanding a range of options without How we are going to do it reprinted

I continued to seek funding for expanding the Global compliance research
AUGUST AUGUST

CRIAW RESEARCH GRANT APPLICATION

1. GENERAL INFORMATION (PLEASE PROVIDE FOUR COPIES OF YOUR APPLICATION)

NAME: Dr. Joan E Russow
ADDRESS: 1230 St. Patrick
Victoria,
V8S4Y4

TELEPHONE/ FAX 604 598-0071

PLEASE CHECK ONE BOX

Independent researcher, initiator and coordinator of the Global Compliance Research Project—a global network of women’s groups, and an affiliate with the University of Victoria, only as a sessional lecturer in global issues in environmental studies

CONTEXT OF THE PROJECT FOR WHICH FUNDING IS BEING SOUGHT GLOBAL COMPLIANCE RESEARCH PROJECT

For over fifty years through international agreements, the member states of the United Nations have undertaken: to promote and fully guarantee respect for human rights, including equality between women and men; to prevent environmental degradation and 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 disarmament, and to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference Action Plans and General Assembly Resolutions. If these fifty years of obligations had been discharged, and if these fifty years of expectations fulfilled, 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. In

international agreements member States of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

In 1994-95, the Global Compliance Research (GCR) project received a \$50,000 CIDA grant to (a) carry out a content analysis of international agreements for a book, "The Charter of Obligations" to be distributed at the UN Conference on Women: Equality, Development and Peace, and (b) set up an international network of women. At the New York Prep Com for the UN Conference on Women, the GCR Project circulated a 100-page draft version of the "Charter of Obligations", along with a resolution calling for state compliance with obligations and expectations (Global Compliance Resolution). Also at the Prep com, the GCR Project had the opportunity of addressing the UN Commission on the Status of Women on the necessity of linking the Platform of Action with precedents reflecting obligations and expectations, and on the necessity of states' undertaking to discharge obligations and fulfill expectations at the co-incidence of the UN Conference on Women and the 50th anniversary of the United Nations. At the end of the Prep Com the International advisory committee for the GCR project had a network of representatives of organizations from over thirty states.

The GCR Project completed the "Charter of Obligations" which had become a 350-page compilation in English (and a 200-page French version) of 50 years of obligations incurred internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind states at the UN conference that many of the presumably forward-looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents. The purpose of the Charter was not only to encourage states to move beyond what they had already agreed to but to persuade the non-Governmental Organizations to not ask for less than states were already obliged to do through previously negotiated, signed, or ratified conventions, treaties and covenants, or less than states were expected to do through adopted Conference Agendas and Action plans or through passed General Assembly Resolutions. The GCR project also prepared a set of three 4' x 5' Global Compliance charts with the states of the United Nations across the top and the Human Rights, peace, and Environment documents down the side. For this chart, information was gathered on which states had not signed, which states had signed but not ratified, and which states had both signed and ratified. This chart was placed in the NGO lounge at the UN Conference on Women, and displayed at numerous conferences and meetings including the March 1996 meeting of the UN Commission on the Status of Women. A copy of the charts is in the Women's Centre library at the United

Nations in New York. The GCR project gave a workshop on the project at the NGO Forum, and co-conducted a workshop on "Bringing the Conventions to the Grassroots." The essence of the GCR project has been to call upon states to translate the words of rhetoric into the action of compliance, implementation and enforcement.

In June, 1995, at the "We the Peoples." Conference in San Francisco, the GCR Project initiated a workshop on the Global Compliance resolution, and circulated the Global Compliance Resolution; the Global Compliance resolution was adopted by the plenary and forwarded to The Secretary General of the United Nations, Dr. Boutros Boutros Ghali who subsequently sent a letter of support for the resolution. The Global Compliance resolution called upon states to demonstrate the political will on the 50th Anniversary to the United Nations to discharge 50 years of obligations and fulfill 50 years of expectations by signing what they have not yet signed, by ratifying what they had not yet ratified, by enacting the necessary legislation to ensure compliance and implementation, and by undertaking to enforce and monitor the enforcement of the legislation. Letters with a Global Compliance Resolution were sent to all the state contacts for the UN 50th Anniversary. The Compliance resolution was also circulated in Beijing, and at subsequent meetings and conferences.

The GCR project also did a content analysis of the Platform of Action and in particular an analysis of specific language related to action such as "implementation." A "Covenant of Implementation": (12-page scroll on single space 9-point type), was prepared and presented at a community meeting in Victoria, at the Praxis Women's conference at the University of Victoria, and then circulated it internationally.

The GCR project also participated at the follow-up meeting of UN Commission on the Status of Women in New York in March 1996. The GCR project proposed, at one of the plenaries discussing optional protocols, a call for an International Court of Compliance where citizens could take evidence of state non-compliance. The GCR Project organized a workshop on the International Court of Compliance, presented the proposal to the NGO in the NGO briefing session, and then circulated a petition to state delegations.

The GCR Project also participated in the Habitat II Conference, and prepared a 150-page book, "A comment on the Habitat II Agenda: Moving Beyond Habitat I to discharging obligations and fulfilling expectations"; this book included the articles of the Habitat II Agenda in sequence, placing each of the bracketed sections of the draft Habitat II Agenda in the context of Habitat I and in the context of previous obligations and expectations. This document was distributed to state delegations at the Habitat II Conference in Istanbul. At this conference, the GCR Project initiated a Global Compliance Caucus where the Global Compliance resolution and the petition for an International Court of Compliance were reviewed, revised and distributed, chaired the urbanization caucus, and was on the editorial committee for preparing the NGO submission to Committee II. The GCR Project also made several interventions to Committee II on the need for Mandatory

International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) Practices, and on the need to substantially reduce the military budget and transfer the funds, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

At the end of the of the Beijing and Habitat conferences, the GCR Project had a network of over 100 representatives from over 70 states worldwide. It is undertaking to increase this representation to over 150 states. There is a network of over 20 women in Canada, involving representatives from Universities and research institutions from a wide range of disciplines, and activists. The GCR Project is currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II, and adding additional international obligations and expectations omitted in the previous publication or incurred or created through recent International agreements. In addition, the project is (a) extracting international principles and delineating proposals on what would constitute compliance with these international obligations, and expectations; and (b) undertaking to do a comparative analysis among states of the systemic constraints that are preventing states from the discharging of obligations and from the fulfilling of expectations.

Funding is being sought for preparing a synthesis of principles extracted from international agreements, and for developing "Principle-based education" educational material, "Obligations incurred and Expectations created: international agreements as instruments of change. The material from this research will be distributed at a United Nations Association/ Global Compliance project-initiated series of workshops. In addition, international funding is being sought for the selecting of a set of principles from the research and the delineating of what would constitute compliance with these principles. Funding will also be sought for reproducing the Compliance charts. At every meeting or conference there have been numerous requests for copies. What is needed is to update the charts on the computer, make a master and run off blueprints.

BRIEF OUTLINE OF THE PROJECT THE PROJECT FOR WHICH FUNDING IS BEING SOUGHT FROM CRIAW/ICREF

. In order to continue the research into international obligations incurred and expectations created, and to research and document compliance with these obligations and expectations, the Global Compliance Research Project has begun

to extend the network to include a representative from each of the states participating in the NGO forum. The previous network — the committee of international advisors, will be revitalized, and new potential representatives from the countries not yet represented will be contacted. In some cases, it may be difficult to locate the representatives because the full address had not been given in the NGO program. After the Beijing conference, the GCR project went through the program from the Women's NGO forum and noted workshops that appeared to complement the project and wrote down contact numbers.

In some cases, the government representative for the UN 50th, will be contacted to find the address of the individual or NGO groups. Information on the project will be distributed such as (a) a selection of key obligations and expectations; (b) a delineation of what would constitute compliance with these obligations and expectations, (c) what actions are necessary for compliance, (d) what peculiar systemic constraints are preventing compliance in their State; (e) what degree of compliance exists in their State. In addition, there will be a request for input into the future direction and development of the project. This project will link up Canadian academics/researchers/activists with other academics/researchers/activists around the world.

This project would also need complementary funding for printing copies of the Compliance charts for circulation to the network.

SIGNATURE

DATE August 30, 1996

3. TITLE OF THE PROJECT

Expansion of Global Compliance Research Network to Monitor Compliance with Obligations Incurred Expectations Created

4. LOCATION OF STUDY/RESEARCH

Victoria, British Columbia

5. WHAT ARE THE PROJECTS GOALS AND OBJECTIVES

1. The overall goal of the Global Compliance Research Project is to carry out extensive and continuing research into significant obligations incurred and expectations created through international agreements, and to disseminate this information to a global wide network of academics/researchers/activists.

2. The goal of the proposed funding project is to establish an effective global network of women to monitor not only compliance with a wide range of obligation related to socially equitable and environmentally sound development, peace, social justice and human rights, but also with the commitment to "implement" the Platform of Action.

3. Once the network is in place, the goal could be to have a concerted effort to get states to endorse the Global Compliance resolution and the Petition for an International Court of Compliance, An opportune time for states to undertake to comply would be as a commemoration of the culmination of the decade dedicated to the furtherance of international law in 1999

These resolutions call upon:

(i) states to sign what they have not yet signed, ratify what they have not yet ratified, enact the necessary legislation to ensure compliance, and undertake to enforce the accrued obligations and expectations

(ii) the United Nations to institute an International Court of Global Compliance where citizens to have an opportunity to present evidence of state non-compliance with international obligations and expectations. States would be required to appear and to act upon the judgment of the court.

4. To obtain specific information on what different women around the world determine to constitute compliance, what actions do they perceive to be necessary for compliance, and what general and peculiar constraints are preventing compliance to occur in their state.

5. To circulate through the Network, information on the project; (a) a selection of key obligations and expectations; (b) a delineation of what would constitute compliance with these obligations and expectations, (c) a request for an analysis of what actions are necessary for compliance, (d) a compilation of what general and peculiar systemic constraints are preventing compliance to occur in their state; (e) an optional evaluation form documenting the state performance by examining the Global Compliance Charts, and (f) a request for input into the future direction and development of the project. This project will link up Canadian academics/researchers/activists with other academics/researchers/activists around the world.

6.. the goal of the proposed funding project is to work within the Canadian Network on petitioning the Government of Canada to (i) enact the necessary legislation to ensure the discharging of these obligations, and the fulfilling of these expectations; (ii) ensure that in areas of provincial jurisdiction these international obligations and expectations are upheld in the Provincial Courts.

6. HOW WILL YOUR PROJECT FULFILL THESE OBJECTIVES

This part of the project will fulfill objective 2 by establishing a global wide network of women concerned with research and action; objective 3 by moving towards the endorsement of the Global Compliance Resolution; objective 4 and objective 5 by

involving a range of Canadian women in calling for the enacting and enforcing of the necessary legislation to ensure obligations are discharged and expectations fulfilled.

This part of the project will also begin the research into what would constitute compliance and into what are the problems peculiar to each state in ensuring compliance.

7. WHO WILL BE INVOLVED IN THE PROJECT? HOW WILL THEY BE INVOLVED? PLEASE GIVE A BRIEF DESCRIPTION OF THEIR BACKGROUND?

The international advisory committee at this time is composed primarily of academic/activists who are members of women's groups throughout the different regions of the world. The international advisory committee could be involved in the following ways:

- being given copies of selected principles
- in determining what would constitute compliance
- in circulating internationally, the Compliance Charts
- in delineating the systemic constraints preventing the discharging of obligations and the fulfilling of expectations
- in having input into a draft document that will be recirculated
- in lobbying governments for Global Compliance
- in calling for an International Court of Compliance where citizens can take evidence of state non-compliance

8. WHO WILL BENEFIT FROM THIS PROJECT? HOW WILL THEY BENEFIT?

All those who will receive the background information and who will use it to assist them in lobbying governments for change could benefit from the project.

If the lobbying of states is successful, and the states are willing to promote a General Assembly Compliance resolution, substantial positive change will occur. Nothing can be more beneficial than asking states, institutions and individuals to discharge obligations, fulfill expectations, and move beyond to new commitments.

9. HOW WILL THE RESEARCH BE SHARED?

The research has been shared primarily through the print media and through the mail. The GCR "Charter of Obligations" was prepared on a Mac, and has just recently been converted to IBM. The GCR had hoped to set up a list serve and carry out a substantial amount of the communication through e-mail. Part of the project would be on determining the most effective way to communicate in an inclusive way. Different members of the Network will be encouraged to circulate material at conferences, and to give workshops. The project essentially provides

information that activists can use in their work. The coordinator is planning on presenting workshops in different parts of Canada.

10. PLEASE PROVIDE A BRIEF OUTLINE OF YOUR WORKPLAN (I.E. TIMETABLES)

The setting up of the network could take a considerable amount of time. If the funding is received, the moment there is funding invitation letters will be sent out to the contacts found in the NGO Forum Programme. the material for distribution to the network is currently being prepared. When there are sufficient responses the existing network will be revitalized.

BUDGET

A. Salaries

Name	Position	Rate of Pay	Total
Dr. Joan Russow	Coordinator	\$18/hours volunteer time 100 hours	900

Sub-total

B. Equipment and supplies (in-kind contribution)

Item	Cost	Item	Cost
postage	500		
xeroxing	400		

in kind contribution
use of office
computer, Fax, printer

sub-total 900

C. Travel and expenses:

Destination	Fare	Length of stay	Frais
Vancouver	55	2 days	
Vancouver	55		

sub-total 110

D. Other Expenses

Honoraria

Computer costs printer replacement 90

Telephone/ Fax 500

Secretarial Services in kind contribution

Other (explain)

Sub-total

E. Budget (total)

2500

ENVIRONMENTAL ISSUES (PREVENTION)

MALAYSIA Pesticide Action Network fights abusive pesticide use and educates farmers and consumers on the dangers of pesticide use for health and the environment

1996 October 28

shell

e-mail alternat@fes.uwaterloo.ca

DRAFT :PARTIALLY COMPLETED FOR CIRCULATION

BY DR JOAN E. RUSSOW, CHAIR, URBANIZATION CAUCUS

1230 ST. PATRICK ST. V8S 4Y4. TEL/FAX (604) 598-0071

e-mail. Russow@uvaix.uvic.ca

TO THE MEMBERS OF THE URBANIZATION CAUCUS AND GLOBAL COMPLIANCE CAUCUS THAT WERE FORMED IN ISTANBUL IN SEPTEMBER 1996

COMPLEMENTARITY OF COMMUNITIES: INTERNATIONAL AND LOCAL

ARTICLE 5

During the course of history, urbanization has been associated with economic and social progress, *the promotion of literacy and education, the improvement of the general state of health, greater access to social services, and cultural, political and religious participation.* **Unfortunately urbanization and progress have also been associated with increased violations of human rights, unmitigated environmental degradation, perpetuated unsustainable patterns of economic consumption, widened gaps between the rich and poor (the enfranchised and disenfranchised), increased abuse of the marginalized, and increased incidents of conflict, violence and crime.** The growth of cities and towns causes social, economic and environmental changes that go beyond city boundaries, through urban sprawl. The growth of cities and towns causes social, economic and environmental changes that go beyond city boundaries, through urban sprawl and industrial conversion of productive land and of areas worthy of preservation.

Cities and towns have been engines of growth **often beyond the carrying capacity of the ecosystem that contains them** and incubators of civilization or

destroyers of culture and have facilitated **or repressed** the evolution of knowledge, culture and tradition, *as well as of industry and commerce*. Urban **communities settlements**, properly planned *and managed*, **in harmony with rural communities, within the carrying capacity of the ecosystem and within a system of preserved ecosystems could** hold the promise for **socially equitable and environmentally sound** human development and for **the preservation of nature and for** protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Habitat II deals with all settlements - large, medium and small - and reaffirms the need for universal improvements in living and working conditions. **While** decentralized, participatory planning *and management which* are important features of a successful urban future, **the planning should be grounded in fundamental principles related to the enshrining and guaranteeing of human rights, the ensuring of social justice, the preserving, protecting and conserving of the environment, and the promoting of peace. It should be acknowledged that although there has been some increased participation by individuals and groups of civil society in bringing about the necessary global changes for the establishment of socially equitable and environmentally sound development of communities, there is a long way to go to achieve the necessary** *Democratization has enhanced such access and meaningful participation and involvement for* **of civil society actors, and for public-private partnerships;**

ISTANBUL MANIFESTO

PREAMBLE

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that solutions do not lie in the recipes of the past.

The urgency of the global situation has been acknowledged throughout the United Nations documents: the continuing violation of human rights, the continuing destruction of the environment- ozone depletion, climate change, desertification, species extinction, deforestation, toxic hazardous, atomic waste production, the continuing escalation of war and conflict, and production of arms including weapons of mass destruction , and continuing human misery - many dwellers live in absolute poverty, lacking adequate access to housing, to potable water and sanitation in overcrowded cities.

Yet when called upon to seriously address the urgency by rejecting old recipes, many states lack the necessary resolve.

Systemic Constraints Preventing Change

The lack of the necessary resolve is reflected in the perpetuation of the following systemic constraints:

The lack of political will of states to discharge obligations incurred through treaties, conventions, and covenants, and the lack of political will to fulfill expectations created through General Assembly resolutions, Conference Action Plans and Declarations.

The failure of states to sign instruments, to sign instruments without ratifying them, to ratify instruments without enacting the necessary legislation to ensure compliance, or to enact the necessary legislation without enforcing the legislation.

The failure of states to establish mandatory international standards based on long-standing principles established by the UN to guarantee human rights of citizens, to preserve, protect and conserve the environment, to prevent war and conflict and to enable social equity, equality and justice; and the reluctance of states to revoke the charters of corporations for failing to adhere to these standards.

The failure on the part of States to accept the authority of international bodies reflected particularly in the lack of willingness to appear before the International Court of Justice and being willing to disregard the rulings of the International Court of Justice.

The fact that there is no clear agreement on the relationship between the authority of international bodies and sovereign States.

The lack of vision to go beyond existing obligations and expectations, and to undertake new commitments that will fundamentally change the recipes of the past.

The final systemic constraint is that those who are in a power to bring about change are those that benefit most from the perpetuation of the recipes of the past.

A CALL TO ACTION

"The challenge is to search for imaginative, practical and effective measures" to make cities habitable (Demirel, President of Turkey). "The recipes of the past can no longer suffice (Wally N'Dow)

Cities will be habitable when there is the international political will to make fundamental global change to provide for essential needs. Both humans and ecosystems have basic identifiable needs for survival and quality of life and function.

The urbanization caucus suggests the following overarching broad changes and measures to eliminate fundamental systemic constraints that perpetuate the recipes of the past.

UNDERTAKING COMPLIANCE

Mindful that the member states of the United Nations have through various international instruments and agreements undertaken to address environmental problems that impact on human settlements. For example, various obligations have been incurred related to the elimination or reduction of ozone depleting substances (Vienna Convention, 1985); the reduction of carbon dioxide and the conservation of carbon sinks (Framework Convention on Climate Change); the identification of biodiversity and the environmental impact assessment review of anything that could contribute to the loss or reduction of biodiversity (Convention on Biological Diversity, 1992); Conventions on the Prevention of disasters, Convention on the combating desertification. In addition in Agenda 21 all the states undertook to prevent the transfer of substances and activities that are harmful to human health and to the environment to other states (Principle 14 UNCED,)

Mindful that at the United Nations Conference on Women, and the Habitat II Conference, members states have undertaken “to ensure that corporations including transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws” (Art 167).

Concerned that unfortunately many states have not as yet signed these agreements, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations.

Concerned also that certain irresponsible Industries, particularly those whose violations are most egregious have been lobbying governments to allow for voluntary conformance rather than mandatory performance. Nevertheless, there is a growing community of responsible enterprises which promote regulations for the common good. We draw your attention to ...adhere to and promote

Noting that in Habitat II states agreed that “All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good... (Article 79 Habitat II)

We call upon member states of the United Nations:

- to sign and ratify all existing environmental agreements, enact the necessary legislation and ensure the discharging of the obligations.

- to establish Mandatory International Normative Standards that will ensure industrial compliance
- to clarify that the transfer of toxic, hazardous and atomic waste would be included in the category of substances that are harmful to the environment, and extend this principle to cover the transfer of harmful substances within areas within the same state; for example the transfer of nuclear waste onto indigenous lands

RESOLUTION TRANSNATIONAL CORPORATIONS COMPLYING WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME STATES OR INTERNATIONAL STANDARDS WHICH EVER ARE HIGHER

Aware that some states have limited capacity to monitor and regulate the activities of transnational firms in primary, secondary and tertiary sectors of their economics to minimize environmental and social impacts of poor practices or misconduct;

Noting that developments by such corporations, particularly in the primary and secondary sectors, are often of a nature and scale which are not in keeping with the development status, aspirations or regulatory capacity of host countries and communities in those areas where they are planned or located;

Mindful that different countries have different environmental standards, based on different policies and procedures, both regulatory and voluntary, for setting and ensuring compliance with such standards, but that States share a common goal of achieving the highest environmental standards and lowest pollution loads;

Mindful also that significant principles can be drawn from obligations undertaken through the Charter of the United Nations, through Conventions, treaties, and covenants, and from expectations created through General Assembly resolution and conference action plans, and that these principles could form a basis for Mandatory International Normative Standards

Aware that, in general developed countries, within which most transnational corporations have their home base, usually have higher standards and superior capacity to monitor and regulate such corporations compared to developed countries within which most of their operations are often located.

Asserting, as a matter of principal, that corporations operating overseas from their home or base country are morally and should be legally obliged to operate to environmental standards at least as high as those prevailing within the territorial jurisdiction of their home country, or with international standards which ever are higher

Concerned that often transnational corporations threaten to move their operations from their home base when environmental regulations are stiffened,

Concerned also that states lower environmental standards or fail to enforce standards to attract industry

We call upon the state of the United Nations

- to undertake to establish Mandatory International Normative Standards drawn from the highest tenable practices and from the highest tenable principles extracted from the body of international obligations and expectations related to the guaranteeing of human rights, the preservation, conservation and protection of the environment, the prevention of conflict and war, and the achievement of social equity and justice
- To ensure that corporations including transnational corporations comply with these Mandatory International Normative Standards
- To revoke charters of transnationals that fail to guarantee human rights, the preservation, conservation and protection of the environment, the prevention of conflict and war, and the achievement of social equity and justice

COMPENSATION PRINCIPLE

Through mandatory international normative standards (MINS) , states shall require corporations including transnationals to pay compensation for environmental degradation, and human rights violations.

Given that throughout the member states of the United Nations corporate-sympathetic government regimes have failed in the past both to ensure corporate compliance with international obligations, and to enforce their own statutory legislation, and given that there has been resultant environmental degradation, states shall now seek environmental compensation from companies that can be shown to have contributed to environmental degradation or human rights violations. The funds from environmental compensation shall be put into a restoration fund, into developing BEST (Best Ecologically Sound techniques) and into addressing human rights violations.

Often industries that have contributed to environmental degradation seek compensation from states when areas are taken out of production for environmental reasons. Any potential compensation shall be assessed against the estimate of previous ecological consequences.

States shall ensure that the cost of potential compensation is not used as justification for not fulfilling the duty to preserve, protect, and conserve the environment.

REGULATIONS AND STANDARDS

supporting regulations and compliance

Establishing policies, laws and regulations

Governments at all appropriate levels, including local authorities have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulation for both public and private activities...(19)

Establishing and adopting a regulatory framework

establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels. (50 e)

Establishing legislative and regulatory frameworks

* 180 (a) Establishing legislative and regulatory frameworks, institutional arrangements and consultative mechanisms for involving organizations in the design, implementation and evaluation of human settlements strategies and programmes;

Ensuring of compliance of private sector

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on a equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children

Facilitating dissemination of regulatory frameworks and best practices

* 153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. The United Nations Centre for Human

Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at the national and international levels could be explored.

64 Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces. The lack of adequate basic services, a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for people living in poverty in urban and rural areas. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards. (Habitat II 64)

promoting compliance and enforcement

*75 (d) Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups

DOCUMENTATION OF PRECEDENT

GUARANTEEING OF HUMAN RIGHTS

Mindful that states have agreed to guaranteeing the following rights through various human rights instruments:

DOCUMENT OF PRECEDENTS: ENUNCIATION OF RIGHTS

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:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) 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;

- (d) 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;
- (e) Economic, social and cultural rights, in particular:
- (i) The rights to work, to free choice of **meaningful** 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;
- (f) 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. (Elimination of all forms of discrimination, 1965)

We call upon the member states of the United Nations:

- To sign, and ratify all international human rights instruments, and to enact and enforce the necessary legislation for compliance
- To ensure of the rights of all members of the global community are recognized through human rights instruments, including the international covenant of social, cultural, economic rights.
- To ensure that the protection from discrimination should be inclusive of additional grounds that have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration, there were listed a series

of grounds concluding with the expression “Other status” which indicated the intention to include other grounds as they arose. Through various human rights instruments, states have recognized the following grounds of discrimination: race, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents “sexual orientation’ has also been included, but remained bracketed,. In keeping with the intention of ‘other status’, the UN should include this ground.

RESPECTING THE RIGHTS OF FUTURE GENERATIONS

Mindful that member states through various documents have been committed to undertaking to respect the rights of in previous documents such as the UN Convention for the Protection of Cultural and Natural Heritage (1972), the UN Conventions on Humans and the Environment (1972), and in the General Assembly Resolution the World Charter for Nature (37/7 1982) where it appeared in the following form:

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)

Noting also that the rights of future generations is affirmed in the following way in Agenda 21 in Chapter 8

...Its goals [sustainable development strategy] should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situation and initiatives (Article 7, Chapter 8. Integrating of Environment and Development, Agenda 21)

We call upon member states of the United Nations:

- To consult with the youth in all areas affecting their rights
- To ensure the rights of future generations to their cultural and ecological heritage

(10)

PRECAUTIONARY PRINCIPLE

Through mandatory international standards, states shall invoke and ensure compliance with the precautionary principle.

The precautionary principle has been enunciated in international documents since at least the 1972 United Nations Conference on Humans and the

Environment (Stockholm Convention), where it appeared in a rudimentary form; it was then reinforced in the 1982 UN Resolution 37/7, the World Charter of Nature, and then re-enunciated throughout the UNCED documents.

The precautionary principle has been enunciated ” as follows:

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

(Note: that the precautionary principle shall not be misconstrued to mean” that there is evidence but not scientific certainty that a particular practice, substance or activity is causing harm therefore we shall continue the practice; or the precautionary principle should not be used to justify not using an environmentally sound practice because it is not scientifically based.)

The precautionary principle shall be applied to all potentially harmful emissions, contaminants, agents of pollutants, or reconcentrated substances—created through imbalance in biogeochemical cycles

(11)
ANTICIPATORY PRINCIPLE

States shall ensure that in all their activities and in the activities of corporations including transnational corporations there is adherence to the anticipatory principle.

In the international documents different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

11.1. ENSURING DOUBT-DRIVEN ACTION

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 not proceed (General Assembly Resolution, 37/7, 1982)

11.2. ENSURING PREVENTIVE MEASURES

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)

11.3. TAKING INTO ACCOUNT CRADLE-TO-GRAVE APPROACH

taking into account the cradle-to-grave approach **by phasing out and eventually eliminating the production and consumption of hazardous waste to the management of hazardous wastes, in order to identify BEST practices for phasing out and eventually eliminating options for minimizing the generation of hazardous wastes, through safer handling, storage, disposal and destruction** (20.20 e Hazardous wastes, Agenda 21).

11.4. ENSURING THE MONITORING FROM CRADLE TO GRAVE

Governments, in collaboration with industry and appropriate international organizations, and **through the establishment of Mandatory International Normative standards** should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (20.20 e Hazardous wastes)

11.5. ENSURING FULL LIFE CYCLE CARE

promote efficient use of materials and resources, taking into account all aspects related to life cycles of products **including the phasing out and eventual elimination of toxic chemicals and the ensuring of BEST (Best Environmentally Sound Traditions) practices** (19.15 e, Toxic Chemicals, Agenda 21)

11.6. PROMOTING A 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)

11.7. ENSURING RESPONSIBLE CARE

Industry **shall be required** *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)

11.8. REVISITING 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)

11.9. RECOGNIZING THE NEED OF ANTICIPATORY POLICIES

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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1994)

The anticipatory principle shall be followed as a pro-active measure to ensure that substances and processes which are harmful to the environment or to human health are prevented from entering the environment. One aspect of the anticipatory principle is to determine in advance before extracting resources whether the extraction causes environmental harm or is culturally inappropriate to indigenous peoples whose territory is beyond the treaty frontier.

(12)

PREVENTION PRINCIPLE AND “REVERSE ONUS “ PRINCIPLE

Through mandatory international normative standards (MINS), states shall ensure that in all its activities and in the activities of corporations, including transnational corporations, there is adherence to the prevention principle and “reverse onus “ principle

12.1. PREVENTION PRINCIPLE

Mandatory standards and technical regulations will be developed to prevent adverse effects of substances 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, thermal discharges, hormone mimicry, egg-shell thinning

Adverse effects include the above environmental effects and effect and impacts on human health.

PROMOTING THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL, MENTAL AND ENVIRONMENTAL HEALTH

Human health and quality of life are at the centre of the effort to develop sustainable human settlements. We therefore commit ourselves to promoting and attaining the goals of universal and equal access to quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care **and Universal Health care (Habitat II 22 ter)**

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)

PREVENTION OF DISASTERS

Concurring with Habitat II on the need for ensuring adequate regulatory and other measures to prevent disasters including technological disasters, and to avoid

their occurrence and to reduce the impacts of natural disasters and other emergencies on human settlements

Concurring also with Habitat II on promoting the use of tools for disaster prevention

Noting that in Habitat II there was a call for immediate removal of anti-personnel land mines following the cessation of armed conflict”, **and concerned that this should be extended to include the immediate ban of the production and use of land mines**

Recognizing that the impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, **such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes**; such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, **and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports.**

Convinced that since the development of nuclear technology the most significant preventable anthropogenic disaster has been the preventing of nuclear-related disasters, and convinced that the outcome of nuclear hazards, accidents or disasters, from the mining of uranium, from the use of MOX from weapons grade plutonium from dismantled nuclear reactors, from the production and testing of nuclear arms and from the use of nuclear civil nuclear power, has had irreversible consequences that cannot be considered to have been remediated from transport from acts of malice such as terrorist

Aware of the undertaking by members states of the United Nations in 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws”. This undertaking was reaffirmed and extended in the Habitat II Agenda to include the “private sector”.

Mindful that at the 1972 UN Conference on Human Environment (UNCHE) held in Stockholm the states globally adopted the commitment to “eliminate the production of weapons of mass destruction” and twenty years later a Nobel Laureates Declaration called for the phasing out of civil nuclear power.

Aware of the call from the NGOs at the Habitat II Conference for the instituting of the reverse onus principle. With this principle the proponents of an intervention into the ecosystem for their own benefit have the affirmative duty to demonstrate safety, rather than leaving the burden of protecting the environment solely on those acting on behalf of the public trust from having to come forward and prove harm.

Mindful of the existence of numerous general Assembly resolutions as an expression of democratic international will calling for the elimination of the production and testing of nuclear weapons

Concerned that and for the time bound elimination and that whenever there has been a time-bound phasing out of nuclear arms in the General Assembly has voted with the nuclear weapons states,

Call upon the member states of the United Nations:

- **to ensure that significant public concern about an activity or technology that could lead to preventable disaster be taken seriously and the activity or technology shall be prevented or banned**
- **to ensure that regulations that will prevent preventable anthropogenic disasters and encourage continued domestic and international resources for disaster reduction activities for non-preventable disasters**
- **to embark upon the prevention of preventable disaster, by preventing the mining of uranium, the continued production of nuclear arms, for the producing of nuclear arms, the testing of nuclear arms, the circulating and harbouring of nuclear-armed or nuclear-powered military vessels, the using of civil nuclear reactors, the use of MOX from weapons-grade plutonium from dismantled nuclear weapons in civil nuclear reactors**
- **to ban the further production and consumption of all ozone depleting substances, and to ensure that the recycling of these substances not be used as a justification for the continued production and consumption**
- **to immediately ban of the production and use of land mines**
- **to re-submit a general Assembly resolution on a time-bound phasing out of nuclear arms in the General Assembly**

] DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS
PEACE, DEVELOPMENT AND GLOBAL CHANGE IN THE CONTEXT OF
HABITAT II

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)

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)

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)

7.11. 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)

* REDUCTION AND TRANSFER OF THE MILITARY BUDGET

Concerned that currently the Global Community spends \$800 billion on the military budget at a time when the right to housing, the right to food, the right to health care, the right to equality of all, the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Noting that the commitment was made to transfer a substantial proportion of the military budget to social programs (as undertaken through expectations created in general Assembly resolutions from 1981)

Noting also that

- in 1981, in general assembly resolution entitled the reduction of the military budget, the majority of the member states reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget.

-in 1981, the majority of states recognized that the military budget constituted a heavy burden for the economies of all nations, and have extremely harmful consequences on international peace and security.

-in 1981 the majority of states undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.

- in 1981 the majority of states through a general assembly resolution Reiterated 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 (Resolution on the Reduction of Military budgets, 1981)

Reminded that this request was further reinforced in a 1983 General Resolution on the Relationship between disarmament and development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries. Also in this resolution state considered 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.

We call upon the member states of the United Nations

- to immediately reduce the military budget to 50% of what it currently is and to transfer these funds into socially equitable and environmentally sound development

- to embark on plans for military conversion with the remaining 50%, and with the setting up of alternative structures for preventing conflict and war through an international regime that respects the rule of international law, and through establishing an international court of compliance where citizens could take evidence of state non-compliance with international law

ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ABOLITION OF NUCLEAR WEAPONS BY THE YEAR 2000

Mindful to the decision from the International Court of Justice that the threat or threat to use nuclear weapons is illegal and contrary to international humanitarian law,

Mindful also that in 1972 at the UN Conference on Humans and the Environment, states undertook to eliminate the production of weapons of mass destruction (Art. 21, UNCHE, 1972)

Noting with concern that numerous General Assembly resolutions have been passed on total nuclear disarmament, and that these resolutions have been continually ignored by the nuclear arms states:

We call upon the member states of the United Nations- those with nuclear arms capabilities:

- To immediately cease all production of nuclear arms

*To achieve the abolition of nuclear weapons by the year 2000

ESTABLISHMENT OF MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS

Concurring with the necessity of establishing of mandatory international normative standards to drive corporations, including transnationals to BEST (Best Environmentally sound Traditions) practices.

Mindful that at the United Nations Conference on Women, and the Habitat II Conference, members states have undertaken "to ensure that corporations including transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws" (Art 167). In Habitat II this undertaking was reaffirmed and then extended to include the "private sector" (Article 148). Underlying this undertaking is the assumption that each state government would itself comply with its own national codes and would discharge its own international obligations.

We call upon the member states of the United Nations:

- to establish Mandatory International Normative Standards drawn from United Nations principle to drive industry to BEST (Best Environmentally Sound Traditions) practices
- to revoke charters of transnationals that have failed to comply with international law by violating human rights, causing environmental degradation, or have contributing to conflict or war
- to carry out environmental audits linked to Mandatory International Normative Standards, and the factor into development the costs of ecological consequences (as agreed to in Agenda 21)

THE INSTITUTION OF ENVIRONMENTAL MEASURES

Concurring with the recognition of the inherent worth of nature beyond human purpose as was done in the World Charter of Nature;

Advocating the shifting of the onus of proof from the opponents of an intervention having to demonstrate harm to the proponents having to demonstrate safety

Mindful of the precautionary principle and its associated measures:

The precautionary principle has been one of the key principles of sustainable development, and has been enunciated in the Convention on Biological Diversity in the following way

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

The precautionary principle has been associated with various key measures and elements of the anticipatory principle such as “Ensuring preventive measures”(18.45); Embodying environmental care (6.1); Taking into account cradle to grave approach (20.21); Taking account of “live cycles of products” (19.15e); “Promoting a culture of safety” (7.60); “Developing responsible care” (19.51,b) etc.

Mindful of the recognition in Agenda 21 that “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)

Aware of the environmental measures promoted through Habitat II Agenda: In the Habitat II Agenda new environmental measures associated with sustainable human settlements development were endorsed: Preserving of peri urban and urban biodiversity (Article 98 bis a, Habitat II Agenda); Providing “green spaces (Article 27 f, Habitat II Agenda); ” Protecting Fragile ecosystems and environmentally vulnerable areas (Article 27e, Habitat II Agenda); Reducing the ecological footprint (Article 27b, Habitat II Agenda); Ensuring Green spaces (Article 83 bis, Habitat II Agenda); Knowing ecocycles (Article 134h, Habitat II Agenda) preventing environmental damage (Article 135, Habitat II Agenda); Preventing anthropogenic disasters (Article 27 i, Habitat II Agenda).

Noting that states indicated that “sustainable human settlements development incorporates... the precautionary principle, pollution prevention, respect for the carrying capacity of ecosystems and preservation of opportunities for future generations. (16, Habitat II).

Respecting the carrying capacity of ecosystems also entails acknowledging that there are limits to growth, and respecting the inherent worth of nature, and thus does not justify increased pollution in pristine areas, or give a licence to pollute less polluted areas.

Concurring with Habitat II that the need for “promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlement”

Aware of the undertaking by members states of the United Nations in 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws”. This undertaking was reaffirmed and extended in the Habitat II Agenda to include the “private sector”.

We call upon governments the Member states of the United Nations:

- to respect the carrying capacity of the ecosystem
- to ensure that this principle is not used to justify increased pollution in pristine or less polluted areas

* to phase out all environmentally unsound practices, to institute regulations that will phase out and eventually ban all environmentally unsound practices that contribute to the ecological footprint

- to drive industry to BEST (Best Environmentally Sound Traditions) practices
- **to adopt, through mandatory international standards, the reverse-onus principle. With the reverse onus, the onus of proof shall shift from the opponents of an intervention having to demonstrate harm to the proponents of an intervention having to demonstrate safety.**

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

THE REQUIREMENT OF CONDITIONAL FUNDING

Understanding that for over 50 years states since the formation of the United Nations, member states have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants; and member states have create expectations through declarations, conference action plans and General Assembly Resolutions. This obligations and expectations have been reflected in international instruments undertaking to guarantee the enshrining and respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

Mindful that for years international funding agencies have not placed conditions (related to the human rights, peace and the environment) on their funding

We call upon the member states of the United Nations

- * The ensuring that funding agencies institute conditional funding based on guaranteeing the enshrining and respect of human rights; preserve, protecting and conserving the environment, preventing conflict and war, achieving social justice and enabling socially equitable and environmentally sound development and communities.

CONDEMNING THE UNSUSTAINABLE PATTERN OF CONSUMPTION

Recognizing the concern expressed in Habitat I about excessive consumption “Human settlement policies and programmes should define and strive for progressive minimum standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels.

Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I, 1976)

Concurring with Agenda 21, UNCED, that “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, UNCED)

Concurring also with the subsequent reaffirmation in the Platform of Action, UN Conference on

...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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

Noting in Habitat II that member states of the United Nations undertook to reduce the ecological footprint

We call upon the member states of the United Nations, particularly those in the developed countries to reduce the ecological footprint

RESOLUTION: COMPENSATION

Through mandatory international normative standards (MINS) , states shall require corporations including transnationals to pay compensation for environmental degradation, and human rights violations.

Given that throughout the member states of the United Nations corporate-sympathetic government regimes have failed in the past both to ensure corporate compliance with international obligations, and to enforce their own statutory legislation, and given that there has been resultant environmental degradation, states shall now seek environmental compensation from companies that can be shown to have contributed to environmental degradation or human rights violations. The funds from environmental compensation shall be put into a restoration fund, into developing BEST (Best Ecologically Sound techniques) and into addressing human rights violations.

Often industries that have contributed to environmental degradation seek compensation from states when areas are taken out of production for

environmental reasons. Any potential compensation shall be assessed against the estimate of previous ecological consequences.

States shall ensure that the cost of potential compensation is not used as justification for not fulfilling the duty to preserve, protect, and conserve the environment

RESOLUTION: PERSISTENT ORGANIC POLLUTANTS

Aware of the mounting evidence that reveals the global scale and severity of toxic persistent organic pollutant (POP) contamination of all life forms and ecosystems, in all regions of the planet;

Further aware that fish, reptiles, birds and mammals, including humans are all affected by POPs via a growing list of actual and suspected effects that includes cancer, damage to immune and reproductive systems and developmental problems.

Appreciative of the special attention that the United Nations Environment Programme (UNEP) has given to POPs, in the context (a) of its May 1995 Governing Council Decision 18/32 that established an expedited assessment process for prioritized list of POPs, and (b) the Washington Conference on Protection of the Marine Environment from Land Based Activities, which agreed, among other things that "international action is needed to develop a global legally binding instrument, among other international and national actions, for the reduction and/or elimination of emissions and discharges, whether intentional or not, and where appropriate, the elimination of the manufacture and use of, and illegal traffic in "priority toxic persistent organic pollutants;

Appreciative also of the Fourth Session (1996) of the Commission on Sustainable Development's endorsement of the Washington conference's global Programme of Action, including recognition of the intention of governments to take action to develop a global, legally binding instrument to regulate POPs, with special consideration for countries in need of assistance;

Call on the member states of the United Nations to support the establishment of an Intergovernmental Negotiating Committee (INC) with a mandate to meet several times during 1997, and beyond as a matter of high priority, and

(b) support in the INC for the negotiation of a legally binding, comprehensive POPs instrument that:

- (i) has as its overall goal the elimination of the POPs listed as priorities in Decision 18/32 with implementation measures that are rapid, equitable and enforceable;
- (ii) includes mechanisms for adding other POPs beyond the original, prioritized ones, based on scientific, social, economic and moral considerations;

(iii) includes, as a matter of priority mechanisms for special financing, technology transfer and capacity building for the benefit of countries in need of assistance; and (iv) promotes information exchange, transparency and effective civil society participation in decision making.

(from original resolution by Friends of the Earth International, and Greenpeace Australia proposed for consideration at the IUCN World Conservation Union meeting in Montreal 1996.

RE: ELIMINATING SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

Whereas, no satisfactory method has been found for disposing of radioactive wastes generated by commercial sources;

Whereas no satisfactory method has been found to halt nuclear proliferation or prevent diversion of nuclear material by subversive or terrorist elements;

Whereas the costs and problems associated with decommission nuclear power plants have not been properly analyzed or accounted for in the costs of nuclear power, and governments are using taxpayers' money to subsidize nuclear power; Whereas no satisfactory method has been found to guarantee safe operation of nuclear power plants in the event of employee negligence or sabotage;

Whereas, the enormous environmental and health damage caused by uranium mining have not properly been considered.

Calls on all States to end all subsidies for nuclear power and *begin to assist in the process of phasing phase out* commercial nuclear power

Calls on All states to assist in the rapid closing of especially dangerous nuclear power plants and to obtain a halt to further investments in nuclear power throughout the world.

(from proposal for IUCN meeting 1996, supported by a range of groups)

RE: THE PROMOTION OF ORGANIC AGRICULTURE

Recognizing that the Green Revolution has failed because it could not ensure global food security and to a high extent has caused and promoted the accelerated degradation of the earth's natural ecosystems. More than even before, the harmonization of human activity and its natural environment ...is the key to the survival of many living communities, including human kind. IFOAM (International

Federation of Organic Agricultural Movements) promotes the constructive integration of organic agriculture and nature conservation.

Welcoming that organic agricultural therefore, replaces chemo-synthetic, conventional agricultural by means of the extension of bio-intensive organic farming, in order to pressure from highly valued centres of biodiversity which are adjacent to densely populated agricultural areas. Site-specific and environmentally sound organic agricultural methods thus minimize pollution, habit-destruction and degradation of soils.

Call upon member states of the United Nations to develop an international action plan to implement the principal standards and aims of organic agricultural as set out in the IFOAM Basic Standards of Organic Agriculture and Food Processing. (Excerpts from original resolution by International Federation of Organic Agriculture and others proposed for consideration at the IUCN World Conservation Union meeting in Montreal 1996.

THE REQUIREMENT OF BEST PRACTICES

Aware that In Habitat II the promotion of BEST Practices has been advocated “through exchanging of regional and international experience of best practices and facilitate[ing] the transfer of planning, design and construction techniques (69c); Through setting up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field (142b); Through promoting best practices for community-based land management inhuman settlements (84(j)); Through cooperating in south-south, north-south and south-north exchanges of best practices (145); Through exchanging experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements; (152c). The component of BEST Practices was most clearly articulated in Article 153 To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. the United Nations Centre for Human Settlements (Habitat) should , within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

We call upon the member states of the United Nations:

- to ensure that all corporations including transnationals and the private sector immediately be required to phase out socially inequitable and environmentally unsound practices and to adopt BEST practices

RE: the Promotion of organic Agriculture

THE CANCELLATION OF DEBT TO BE COMPLETED

- * The replacing of structural adjustment program with a program of reparation through debt forgiveness for the violation of human rights, for the environmental degradation or for the contributing to violence and war

RESOLUTION: REDUCTION OF ENVIRONMENTALLY HARMFUL SUBSIDIES

Aware of the obligations incurred and expectations created in relation to renewable environmentally sound energy

Concurring with the recent reports indicating that there continues to be a substantial subsidy given to both nuclear energy and to fossil fuel energy.

We call upon the member states of the United Nations :

- to immediately cease all subsidies to civil nuclear energy (as proposed by the Standing committee) , and to the fossil fuel industry; and to begin a full subsidy program on environmentally sound energy
- to commence to phase out civil nuclear energy (as proposed in the Noble Laureate declaration to UNCED) and fossil fuel energy (As proposed in Habitat 1)

THE NON-TRANSFERENCE OF HARMFUL SUBSTANCES AND ACTIVITIES

Aware that the members states of the United Nations agreed through the Rio Declaration that they should prevent the transfer of substances and activities that cause environmental degradation or are harmful to human health to other states (Principle 14, Rio Declaration)

Noting that toxic, hazardous and atomic wastes as well medical products that have been banned or restricted for use in the country of origin could be deemed to be harmful to human health and could cause environmental degradation

Noting also that within states the siting of industries that produce or emit substances or carry out activities that cause harm to human health or environmental degradation is usually within the areas of the disfranchised

Concurring with Habitat II in the “seeking to ensure that the process of technology transfer avoids the dumping of environmentally-unsound technologies on the recipients and that the transfer of environmentally-sound technologies and corresponding know-how in particular to developing countries, is on favourable terms, as mutually agreed, taking into account the need to protect intellectual property rights (151 b Habitat II)

The Rio Declaration (Principle 14) calls upon states to not transfer substances or activities that could cause environmental degradation or be harmful to human health to other states; This should include the transfer of toxic, hazardous and atomic wastes.

Through various international instruments states have undertaken to ban the use of production and consumption of ozone depleting substances (Vienna Convention on depletion of the ozone layer, 1985); to reduce the production of greenhouse gases and to conserve carbon sinks (Framework Convention on Climate Change, 1992); to identify biodiversity and to carry out and environmental impact assessment of activities that could contribute to the loss or reduction of biodiversity; to combat desertification (Convention on the Combating of desertification); to promote renewable energy (Chapter 9, Agenda 21) and to phase out fossil fuel (Habitat 1). To preserve cultural and natural heritage (Convention on the Protection of Cultural and Natural Heritage, 1972)

In addition states have agreed to the precautionary principle, the anticipatory principle, the internalizing of environmental costs (environmental audit). Yet few states if any have taken the necessary measures.

We call upon the member states of the United Nations:
to implement principle 14 of the Rio Declaration and immediately cease the transfer of toxic, hazardous and atomic wastes as well medical products that have been banned or restricted for use in the country of origin to other States; to, in addition, immediately cease the siting of these industries in the areas of vulnerable and disenfranchised population.

HEALTH AND ENVIRONMENT

Reducing environmental health hazards

* 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

Acknowledging that the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease.

Preventing diseases as important as availability of ... medical treatment.

Placing holistic approach to health prevention and care within the context of environmental policy.

93 * Sustainable human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and decrease disparities in the quality of their lives. [People are entitled to a healthy and productive life in harmony with nature [culture and spiritual heritage] [note this section was deleted on June 14]. The health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Children are particularly vulnerable to harmful urban environments and must be protected. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is therefor essential to take a holistic approach to health, whereby both prevention and care are placed within the context of environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and concerns.

Acknowledging that health problems are related to adverse environmental conditions

Providing and environmentally sound infrastructure

* 94 health problems related to adverse environmental conditions, including a lack of access to safe water and sanitation, inadequate waste management, poor drainage, air pollution, and exposure to excessive noise levels, as well as ineffective and inadequate health services, exact a heavy toll on the quality of life and the overall contribution to society of millions of people. They may also aggravate social tension and inequity and increase the vulnerability of people to the effects of disasters. An integrated approach to the provision of environmentally sound infrastructure in human settlements, particularly for people living in poverty in rural and urban areas, is an investment in sustainable human settlements development that can enhance the quality of life, reduce negative impacts on the environment, improve the overall health of a population, and reduce the burden of investment in curative health and poverty alleviation.

96 (e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene; (Habitat II)

97 (i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed **for socially equitable and environmentally sound** *sustainable* human settlements *development*;

Including environmental characteristics as being a quality of “livability”

* 95 quinquens. The livability of the built environment has an important bearing on the quality of life in human settlements. Quality of life implies those attributes catering for diversified and growing aspirations of citizens that go beyond the satisfaction of basic needs. Livability refers to those spatial, social and environmental characteristics and qualities that uniquely contribute to people's sense of personal and collective well-being and to their sense of satisfaction in being the residents of that particular settlement. The aspirations for livability vary from place to place, and evolve and change in time; they also differ among the diverse populations that make up communities. There, conditions for livable human settlements presuppose a working democracy in which processes of participation, civic engagement and capacity-building mechanisms are institutionalized.

INVESTMENT

Encouraging socially and environmentally responsible community investment

* 157 e bis Encourage public-private partnerships in socially and environmentally responsible community investment and reinvestment in shelter and sustainable human settlements programmes and make publicly available and accessible the data and best practices developed through them;

promoting socially and environmentally responsible corporate investment (31 d)

Strengthening regulatory and legal frameworks to enable markets to work, overcome market failure and facilitate independent initiative and creativity, as well as to promote socially and environmentally responsible corporate investment....(31 d)

ENVIRONMENTAL SOUNDNESS

Providing environmentally sound shelter

adequate shelter for all ...through the development and improvement of shelter that is environmentally sound (2 bis)

integrating a gender perspective in the design and implementation of environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas (27 d)

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

promoting indigenous planning and design techniques

69(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, **and as agreed in the “Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;**

Encouraging and supporting the use of ...local building materials

152 * c bis merged with d bis) Encouraging and supporting the use of appropriate building technology and the production of local building materials, as well as supporting the development of international, sub-regional and regional networks of institutions involved in research, production, dissemination and commercialization of locally produced building materials;

strengthening the indigenous building materials industry

strengthening the indigenous building materials industry, based as far as possible on locally available resources. (51 d)

Provide data base on adverse environmental effects of building materials (51d)

promoting environmentally sound technologies

promoting education about, and training on, environmentally sound technologies, materials and products (27 f quater)

73 *(b) Establish laws and regulations aimed at preventing discrimination and barriers and, where such laws and regulations already exist, ensure their enforcement

Developing environmentally sound land-use strategies

*85 (d) Develop, with the participation of all interested parties, comprehensive and environmentally sound land-use strategies at the local level.

stimulating ...environmentally sound use of land

56 (d) Apply transparent, comprehensive and equitable fiscal incentive mechanisms, as appropriate, to stimulate the efficient, accessible and environmentally-sound use of land, and utilize land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities

¶82 Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other *vulnerable marginalized* and disadvantaged groups from gaining access to suitable land, the location of which does not pose economic, environmental or health risks to the residents because of such reasons as proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment, **especially within the carrying capacity of the ecosystem** and the overall system of settlements is one of the basic tasks to be undertaken in achieving a **socially equitable and environmentally sound sustainable** urbanized world. The *tools means to for* achieving a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, **and revitalization and management**. National, sub-national and local policies and problems need to be integrated. [The precautionary principle/approach and the use of environmental and social impact assessment are essential].

Protecting water resources from harmful effects of human settlements

* 82 bis Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from the harmful effects of human settlements. Special attention should be paid to guiding potentially hazardous activities away from the fragile areas. Oceans and coastal areas should be protected from land-based sources of pollution.

The use and transfer of environmentally sound technologies is a prerequisite **ARTICLE 151**

151. [The use and transfer of environmentally sound *technologies practices* which have a profound impact on consumption and production patterns is one of the prerequisites for **socially equitable and environmentally sound sustainable** human settlements *development*.

Advanced **BEST (Best Environmentally Sound Traditions) practices and appropriate technologies** and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of **meaningful** employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on **BEST practices available technologies** and options for their transfer. It is understood that the transfer of *technology* **BEST practices** includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits, **particularly those benefits that shall accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology**].

151 * the use and transfer of environmentally-sound technologies that have a profound impact

Consumption and production patterns are prerequisites for sustainable human settlements development. Advanced and appropriate technologies and the knowledge-based systems that support their application offer new opportunities for more efficient use of human, financial and material resources, more sustainable industrial practices and new sources of employment. International organizations have an important role to play in disseminating and facilitating access to information on technologies available for transfer. It is understood that the transfer of technology will take into account the need to protect intellectual property rights.

REDUCTION OF CAR-DEPENDENCY

Noting the undertakings in Habitat II "To encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures (Article 104 c, Habitat II Agenda)

Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing

The prevention of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resource

The creation of a environmental sound infrastructure that makes walking, cycling and public transportation safe, accessible and convenient , and that moves away from car-dependency. The right to public transit in contrast to the privilege of car use.

We call upon member states of the United Nations:

- To move away from car-dependency, by instituting appropriate regulations, phasing out the use of the automobile and the adopting of environmentally sound transportation such as bicycle paths

TRANSPORT

promoting environmentally sound transportation

environmentally sound transportation systems (27 d)

Reducing transport demand through promoting of spatial development

promotion of spatial development patterns and communications policies that reduce transport demand (27 d)

* 102 Transport and communication systems are the key to the movement of goods, people, information and ideas, and to access to markets, employment, schools and other facilities and land use, both within cities and between cities, and in rural and other remote areas. The transportation sector is a major consumer of non-renewable energy and of land and is a major contributor to pollution, congestion and accidents. Integrated transport and land-use policy and planning can reduce the ill effects of current transport systems. People living in poverty, women, children, youth, older persons, people with disabilities are particularly disadvantaged by the lack of accessible, affordable, safe and efficient public transport systems HABITAT II

Encouraging and researching development and use of non-motorized or low-energy transport systems

101 (d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

Exchanging knowledge on environmentally sound substitute for lead gasoline

(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

Reducing negative effects of transport on the environment

Reducing unnecessary travel

Developing alternatives other than the automobile

Developing alternative fuels

102 * Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to

reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing and other policies and regulations.

Promoting affordable, efficient and energy-saving modes of transport

* 103 bis. Non-motorized transport is a major mode of mobility, particularly for low-income, vulnerable and disadvantaged groups. One structural measure to counteract the socioeconomic marginalization of these groups is to foster their mobility by promoting affordable, efficient and energy-saving modes of transport

Reducing the need to travel

104 * (b) Coordinate land-use and transport planning in order to encourage spatial settlement patterns that facilitate access to such basic necessities as workplaces, schools, health care, places of worship, goods and services, and leisure, thereby reducing the need to travel

Promoting communications and transport planning to reduce demand for transport

* 84(g) Promote the integration of land-use, communications and transport planning to encourage development patterns that reduce the demand for transport
* 84 (g) bis Develop and implement integrated coastal zone management plans to ensure the proper development and conservation of coastal resources

Encouraging the use of an optimal combination of modes of transport

104 * (c) Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures

Promoting and implementing disincentive measures that discourage the increasing growth of private motorized traffic

Acknowledging that congestion is damaging environmentally

Encouraging alternative transport methods

104 * (d) Promote and implement disincentive measures that discourage the increasing growth of private motorized traffic and reduce congestion, which is damaging environmentally, economically and socially, and to human health and safety, through pricing, traffic regulations, parking and land-use planning and traffic abatement methods, and by providing or encouraging effective alternative transport methods, particularly to the most congested areas;

Giving priority to collective means of transport with adequate carrying capacity and frequency

104 * e Provide or promote an effective, affordable, physically accessible and environmentally sound public transport and communication system, giving priority to collective means of transport with adequate carrying capacity and frequency that support basic needs and the main traffic flows;

Promoting , regulating and enforcing quiet use efficient and low-polluting technologies

104 (f) **Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion,** promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and **actively fund and promote** other alternative forms of energy;

98(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

* brackets removed

98(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98a bis Ensure that clean water is available and accessible to all human settlements as soon as possible through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98 bis (c) Reduce significantly the degradation of the marine environment emanating from land-based activities, including municipal, industrial and agricultural wastes and run-off, which have a pernicious impact on the productive areas of the marine environmental and coastal areas

promoting environmentally sound renewable energy

66* (f) Access to sustainable sources of energy

Reducing energy consumption

* 69 (h) Provide incentives for engineers, architects, planners and contractors and their clients to design and build accessible energy-efficient structures and facilities by using locally available resources and to reduce energy consumption in buildings in use

* 71 [(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

71 [(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to move through “the transition form the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition establish a time-table for the phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, hydro-power and biomass,... Each resource should be utilized in a manner that ... minimizes environmental stress and health impacts, (Section 9. Subsection 9 g Agenda 21, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by ;minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) Better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)

(vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, services, *industrial BEST practices production*, and household and office activities. Current dependence on fossil-fuel-based [note that fossil=fuel was deleted in Istanbul] energy sources in most urban centres [can lead] change in Istanbul] leads to climate change, air pollution, and consequential environmental and human health problems, and [may] represent a serious threat to **socially equitable and environmentally sound development. sustainable development.** Sustainable energy production and use *can be enhanced by encouraging* shall be undertaken through energy conservation, energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness, and through the phasing out of the use of non-renewable or unsafe sources of energy. The socially equitable and environmentally sound development of Human settlements and energy policies should be actively coordinated. Regulations driving the phasing out of non-renewable and unsafe sources of energy will be essential to foster the promotion and development of BEST practices in the area of renewable environmentally sound alternative energy sources.

* brackets removed with noted changes in Istanbul

* 101 In order to promote efficient and sustainable energy use, Governments at the appropriate levels, in partnership with the private sector, non-governmental organizations, community-based organizations and consumer groups, should, as appropriate:

* 101 (a) Promote urban and rural planning and design solutions that are conducive to efficient uses of energy and that pay due attention to end users and their attitudes and practices;

* 101 (b) Introduce appropriate measures to promote the use of renewable and safe sources of energy and to improve the efficiency of energy use in urban settlements, while ensuring that people living in poverty and their families are not disadvantaged.

101 (c) Promote **energy conservation and** energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling systems that make use of waste heat recovery, and co-generation of heating and electricity **providing co-generation is not used to justify the continued use of non-renewable or unsafe energy.** ;

101 (d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and

technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

101 (g) Stimulate (through fiscal incentives or other measures) and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

101 (h) *Support programmes for* **Undertake the prevention**, reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

101 (i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption; **and to prepare the public for the required changes needed for the phasing out of non-renewable unsafe sources of energy;**

101 (j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings, **by requiring the phasing out of non-renewable unsafe sources of energy;**

101 (k) Encourage the **cautious** use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction **providing that this “environment industry” is not used to justify the continued production of toxic, hazardous, or atomic wastes, or to discourage the needed change to the production of safe renewable resources from production;**

101 (l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

Promoting environmental protection and public health

* 98 b bis Dispose as soon as possible, within both rural and urban areas, of sewage, waste waters and solid wastes, including hazardous wastes, in a manner that conforms with national or international environmental quality guidelines

* 98 (c) Promote environmental protection and public health by proper treatment and the recycling and re-use of environmentally compatible sanitation and treatment/disposal of waste water and solid waste;

* c bis Make a concerted effort to reduce the generation of wastes and waste products by, inter alia, setting national and local goals for the reduction of packaging

paying special attention to the built environment

(c) [95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

* 95 quart The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The design of high-rise housing should complement the context of the neighbourhood in which it will be located. In particular, the large-scale development of high-rise housing can bring social and environmental disadvantages; therefore special attention should be paid to the quality of its design, including scale and height, proper maintenance, regular technical inspection and safety measures.

promoting environmentally sound building materials

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

51 (c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

51 (d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of **governments and individuals and groups of civil society.** *the private and public sectors.*

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *[[stakeholders, individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision]]* should:

70(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

70 (b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *[[stakeholders]]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.** and establish a public mechanism to enforce them;

70 (c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the **inter-transfer of BEST (Best Ecologically Sound Traditions) practices technology recognizing that in many cases traditional practices could be the most ecologically sound.**

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating **meaningful** employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities world wide. If other factors, such as population growth of and migration to cities, are addressed effectively through, inter alia, **requiring cities not to exceed the carrying capacity of the ecosystem that sustains them**, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through **the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments industry, together with trade and services, will** provides the main impetus to this process. **by driving businesses to engage in socially equitable and environmentally sound practices.**

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities.
(Chapt II A. 5 Habitat 1)

promoting environmentally sound practices and technologies

65 * g Environmentally sound technologies, and the planning, provision and maintenance of infrastructure, including roads, streets, parks and open spaces

67 * (c) Involve, encourage and assist, as appropriate, local communities, particularly women, children and persons with disabilities, in setting standards for community facilities and in the operation and maintenance of those facilities

promoting environmentally sound waste management

65 [(b) * Adequate sanitation and environmentally sound waste management based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

non transference of substances or activities that are harmful to human health or to the environment

promoting alternatives to heavy metals

* 95 bis bis Exposure to heavy metals, including lead and mercury, may have persistent and harmful effects on human health and development and on the environment. Children and people living in poverty are often particularly vulnerable, and it is of special concern that the effects of high lead levels on children’s intellectual development are irreversible. Effective and affordable alternatives to many of the uses of these metals are available. Appropriate alternatives should be sought for those products where exposure to lead can neither be controlled or managed. Habitat II

*PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the enshrining and guaranteeing of human rights, the preserving, and

protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations/networks

131. To ensure effective decentralization and strengthening of local authorities and their associations/networks **within a framework of international principles based on the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war,** Governments at all appropriate levels, including local authorities, **shall should:**

(a) Adopt and adapt, *as appropriate*, policies and legal frameworks from other Member States that are effectively implementing decentralization **while adhering to international principles, and contribute innovative local practices to other states that could benefit from this insight;**

(b) Review and revise, as appropriate, legislation **to ensure compliance with international obligations,** increase local autonomy **participation** in decision-making, implementation, and resource mobilization and use, especially with respect to human **rights, allocation of funding for socially equitable and environmentally sound development** *technical and financial resources and local enterprise development*, within the overall framework of **international,** national, and local principles, obligations and undertakings *social, economic and environmental strategy* **and encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities** *city neighbourhood or dwellings;*

(c) Seek **additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support** local authorities reviewing revenue generating mechanisms;

(d) Facilitate the **inter-transfer of BEST (Best Environmentally Sound Traditions) Practices** *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with businesses **that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict.,** *inter alia*, through technical twinning and **inter-transfer** *exchange* of experience programmes, **recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world;**

(e) Enhance the performance of local authorities **by requiring BEST practices**, and by undertaking comparative analysis of, and disseminating of innovative **BEST** practices in, the delivery, operation and maintenance of public goods and services, **and in fostering and developing and in exploiting the fiscal other** potential of their cities;

(f) *Help institutionalize* **Ensure and implement** broad-based participation in decision-making and management processes at the local level **with genuine community involvement and participation in determining the terms of reference and in having input throughout the process**;

(g) **Ensure and** strengthen the capacity of local authorities **to seek, respect and rely on genuine community involvement and participation** *engage the local private and* community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local **socially equitable and environmentally sound development economic development**;

(h) Promote **genuine community involvement and participation in a** policy dialogue ~~between~~ **among** all levels of Government, **within a framework of governance principles**, *the private and community sectors* to improve planning and coordination **in implementing socially equitable and environmentally sound development**;

* hbis Within the framework of governance, establish public-private-citizens' partnerships for urban innovation and analyse, evaluate and disseminate information on successful partnerships

(i) Collect, analyse and disseminate, through **public channels**, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; **and facilitate the opportunity for citizens to present evidence of non compliance with obligations through national and international mechanisms**

(j) Reinforce measures to increase the participation of **indigenous peoples, migrant workers, women**, children and youth and **other disenfranchised groups**. Eradicate corruption and ensure greater transparency **through** efficient **genuine community involvement and participation** in the **socially equitable and environmentally sound development** of local resources;

*j Reinforce measures to eradicate corruption and ensure greater transparency, efficiency, accountability, responsiveness and community participation in the management of local resources

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation **within a framework of international principles** particularly to share good **BEST** practices and innovative approaches to **socially equitable and environmentally sound development sustainable human settlements management**; and

133. To encourage and support civic engagement and the fulfillment of government **obligations, expectations, duties, commitments, undertakings and** responsibilities, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based **genuine involvement and** participation of all ~~citizens~~ **people** in decision-making, **including in the determining of the terms of reference and in having input throughout the decision making process, implementation** and monitoring of human settlements *strategies*, policies and programmes, **and in presenting evidence through legal channels of non-compliance with obligations and expectations**; these institutional and legal frameworks would be specifically aimed at; *inter alia*:

133 * To encourage and support participation, civic engagement and the fulfillment of governmental responsibilities, national governments, local authorities and/or civil society organizations should put into effect, at appropriate levels, institutional and legal frameworks that facilitate and enable the broad-based participation of a ~~lal~~ **people** and their community organizations in decision-making and in the implementation and monitoring of human settlements strategies, policies and programmes; these institutional and legal frameworks would be specifically aimed at, *inter alia*

Dr. Francis H. and Jocilyne Boston
201 Outremont Ave, Outremont, Quebec, H2V 3L9

RE: FREEDOM OF INFORMATION ACT

133 (c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

The ensuring of genuine involvement and participation of the community in decision making from the determination of the terms of reference and throughout the process

The facilitation of citizens' awareness of the causes of their problems and of their capacity to solve the problems.

* Ensure adequate opportunity for public participation by all interested parties at all levels of environmental decision-making

* Believing that the rights to information and participation need to be guaranteed through legally binding measures in combination with effective mechanisms ensuring public participation access to information and access to justice.

Underlining the rights of citizens to access to information about the environment, in the access to information about the environment in the absence of a compelling reason for keeping such information from public scrutiny;

Welcoming the decision to develop a UN/ECE Convention on Access to Environment Information and public Participation in Environmental decision making.

We call upon states of the United Nations to develop a global Convention within the framework of the United Nations, ensuring that the democratic right to information and participation are upheld throughout the world.

on all states in the world to adopt and implement national legislation to this effect.

Ensure the right of access applies to any person, irrespective of, for example, citizenship, residency and without their having to prove an interest

The definition of information covered should be sufficiently broad to ensure that all significant information is covered

(iv) exemption of information should only be permitted under explicit and narrowly defined circumstances where non-disclosure can be shown to be in the public interest;

(information should be supplied within 10 working days of the requires, and in the form specified by the person making the request (for example on paper, on disk) provided it is held in that form

(iv) charges levied for providing information should not exceed the material costs of copying and supplying the information with fee waiver provisions for small amounts of easily accessible information

(v) a person refused or overcharged for information should be able to contest the decision through an appeals process which is timely, low-cost, transparent, binding, independent and comprehensive.

(viii) officials wrongfully withholding information should face the risk of penalties for example, in the form of disciplinary action

B. Measures are introduced to ensure that public authorities are themselves in possession of adequate information; Such measures should include the supply of information to public authorities on a mandatory basis through mechanisms.

(c) The “passive” obligation to respond to public requests for information is complemented by an active obligations to keep the public informed on matters related to issues.

(d) Provisions relating to public participation ensure that:

(i) the right to participate extends in principle to any natural or legal person as well as organizations

(ii) the range of decisions in which public participation occurs is sufficiently broad to encompass all decision have significant implications.

(iii) financial barriers do not prevent meaningful participation or lead to imbalances in participation

(iv) public consultation commences early in a given decision-making process with due public notice given and a reasonable time allowed for public comment; and with the opportunity to assist in the determination of the terms of reference

(v) a reasoned decision is published addressing each of the substantive arguments raised in the decision making process.

(vi) the public have the right to appeal a decision, or the manner in which it was arrived at, through an appeals process which is low-cost, independent and transparent and which preceded confirmation and implementation of the decision.

(g) All states provide individuals and organizations with effective access to the courts and administrative appeals processes to contest any action presenting a threat or considered to be breach of law, at a reasonable cost

(i) rights of access to judicial or administrative proceedings should include for any person without their having to prove an interest.

The right of access to administrative review of an administrative decision proposal, where the possibility of such a review exists within the national legal system, if an administrative act is believed to violate a rule of law.

The right to seek a judicial review of a decision or act of a public body (including a failure to act) considered to be in breach of the law

The right to take action directly against those carrying out, having carried out or about to carry out harmful activities who are considered to be in breach of the law

(ii) Where judicial remedies are sought, states should provide for the possibility of effective interim relief.

(iii) the cost of administrative and judicial proceedings, including lawyers' and expert's fees and possible security deposits, should not present a barrier to the commencement or continuation of such proceedings. In particular, a successful plaintiff should be entitled to recovery of all cost reasonably incurred. If the action is unsuccessful, but has been brought on the basis of an arguable case and in good faith, the plaintiff should not be required to pay court fees or the cost of other parties.

TO BE COMPLETED

THE ESTABLISHMENT OF PRINCIPLE-BASED DECISION MAKING

* The ensuring of the genuine involvement and participation of the community in decision making from the determining of the terms of reference and all throughout the process.

* The facilitating of citizen's awareness of the cause of their problems and of their capability of solving the problems.

SPECIFIC MEASURES

* The ensuring of socially equitable and environmentally sound communities within the carrying capacity of the environment

* The restoring of natural areas, preserving of significant ecosystems and the freezing of development in agricultural land

* The establishing, preserving and restoring wild life corridors for ranging and migratory animals, and continuity of plant species.

* The identifying of biodiversity, the carrying out of environmental assessment reviews of activities that could contribute to loss or reduction of biodiversity, and the invoking of the precautionary principle

* The controlling and regulating of space to grow, and the identifying of areas designated for specific purposes such as agriculture and housing, and providing green spaces, and green buffer zones and pathways

* The designing of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy

* The preventing of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resources.

* The creating of a transportation infrastructure that makes walking, cycling and public transportation safe, convenient and accessible, and that moves away from car-dependency. The right to public transit in contrast to the privilege of car use.

The ensuring of the reversal of the transferring of citizens from rural areas to urban areas by providing some of the benefits from the urban to the rural areas.

* The setting up of a needs-oriented approach underlying all design of human communities so that health and livability are always proactively supported.

* The recognizing that learning by doing provides integrated understanding and long-term commitment to place a new community -based approach to planning, and development of ? which harnesses the skills of developers and urban designers as community servants rather than imposers of structure.

* The establishing of guidelines for mixed income communities

* The ensuring that community plans are binding and enforceable

* The ensuring that intermittent use of land does not interfere with the cultural patterns in the community

* The preserving of the village and city integration in social and functional terms

The banning of the use of pesticides in community land, agricultural and forest areas

The elimination of crime through reducing mistrust, alienation and marginalization

The providing of human including all forms of family friendly cities

DIRECTION OF URBANIZATION TOWARDS SOCIAL JUSTICE AND ENVIRONMENTAL HEALTH

Mindful that the driving force causing the growth of the city is the dynamic of urbanization, governments must be constantly aware that individuals come to the city seeking personal growth and employment opportunities. It is the challenge and opportunity of the Federal, State and Local governments to ensure that all citizens have open and free access to the greatest number of educational, social and employment opportunities. And that these activities take place in a safe, healthy, affordable ecologically sustainable environment.

It is the responsibility of the local government to develop and promote an appropriate Vision Statement which reflects the highest hopes and aspirations of its population and to create the policies and practices appropriate to the vigorous implementation of these goals and plans. Of specific importance should be policies and actions that promote healthy, happy, successful family community life.

Cities should develop long range, area wide, comprehensive plans, that include specific means for compliance and implementation, without which plans are mostly useless. Political officials must implement enforcement processes by which they themselves will be held accountable to the highest moral, ethical and managerial standards.

The planning process must start from the bottom up, and must be citizen based. Citizens must be at the center of the process at all levels, and in all respects.

Understanding that the modern city is caught in the rip tide forces that often include of serving, profiteering developers on one hand and inept and corrupt politicians on the other, and overwhelming population on the third, and inadequate resources on the fourth, the challenges are immense. Additionally, because the city is dynamic and ever changing, plans and implementation must be flexible.

Cities should implement regulations and plans that call for multi-layer planning to integrate all major elements of the urban fabric. Social, financial, and functional integration should be required of any new development. Current zoning regulations that prevent these practices should be abolished. Specifically, financial integration should be practiced in all residential housing and neighborhoods. The majority of people's daily and weekly needs should be within easy walking distance of their dwelling unit. The goal is to break the dependence on the automobile.

The achievement of these visions, goals and objectives will require major reform and structural changes in the system as they now exist. It is the responsibility of governments to lead the way in initiating and funding socially equitable and environmentally sound research, facilitating, implementing and enforcing these reforms. Government should also drive research through regulations that will foster BEST (Best Environmentally Sound Traditions) practices.

We, the participants of the NGO Forum the urbanization caucus held in Istanbul May 30 to June 15, 1996 have prepared statements in support of the implementation of the Habitat Agenda and action Plan.

The process of urbanization is affecting the human sphere. Urbanization should not be focused on one sided economic growth and technological development, economically and environmentally. Increased economic production and the technological revolution did not bring about a better life for people as development strategies has promised. On the contrary, there was extensive human misery, dehumanization and oppression and wide spread ecological deterioration as never before experienced.

We believe that the key to the redirection of urbanization lies in their active participation in decisions that affect their own lives, their growth in community, and this meant having control of and access to resources.

SPECIFIC MEASURES RELATED TO URBANIZATION

Ensuring socially equitable and environmentally sound communities within the carrying capacity of the environment

The provision in all habitat development work for the consideration of the bio-regional, sociocultural historic and detailed ecological context and design to respect and enhance these qualities

The restoration of natural areas, preservation of significant ecosystems and the freezing of development on agricultural land

The establishment, preservation and restoration of wildlife corridors for ranging and migratory animals, and continuity of plant species.

The pre-identification of the elements and internal connectivity of habitats and their biodiversity, the environmental impact assessment of activities that could contribute to loss or reduction of biodiversity, and the invocation of the precautionary principle in all developmental enterprises

The control and regulation of space to grow, and the identification of areas designated for specific purposes such as agriculture and housing, and provision of green spaces, and green buffer zones and pathways

The design of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy

CANCELLING DEBT

The canceling of third world debt by the replacement of structural adjustment programs with programs of reparation through debt cancellation for the violation of human rights, for the causing of environmental degradation for the contributing to violence and war

DEBT FORGIVENESS

61 (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, **through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities;**

*PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST
DECISION MAKING

COMMON GOOD

All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good.... (Habitat II19)

SEPTEMBER SEPTEMBER

OCTOBER OCTOBER

DRAFT RESOLUTION FOR OCTOBER 24, 1995 GENERAL ASSEMBLY

50/1 Proclamation of the International day of Global Compliance

The General Assembly

52/1 Proclamation of the International Year of Global Compliance

The General Assembly

Whereas 1999 is the culmination of the decade devoted to the furtherance of International law

Whereas the General Assembly has decided unanimously to proclaim solemnly, on the Fifty-second Anniversary of the United Nations, 1999 to be the International Year of Global Compliance

Whereas 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 have created expectations through General Assembly Resolutions, declarations and Conference action statements.,

Whereas, if these 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 these year 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, and the fulfilling of these expectations

Whereas the Fifty-second 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 incurred through the Charter, Covenants, Conventions, and to fulfill previous expectations created through Declarations, General Assembly Resolutions, and Conference Action statements.

Now, therefore,

The General Assembly, and its member States

Solemnly proclaim 1999 the International Year 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 discharge obligations undertaken through the Charter, Conventions, Treaties, and Covenants, and to fulfill expectations created through Declarations, General Assembly Resolutions and conference Action statements;
- to sign and ratify what they have not yet signed and ratified, to enact the necessary legislation and enforcement measures to ensure the discharging of these obligations
- to fulfill additional expectations created through globally adopted UN Conference action plans, and programs of action.

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

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 Intuit 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 Intuit territory

INTERNATIONAL AFFAIRS CAUCUS BCEN

- Initiated and organized the "International Affairs Caucus" of the BCEN, and currently acting as chair
- Drafted mission statement of International Affairs Caucus (BCEN)
- Circulating founding Charter for international Affairs Caucus (BCEN) on Ecological Principles
- Initiated a Canada/Brazil Project examining the Interdependence of Issues Received a grant from EDSP to proceed with the exploratory phase of the project, and has been responsible for the administration of the project. An application has been made for a further phase.

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

INTERNATIONAL LAW

- Presented a paper on International Law and Global compliance to the BC Bar Association
- Appeared on a panel of Global Compliance with International Law with Paul Watson at the Faculty of Law
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

- 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

INDIGENOUS ISSUES

- Prepared a paper on references to Indigenous issues in the UNCED Documents and circulated it to indigenous groups
- Presented a paper at the Forum "500 years." on "the UNCED Documents: Commitments or Vain Promises"
- Organized a community forum on First Nation's sovereignty
- Prepared a diagram for the forum on the aspects of the First Nation's sovereignty
- Authored "Five Valleys Proposal: and socioeconomic Development Plan for the Remaining Old Growth Area of South Vancouver Island" - prepared for various First Nation's in the region

NUCLEAR ISSUES

- Circulated at UNCED 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 affidavits as expert witnesses for a court case calling for an environmental assessment of Nuclear powered or nuclear armed vessels
- Carried out 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 Greater 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

- Filed a complaint with the B.C. Ombudsman office about the Ministry of Forest's non-compliance with the B.C. Forest Act; and also, an inquiry with the Ombudsman's office into the way B.C. is intending to implement its international obligations.

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 "Mis-education 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 unfragmented old growth forests

PUBLIC ADMINISTRATION AND BUSINESS ADMINISTRATION

- * Developed a course outline for an environmental program in the Master's program in Business Administration

PUBLIC FORUMS

*assisted in organizing 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"; a 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 rain-forests 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 the 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 an 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"
- Served on a Committee to call for alternative transportation and cessation of the Island Highway Project

INPUT INTO CONSTITUTIONAL REFERENDUM

One of the more controversial proposals in the Federal Government's constitutional package is the proposed enshrining of "property rights" in the Canadian Charter of Rights and Freedoms. The legal system already functions as though property rights were sacred and inviolable. The main outcome of enshrining property rights in the Charter, would be to further limit the possibility of progress being made towards expanding the application of environmental law.

The purpose of the Charter of Rights and Freedoms is to enable individuals to apply to the courts to seek remedies if they believe that their rights or freedoms, as guaranteed by the Charter, have been infringed or denied. The Charter must protect rights that may not be already protected through common law remedies. Individuals must have "standing" in order to bring a case to court. Standing is usually synonymous with property rights or financial interest, and damages are awarded according to losses of these interests. Although the courts have proceeded to continually address any infringement or denial of property rights, they have failed to address the serious ecological damage that continues to be done by industry and government alike. There is no redress for individuals, and community groups who object to ecological damage on the basis not of economic interest but of community ecological rights. It is only through the Charter that individuals and community groups might be able to have standing and thus be able to launch suits against governments on behalf of the community's ecological rights.

Many industry supporters will contend that statute law is in place to protect ecological rights. In many cases, statute law may even contribute to the infringement and denial of ecological rights by creating the illusion that ecological

rights are being protected when there is no institutional framework in place for protecting these rights. Although the Charter of Rights and Freedoms solely applies to the rights and freedoms of individuals vis-a-vis governments, it provides moral suasion and gives guidance to the courts where there are conflicts among individuals, community groups, industries and non-governmental institutions. Through articulating values, the Charter indicates to individuals, community groups, industries and non-governmental institutions the nature and extent of rights and duties and of moral and civil responsibility.

Significant changes to international law, charters and criminal law have often been initiated and justified when there is a convergence of international, national and local concerns about the rightness and necessity for the changes. This convergence now exists for the protection of ecological rights.

The ERA Ecological Rights Association urges international bodies and national governments to consider the following proposed ecological rights—the rights of the ecosystem itself beyond human purpose, the right to a safe environment, the right to an ecological heritage, and the right "to not have present activities compromise the needs of future generations"

The 'right to a safe environment' could lead to stringent regulations on the introduction of potentially harmful factors or substances into the economic sphere. The onus of proof could then shift from the present situation whereby citizens, consumer advocates and environmental groups have to demonstrate that the introduction of a factor or substance will have deleterious consequences. Instead, the manufacturers, industry and governmental institutions would have to demonstrate that the introduction of such factors or substances would not have deleterious consequences.

The 'right to an ecological heritage' could lead to the protection and preservation of ecosystems and biodiversity. The Charter should reflect concern for the protection of this right. International documents such as the Report of the 1972 United Nations Commission on the Environment (Stockholm Conference) established principles related to environmental heritage. At Stockholm, the international community established the principles that human rights exist "in an environment of a quality that permits a life of dignity and well-being and that man bears a solemn responsibility to protect and improve the environment for present and future generations. The "right to not have present activities compromise the needs of future generations" should give substance to a call for the right to an ecological heritage.

The Ecological Rights Association will work a) towards enshrining the right to a safe environment and the right to ecological heritage in the Canadian Charter of Rights and Freedoms (and in other National Charters or constitutions); b) towards the establishment of an institutional framework to ensure that these ecological rights are protected c) towards lobbying for the enshrinement of ecological rights in a UN Covenant for the Protection of Ecological Rights d) towards encouraging the Criminal Law reform Commission to proceed on the proposal to have the causing of serious ecological damage deemed to be a crime;

e) towards ensuring that individuals and community groups will have some form of recourse through the legal system, such as injunctions, to address the infringement and denial of their ecological rights by industry and institutions; and f) towards compiling and categorizing definitions and descriptions of what would constitute ecological rights

EXHIBIT:

PROJECT: A REVISITING OF “SUSTAINABLE DEVELOPMENT” IN THE CONTEXT OF HUMAN SETTLEMENTS”: FROM PRINCIPLE TO POLICY AND ACTION

() THAT in 1996, I was invited by the Green Party of Canada to be the International Affairs Critic and to have input into development of the Platform for the 1997nelection

EXHIBIT

I am now working on having input into the Foreign affairs platform and I will try to incorporate the ideas that you have suggested, as well as into the International affairs platform which is the one that I am responsible for.

In 1996, I was tasked with drafting a submission for the international affairs

1996 proposal for green party platform international Affairs

I have compiled a series of resolutions and statements of policy drawing upon what has been agreed to in international documents, what has been recommended in international organizations such as the IUCN, and what has been proposed in the green party policy—attempting to place some of the proposals in an international context. The document that I have prepared is about 250 pages so I am just circulating the summary titles of the resolutions. I will continue working on it over the weekend.

INTERNATIONAL RELATIONS POLICY

COLLECTION OF RESOLUTIONS WITH PREAMBULAR SECTIONS DRAWN FROM INTERNATIONAL OBLIGATIONS INCURRED THROUGH THE UN CHARTER, CONVENTIONS, TREATIES, AND COVENANTS , AND THROUGH EXPECTATIONS CREATED THROUGH DECLARATIONS, GENERAL ASSEMBLY RESOLUTIONS, AND CONFERENCE ACTION PLANS (IN SOME CASES FROM INTERNATIONAL NGOS) . OPERATIVE CLAUSES ARE DRAWN PRIMARILY FROM NGO DOCUMENTS.

PRINCIPLES REFLECTED IN INTERNATIONAL AGREEMENTS: OBLIGATIONS INCURRED AND LEGITIMATE EXPECTATIONS CREATED

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: CONDEMNATION OF THE UNSUSTAINABLE PATTERN OF CONSUMPTION, AND PROVIDING FOR SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: ENDORSEMENT OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: REDEFINITION OF "DEVELOPMENT" IN EQUITABLE AND ECOLOGICAL TERMS

RESOLUTION: UNDERSTANDING THE INTERDEPENDENCE OF ISSUE

SOCIAL JUSTICE, AND EQUITY AND SECURITY

RESOLUTION: GUARANTEEING THE RIGHT TO SECURITY INCLUDING GUARANTEED ANNUAL INCOME SUPPLEMENT

RESOLUTION : FULFILLING THE RIGHT TO BASIC NEEDS

RESOLUTION: PREVENTION OF POVERTY THROUGH FULFILLING BASIC NEEDS, PROVIDING EQUITABLE DISTRIBUTION OF RESOURCES, GUARANTEEING HUMAN RIGHTS, PRESERVING AND PROTECTING THE ENVIRONMENT, AND PREVENTING WAR AND CONFLICT

RESOLUTION: GUARANTEEING THE RIGHT TO FOOD

RESOLUTION : GUARANTEEING CONSERVATION OF AREAS FOR FOOD PRODUCTION

RESOLUTION: THE PROMOTION OF ORGANIC AGRICULTURE THROUGH

REGULATIONS AND EDUCATION, AND PHASING OUT THE USE OF CHEMICAL PESTICIDES

RESOLUTION: ENSURING THE RIGHT TO SHELTER/HOUSING

RESOLUTION: ENSURING THE RIGHT TO SAFE DRINKING WATER,

RESOLUTION: GUARANTEEING THE RIGHT TO UNIVERSAL HEALTH CARE

RESOLUTION: GUARANTEEING THE RIGHT TO WORK IN SOCIALLY
EQUITABLE AND ENVIRONMENTALLY SOUND WORK

RESOLUTION: GUARANTEEING THE RIGHT TO SOCIAL SECURITY AND
COMMON SECURITY

ENVIRONMENT AND HEALTH

RESOLUTION: ELIMINATION AND REDUCTION OF HEALTH AND
ENVIRONMENT HAZARDS

RESOLUTION: BANNING OF GENETICALLY ENGINEERED FOOD, AND
IRRADIATED FOOD

RESOLUTION: BANNING OF GENETICALLY MODIFIED ORGANISM

RESOLUTION: BANNING THE PATENTING OF HUMAN GENES

RESOLUTION: LIMITATION AND CONTROL OF BIOTECHNOLOGY

RESOLUTION: SUPPORTING OF ALTERNATIVE MEDICINE

RESOLUTION: RESPECTING THE WISDOM OF INDIGENOUS KNOWLEDGE

RESOLUTION REDEFINING FOOD GUIDE STANDARDS

RESOLUTION: PROMOTION THE HIGHEST ATTAINABLE STANDARDS OF
PHYSICAL, MENTAL AND ENVIRONMENTAL HEALTH

RESOLUTION: ELIMINATING ENVIRONMENTALLY INDUCED DISEASES

RESOLUTION: LIMITING AND MONITORING REPRODUCTIVE
TECHNOLOGIES

RESOLUTION: PROMOTING REPRODUCTIVE CHOICE

RESOLUTION: PERMITTING EUTHANASIA

RESOLUTION: GUARANTEEING THE RIGHT TO SAFE, HEALTHY AND
ENVIRONMENTALLY SOUND WORKING CONDITIONS

**NATURE, ENVIRONMENT AND
SOCIALY EQUITABLE AND
ENVIRONMENTALLY SOUND DEVELOPMENT**

RESOLUTION: RECOGNIZING THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE

RESOLUTION: ENSURING THE ETHICAL TREATMENT OF ANIMALS
RESOLUTION: ENSURING THE PREVENTION OF DISASTERS

RESOLUTION: INSTITUTING LEGITIMATE AND INDEPENDENT ENVIRONMENTAL ASSESSMENT REVIEWS : COMPLYING WITH THE ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE

RESOLUTION: INVOKING THE PRECAUTIONARY PRINCIPLE , AND APPLYING IT TO ALL ENVIRONMENTALLY UNSOUND EXISTING PRACTICES

RESOLUTION: ENSURING THE IMPLEMENTATION OF THE ANTICIPATORY PRINCIPLE, AND APPLYING IT TO PROPOSED NEWLY INTRODUCED PRACTICES

RESOLUTION: ENFORCEMENT OF THE PREVENTION PRINCIPLE AND REVERSE ONUS PRINCIPLE (WHERE THE PROPONENTS OF AN INTERVENTION HAVE TO DEMONSTRATE THE SAFETY OF THE INTERVENTIONS RATHER THAN THE OPPONENTS HAVING TO DEMONSTRATE HARM)

RESOLUTION: PREVENTING THE TRANSFERENCE TO OTHER STATES OF SUBSTANCES OR ACTIVITIES THAT CAUSE ENVIRONMENTAL DEGRADATION

RESOLUTION: ELIMINATION OF TOXIC, HAZARDOUS AND NUCLEAR WASTES

RESOLUTION: BANNING OF PERSISTENT ORGANIC POLLUTANTS
RESOLUTION ELIMINATION OF THE PRODUCTION AND CONSUMPTION OF OZONE DEPLETING SUBSTANCES (SEE VIENNA CONVENTION 1985 AND MONTREAL ACCORD, 1987)

RESOLUTION: PREVENTION OF CLIMATE CHANGE THROUGH ELIMINATION AND REDUCTION OF GREENHOUSE GAS EMISSIONS

RESOLUTION ON CLIMATE CHANGE: PROTECTING CARBON SINKS AND PREVENTING GREENHOUSE GAS EMISSIONS

1988 CHANGING ATMOSPHERE CONFERENCE (STRONGER THAN THE FRAMEWORK CONVENTION ON CLIMATE CHANGE 1992)

RESOLUTION: ENDING THE PRODUCTION OF ENDOCRINE-DISRUPTING CHEMICALS

CONSERVATION, BIODIVERSITY AND FORESTS

RESOLUTION : GUARANTEEING THE PRESERVATION, CONSERVATION AND PROTECTION OF BIODIVERSITY

RESOLUTION: ENSURING THAT ALL BIOSPHERE RESERVES HAVE AN EXTENDED CORE AREA WITH CONSERVATION CORRIDORS WHERE NO COMMERCIAL INTRUSION CAN TAKE PLACE, AND HAVE ALL PRACTICES IN BUFFER AND TRANSITION ZONES LINKED TO THE CONVENTION ON BIOLOGICAL DIVERSITY

RESOLUTION: PRESERVING, PROTECTING AND CONSERVING BIODIVERSITY IN FORESTS THROUGH FOREST PROTOCOLS LINKED WITH THE CONVENTION ON BIOLOGICAL DIVERSITY

RESOLUTION: BANNING CLEARCUTTING THROUGH INTERPRETATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

RESOLUTION: ENSURING THAT THE BIODIVERSITY CONVENTION APPLIES TO ALL LANDS (PRIVATE AND PUBLIC)

RESOLUTION: IDENTIFYING AND CONSERVING BIODIVERSITY THROUGH PRESERVING REMAINING OLD GROWTH FORESTS

RESOLUTION: BANNING THE EXPORT OF RAW LOGS

GREEN SPACES, PARKS AND CONSERVATION

RESOLUTION: THE PRESERVATION AND PROTECTION OF GREEN SPACES

RESOLUTION: PROTECTING ENDANGERED SPECIES AND HABITATS

RESOLUTION: DISCONTINUING THE PRACTICE OF PRIVATIZATION OF PARKS SERVICES

RESOLUTION: ENSURING ADEQUATE SIZE OF PARKS INCLUDING CONSERVATION CORRIDORS TO PROTECT BIODIVERSITY

MARINE, AND FRESH WATER ORGANISMS

RESOLUTION: PROTECTION OF FISH STOCKS

RESOLUTION: RATIFICATION OF THE LAW OF THE SEAS

RESOLUTION: PREVENTING ENVIRONMENTALLY UNSOUND DISCHARGES INTO WATER BODIES

RESOLUTION: PREVENTING TRANSBOUNDARY POLLUTION (ENFORCING BASEL CONVENTION)

RESOLUTION: ENFORCING MEASURES IN LEGISLATION RELATED TO THE DEPOSIT OF DELETERIOUS SUBSTANCES THAT COULD DESTROY FISH HABITAT

RESOLUTION: ESTABLISHMENT OF MARINE PROTECTED AREAS -

ENVIRONMENT, TRANSPORTATION AND ENERGY

RESOLUTION: ESTABLISHING REGULATIONS THAT REDUCE CAR-DEPENDENCY

RESOLUTION: PROMOTING PEDESTRIAN COMMUNITIES AND RAIL AND OTHER ENVIRONMENTALLY SOUND PRACTICES -

RESOLUTION: DEVELOPING INFRASTRUCTURE FOR ENVIRONMENTALLY SOUND ENERGY AND TRANSPORTATION

RESOLUTION: PROMOTING AND ENSURING ENVIRONMENTALLY SOUND TRANSPORTATION, AND ENVIRONMENTALLY SOUND ENERGY

ENVIRONMENTALLY SOUND ENERGY

RESOLUTION: DEVELOPING ENVIRONMENTALLY SOUND ENERGY

RESOLUTION PROVIDING FOR 100% ENVIRONMENTALLY SOUND ENERGY SOURCES BY 1999

RESOLUTION: REQUIRING THE CONSERVATION OF ENERGY

RESOLUTION: DEVELOPMENT OF NEW AND RENEWABLE SOURCES OF ENERGY

ENVIRONMENTALLY SOUND PRACTICES

RESOLUTION: REQUIRING ENVIRONMENTAL SOUND PRACTICES

RESOLUTION: THE REQUIREMENT OF BEST (BEST ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES

RESOLUTION: ENSURING INTERNATIONAL STANDARDS DRAWN FROM PRINCIPLES FROM INTERNATIONAL INSTRUMENTS APPLY TO FOREIGN POLICY RELATED TO ENVIRONMENTALLY SOUND PRACTICES

RESOLUTION: STRENGTHENING AND PROMOTING TRADITIONAL PRACTICES

EQUITABLE AND ENVIRONMENTALLY SOUND FINANCE

RESOLUTION: CANCELING DEBT/DEBT FORGIVENESS AND REPARATION

RESOLUTION: ENSURING THAT .7% OF GNP (UN UNDERTAKING) FOR FOREIGN "REPARATION"

RESOLUTION: CONVERTING VESTED ECONOMIC INTEREST GATT TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND AGREEMENTS BASED ON PRINCIPLES

RESOLUTION: CONDEMNING THE SHIFT FOREIGN AID POLICY FROM INTERNATIONAL CO-OPERATION AND HELPING THE POOR TO A SELF-INTERESTED STRATEGY TO BENEFIT STATE BUSINESS. RESOLUTION: LIMITING FOREIGN AID TO ENVIRONMENTALLY SOUND PROJECTS

RESOLUTION: PREVENTING THE EXPORT OF PRODUCTS BANNED IN THE COUNTRY OF ORIGIN

RESOLUTION: REQUIRING ADHERENCE TO THE TRANSBOUNDARY PRINCIPLE BY PREVENTING ALL ENVIRONMENTALLY UNSOUND ACTIVITIES

RESOLUTION: THE REQUIREMENT OF CONDITIONAL FUNDING BASED ON THE GUARANTEEING OF HUMAN RIGHTS, ON ENSURING ENVIRONMENTAL PROTECTION AND PRESERVATION, AND ON PROMOTION OF PEACE

RESOLUTION: ENDING WORLD HUNGER AND POVERTY THROUGH CHANGING PRIORITIES OF INTERNATIONAL FINANCE, COMMERCE, AND DEVELOPMENT ASSISTANCE

RESOLUTION: REDUCTION OF ENVIRONMENTALLY HARMFUL SUBSIDIES

RESOLUTION: ELIMINATION SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

**MILITARY CONVERSION AND TRANSFER FUNDS
TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND
DEVELOPMENT**

RESOLUTION: REDUCTION AND TRANSFER OF THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: INSTITUTING MILITARY CONVERSION

RESOLUTION: SUFFOCATING URANIUM MINING

RESOLUTION: ELIMINATING THE PRODUCTION, SALE AND USE OF LAND MINES

RESOLUTION: ELIMINATING THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION INCLUDING NUCLEAR, CHEMICAL AND BIOLOGICAL

RESOLUTION: PREVENTING NUCLEAR CATASTROPHE THROUGH THE ABOLITION OF NUCLEAR WEAPONS

RESOLUTION: IMPLEMENTING THE WORLD COURT DECISION ON THE ILLEGALITY OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS
RESOLUTION: RECOGNITION OF THE LINKING BETWEEN CIVIL NUCLEAR ENERGY AND NUCLEAR ARMS, AND THE PHASING OUT OF CIVIL NUCLEAR REACTORS

RESOLUTION: CESSATION OF PRODUCTION, CIRCULATION AND BERTHING OF NUCLEAR ARMED, AND NUCLEAR-POWERED VESSELS (SEE

RESOLUTION RELATED TO DISASTERS)

RESOLUTION: REDUCTION OF CONVENTIONAL WEAPONS

RESOLUTION: INSTITUTING REGULATIONS FOR GUN CONTROL

RESOLUTION: REDUCTION AND TRANSFER OF THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE

RESOLUTION: PROMOTING CIVILIAN RULE

RESOLUTION: UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR MILITARY PURPOSES

RESOLUTION: ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ABOLITION OF NUCLEAR WEAPONS BY THE YEAR 2000

HUMAN RIGHTS AND RESPONSIBILITIES

RESOLUTION: PREVENTING GENOCIDE

RESOLUTION: PREVENTING ALL FORMS OF RACIAL DISCRIMINATION

RESOLUTION: PREVENTING ALL FORMS OF DISCRIMINATION AGAINST WOMEN

RESOLUTION: RESPECTING THE LIMITATIONS OF FUNDAMENTAL FREEDOMS: RELIGION

RESOLUTION: RESPECTING THE LIMITATIONS OF FUNDAMENTAL FREEDOMS: CONDEMNATION OF EXTREMISM

RESOLUTION: GUARANTEEING AND EXTENDING OF HUMAN RIGHTS PROTECTION

RESOLUTION: GUARANTEEING THE RIGHTS OF THE FAMILY AND THE ACCEPTANCE OF ALL FORMS OF THE FAMILY

RESOLUTION: RECOGNIZING THE LEGITIMACY OF SAME-SEX MARRIAGES

RESOLUTION: GUARANTEEING THE RIGHTS OF THE CHILD

RESOLUTION: GUARANTEEING THE RIGHTS OF INDIGENOUS PEOPLES

RESOLUTION: AFFIRMATION OF THE RIGHTS OF SELF-DETERMINATION

RESOLUTION: RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY, AND APPROPRIATENESS

RESOLUTION: GUARANTEEING INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS PEOPLES

RESOLUTION: REDUCING THE NEED FOR MIGRATION BY GUARANTEEING HUMAN RIGHTS, BY PROTECTING AND PRESERVING THE ENVIRONMENT, AND BY PREVENTING CONFLICT AND WAR

RESOLUTION: GUARANTEEING THE RIGHTS OF REFUGEES

RESOLUTION: GUARANTEEING THE RIGHTS OF MIGRANT WORKERS

RESOLUTION: GUARANTEEING THE RIGHTS OF FUTURE GENERATION

COMMUNICATION AND EDUCATION

RESOLUTION: STRENGTHENING THE MEDIA AS AN INSTRUMENT OF PUBLIC TRUST

RESOLUTION: GUARANTEEING THE RIGHT TO EDUCATION

RESOLUTION: PROVIDING FREE UNIVERSITY EDUCATION THROUGH INCOME SUPPLEMENT PLAN TO ASSIST STUDENTS

RESOLUTION: ELIMINATION OF ALL CORPORATE DETERMINING OF PHILOSOPHICAL UNDERPINNINGS OF EDUCATION

RESOLUTION: ELIMINATION OF ALL CORPORATE DIRECTION OF UNIVERSITY

RESOLUTION: RIGHT TO EDUCATION THAT IS EQUITABLE, COLLABORATIVE, AND MEANINGFUL

RESOLUTION: INFLUENCE AWARENESS OF HUMAN RIGHTS, ENVIRONMENT, AND PEACE ISSUES THROUGH EDUCATION

RESOLUTION: AVOIDANCE OF COMPROMISE THROUGH INDUSTRY FUNDING OF UNIVERSITY RESEARCH

RESOLUTION: REQUIREMENT OF ARMS LENGTH RESEARCH FROM INDUSTRY

COMPLIANCE, COMPENSATION AND IMPLEMENTATION

RESOLUTION: DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS

RESOLUTION: FULFILLING EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTION AND CONFERENCE ACTION PLANS

RESOLUTION: FORMATION OF AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE

RESOLUTION: ESTABLISHMENT OF MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR

RESOLUTION: ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH ALL NATIONAL CODES AND INTERNATIONAL LAW

RESOLUTION: ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME STATES OR INTERNATIONAL STANDARDS; WHICH EVER ARE HIGHER

RESOLUTION : REJECTION OF ISO 14000 PROCESS OF CORPORATE CONFORMANCE WITH SELF-INITIATED STANDARDS

RESOLUTION: PREVENTING THE RELAXING OF STANDARDS OR REGULATIONS TO ATTRACT INDUSTRY

RESOLUTION: REVOKING OF CHARTERS OF CORPORATION FOR HUMAN RIGHTS VIOLATION, ENVIRONMENT DEGRADATION AND FOR CONTRIBUTING TO CONFLICT AND WAR

RESOLUTION: COMPENSATION FOR HUMAN RIGHTS VIOLATION AND ENVIRONMENT DEGRADATION

RESOLUTION: ENSURING REHABILITATION OF AREA DEGRADED BY HUMAN ACTIVITIES

RESOLUTION: INSTITUTING JUDICIAL REFORM

RESOLUTION: BINDING OF INTERNAL GOVERNMENTS BY INTERNATIONAL PRINCIPLES

PRINCIPLE-BASED DECISION MAKING AND PUBLIC ACCESS TO INFORMATION

RESOLUTION: IMPLEMENTING PRINCIPLE BASED DECISION MAKING
MOVING FROM VESTED INTEREST DECISION MAKING TO PRINCIPLE-
BASED DECISION MAKING

RESOLUTION: ENDORSEMENT OF AND PROVISION FOR A FREEDOM OF
INFORMATION AND ACCESS TO INFORMATION ACT

Dear Lucy;

I have just found out that the draft platform has been circulated through the newsletter. I understand your concern about the importance of circulating a draft among the members who are not on the listserv. I think, however, that you should have sent them evidence of the debate and dialogue that was occurring on the listserv, as well as all the material submitted. Is it fair to those not on e-mail to only receive a screened version of the internet discussion? They will have no idea the range of suggestions made and the wealth of material excluded? Is it also fair to those who participated on the listserv that many of their ideas and concerns have been excluded?

Although there are some good points in the present draft, it is grounded in "reality", and lacks courage and vision.

Also, I am sorry that my name was on the document when by your own admission you did not include any of the material that I sent you.

I was talking with Andy Shaddock last week about all the material that I have been working on and I told him that I would be sending him a summary for his consideration. He did not mention that the draft platform already being printed and circulated.

Joan Russow

RESPONSE TO DRAFT PLATFORM

I HAVE BEEN PREPARING A 200 PAGE CHARTER OF RESOLUTIONS WITH THE PREAMBLES FROM INTERNATIONAL INSTRUMENTS AND THE OPERATIVE CLAUSES FROM A WIDE RANGE OF NGO SOURCES. AS WELL FROM GREEN PARTY RESOLUTIONS AND STATEMENTS MADE ON THE LISTSERV.

AT ONE TIME I SUBMITTED A SUMMARY WITH A COMPREHENSIVE SET OF RESOLUTIONS FOR CONSIDERATION AS PART OF THE GREEN PARTY PLATFORM.

I THINK THAT WE NEED AN INCLUSIVE "GREEN BOOK" OF AS MANY PAGES AS IS NECESSARY TO CONVEY THE ACTIONS THAT NEED TO BE TAKEN TO

ACHIEVE A SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND SOCIETY

IN THIS RESPONSE TO DRAFT PLATFORM I HAVE INCORPORATED THE STRENGTHS OF THE DRAFT PLATFORM DOCUMENT WITHIN A MORE COMPREHENSIVE AND MORE RADICAL FRAMEWORK. SPECIFIC CONCERNS ABOUT THE DRAFT PLATFORM

“WE ARE IN STRONG AGREEMENT WITH CAROLYN LINDEN WHO URGES US TO GROUND OURSELVES IN REALITY IF WE WANT TO INCREASE THE NUMBER OF VOTES WE RECEIVE.”

EXHIBIT

I would like to express some initial concerns about the current draft platform: The first concern is about the vision statement. if we are to have a real vision, we must completely move away from the compromising position suggested in the following comment:

“We are in strong agreement with Carolyn Linden who urges us to ground ourselves in reality if we want to increase the number of votes we receive.”

I am sure you are all aware of the corporate assessment of activists as being radicals, opportunists, idealists and realists. the recommended corporate strategy has been to marginalize the radicals, ...and turn the idealists into realists. PERHAPS WHAT IS IMPORTANT IS TO BE COMPREHENSIVE AND ENSURE THAT THERE IS A STRONG VISION STATEMENT WITH PERHAPS A GLOBAL COMPONENT GIVEN THAT THE GREEN PARTY OF CANADA IS PART OF A LARGER GREEN PARTY MOVEMENT.

The Green party of Canada envisions a culture in which there is redefinition of priorities in equitable and ecological terms. A culture where the current GLOBAL military budget of 800 BILLION is reduced and at least 50% least 400 billion is immediately transferred into guaranteeing the right to basic needs including the right to safe healthy food, the right to affordable housing, the right to universal health care, the right to education, the right to a safe environment and to ecological heritage and the right to work in socially equitable and environmentally sound employment.

With the rest of the military budget being converted into programs that contribute to the setting up of alternative structures for preventing conflict and war through an international regime that respects the rule of international law, and through establishing an international court of compliance where citizens could take evidence of state non-compliance with international law.

The Green part envisions a culture without discrimination on the following grounds: race, sex, gender, sexual orientation, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, different forms of the family, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. The Green Party envisions a culture in which the inherent worth of nature is respected beyond

human purpose, and in which the ecological footprint is reduced, the precautionary, anticipatory and reverse onus principle are applied. ETC A culture that moves away from over-consumptive practices, and towards socially equitable and environmentally sound development.

PERHAPS IN THE SECTION ABOUT WHY VOTE FOR THE GREEN PARTY A COMMENT COULD BE MADE ABOUT THE URGENCY OF THE GLOBAL SITUATION AND THE LACK OF POLITICAL WILL TO MAKE THE NECESSARY CHANGES. PERHAPS the ASSESSMENT BY UNCED and the current assessment THE World WATCH INSTITUTE AND UNEP OF THE URGENCY “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” (Art 246, Advance draft, Platform of Action, UN. Conference on Women, May 15) ...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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

() THAT in 1996, I submitted a proposal to CHMC

EXNIBIT

erp@cmhc.ca

1. APPLICANT: Joan Russow Dr.
2. ORGANIZATION: Global Compliance Research Project
- 3 POSITION: Coordinator
4. MAILING ADDRESS 1230 St. Patrick St.
Victoria B.C. V8S4Y4

TELEPHONE NUMBER

1 250 294- 1339

E-MAIL: Russow@gmail.com

5. NAME AND TITLE OF TEAM MEMBERS

SENIOR ADVISOR: Ron Maclsaac

See reference material related to Board of advisers

6. TITLE OF RESEARCH: Interplay between sustainability and stigma: cross-cultural study of multigenerational, extended family habitation

Exploring the reasons for and against multigenerational/ extended family habitation

7. AMOUNT REQUESTED: 25,000

8. EXPECTED START DATE (January 2008) AND DURATION: 10 Months

9 SIGNING AUTHORITY: Dr. Joan Russow

10 REFERENCES:

Dr. Bill Livant 1638 Pinewood 1-2505987292

Dr. Milnor Alexander V8V 3A1 #306 1060 Pakington Rd. Victoria 1 2503602779

11: SUMMARY OF PROPOSED HOUSING RESEARCH

ONE PAGE SUMMARY

Interplay between sustainability and stigma: cross-cultural study of multigenerational, extended family habitation

In the U.N. study on Families, it stated “In follow-up to Habitat II, barrier-free universal design is being promoted worldwide, but has yet to take effect on the ground.”

Many rural and urban neighbourhoods are tending to become more age-segregated because of migration and age-segregated urban design. Modernization is giving rise to different age-group institutions. These trends call for measures that would restore the easy interactions and collaborations of the generations.

In Canada Mortgage and Housing publication for The Newcomer’s Guide to Canadian Housing, it is noted that “Generally, Canadian families are “nuclear families”—a couple and one or two children. Grandparents usually do not live with their adult children and grandchildren.” This statement reaffirms that multigenerational/extended family habitation is not the norm and implies that there might be a stigma attached to deviating from the norm.

This is also reinforced by the subsequent statement in the CHMC Green report “Our mortgage loan insurance program has helped many Canadians realize their dream of owning a home. improve quality of life for Canadians in communities across this country.

A review of the international literature suggests that for numerous reasons: economic, poverty-reduction, cultural/aboriginal, care-giving/ mutual care- provisions, emotional, environment/sustainability there is beginning a trend to promote multigenerational/ extended family Habitation, but also a beginning of a U.S. trend to discriminate on the grounds of a cultural definition of “form of family” Canada Mortgage and Housing, however, clearly affirms its commitment to preventing discrimination on the following grounds: • race • creed • religion • colour • family status • age and presumably also “country of origin”

In this proposed Research Project, an annotated bibliography will be prepared, an advisory group with relevant background (economist, anti-poverty/human rights advocates, culture/ aboriginal representative, specialist in child and elder care,

psychologist/counselor, environmental consultant, urban planner, architect) will be set up, and series of research instruments will be prepared. [see subsequent section] and will be administered in Canada and Mexico to the following segments of society: economists, anti-poverty advocates, representatives from various cultural and aboriginal communities, environmentalists, town planners/architects, immigrants/migrant workers. From the results of the research, individuals will be selected to be part of the film or possibly a series of films.

It should be noted as well, that Industry Canada is recognizing the importance of moving into Multigenerational housing for export.:

“Changing demographics (a flat population with an increasing proportion of "active" elderly) will impact the design and location of the new houses. This factor will affect design, location, and styles. This will create profitable opportunities for exporters that first identify trends such as multigenerational housing and a possible increase in the number of traditional (but low cost...). “industry Canada <http://www.ic.gc.ca/epic/site/finance.nsf/en/fb01478e.html>

12. DETAILED DESCRIPTION OF PROPOSED RESEARCH

Interplay between sustainability and stigma: cross-cultural study of multigenerational, extended family habitation

Part of the study will be a comparative analysis of the attitudes in Canada with the attitudes in Mexico towards multigenerational /extended family habitation. The purpose of the study will be to explore and clarify the reasons for Canadian stigma toward multigenerational /extended family habitation, and to propose means to remove the stigma. This will involve survey instruments and video interviews, and eventually the production of a film or a series of films.

While there may be many reasons that families might not want to live in a multigenerational habitation, there are many reasons that families might be obliged to or wish to live in multigenerational or extended family habitation; in the latter case, it is important to address the issue of a potential a residual stigma attached to this form of habitation.

This proposal is conditional on the ability, feasibility, and possibility of members of a family or extended family living in a multigenerational /extended family habitation. The essence of this proposal is to explore and address and possibly assist in countering the stigma associated with multigenerational/Extended family habitation so that those who are able, and willing to live in multigenerational/Extended family habitation will not be exposed to the stigma.

In Canada Mortgage and Housing publication for The Newcomer’s Guide to Canadian Housing, it is noted that “Generally, Canadian families are “nuclear Families”—a couple and one or two children. Grandparents usually do not live with their adult children and grandchildren.” This statement reaffirms that multigenerational/ extended family habitation is not the norm and implies that there might be a stigma attached to deviating from the norm. In another publication of Canada Mortgage and Housing, the association of owning one’s home is portrayed as a Canadian dream: “Our mortgage loan insurance program has helped many

Canadians realize their dream of owning a home. improve quality of life for Canadians in communities across this country.

A preliminary review of the international literature suggests that for numerous reasons: economic, poverty-reduction, cultural, care-giving/ mutual care- provisions, emotional, environment/sustainability, there is beginning a trend to promote multigenerational /extended family habitation. but also, a beginning of a trend to discriminate on the grounds of a specific cultural "form of family" habitation. (see section of cultural reasons).

Multigenerational/extended family habitation is outside of the traditional "nuclear family". could be defined as including members that are directly related as well as those that are not directly related such as uncles/aunts, cousins, close family friends.

The United Nations issued a report UN programme on Aging 3. Steps towards a Society for all ages and recommended "Multi-generational citizenship": The report affirmed that Families are microcosms of many interacting systems, as highlighted during the International Year of the Family, 1994. The report also noted with some concern the fragmentation of ages and advocated barrier-free habitation. Apartment dwellings are frequently too small for multi-generational co-habitation. It noted that in follow-up to Habitat II, barrier-free universal design is being promoted worldwide, but has yet to take effect on the ground. ...The rise of organizations of elders and others, while strengthening peer-identities, also gives rise to a need for new channels of communications between the age groups. ... Many rural and urban neighbourhoods are tending to become more age-segregated because of migration and age-segregated urban design. Modernization is giving rise to different age-group institutions. These trends call for measures that would restore the easy interactions and collaborations of the generations. Beyond neighbourhood and community lies the concept of "multigenerational citizenship", involving an awareness of being a recipient of heritages from earlier generations as one participates in creating legacies for succeeding generations, in terms of economic, social, and environmental capital. A culture infused with a sense of multi-generational citizenship would harmonize tradition and innovation, and imbue its present undertakings with a broader sense of historical time. Successful follow-up to the Rio conference on environment and development depends in large part on fostering a sense of multi-generational citizenship.

Multi-generational citizenship, while calling for an expanded awareness that considers the needs of present, past and future generations, would also encompass the needs and aspirations of all citizens many which have tended to be marginalized including refugees, indigenous persons, persons with disabilities, migrants and others.

OUTLINE OF PROPOSAL

This proposal is for using participatory action research, in the exploration of attitudes towards and reasons for promoting and opposing multigenerational habitation, and will.

have three main components:

1. Preparation of an annotated bibliography.
2. Development of a survey instrument, in consultation with the advisory board, for citizens born in Canada; for immigrants in Canada and for Mexicans.

3. On the basis of the results of tabulating the survey instrument, individuals will be selected to be interviewed for the film or a series of films.

For this submission, a draft outline for the potential reasons for multigenerational/extended habitation has been prepared (See A below). And a draft outline of the survey instrument is provided (see B below); and outline of the proposal for a film (see C below).

1. A survey of the international literature has been carried out an annotated bibliography will be undertaken for the project.

2. Development of a Survey instrument:

In this research project, an advisory board with the participation from following individuals economist, anti-poverty advocate, culture/ aboriginal representatives, specialist in child and elder care, psychologist/counselor, urban planer/architect, will be set up (See Annex for Draft survey instrument.

One of members of the advisory board is Dr Deanna Geddo a holistic dentist in private practice in Victoria. Born in the second world war in Europe and raised through revolutions and military coups in central and south America, she traveled extensively worked with a wide variety of people, from black townships in Africa to remote communities in India. She notes that "multigenerational habitation is the most common way of living everywhere, except in Canada and the United States". "Most of the families that I lived with in other countries have 14-15 members of 4-5 generations and live in complete harmony no matter how humble the surroundings...In one place I was sleeping on the floor with several sisters, one uncle, one aunt, one cousin, a few children. At 5 am, the great-grandmother went to work at the local orphanage and I went with her, cleaning bathrooms, changing diapers, etc. When we came back, there was food on the table, everyone ate their portions at different times, everyone contributed, and even the dirt floor was swept daily. Problems were solved through consultation at many levels. Even though the elders were much respected, young children's opinions were equally important."

I lived in Argentina that way. I remember with fondness the loving presence of Eszter, my sister in law, who raised her children in a one room addition to my parents' home, where the patio used to be. The small kitchen was buzzing with activity at all times; Eszter was a delightful "buffer" for any conflicts in the family. Later on, one of Eszter's sons, Sebastian, raised his children in the same "patio", having converted it into a modest two-bedroom apartment. His children were the fourth generation in that home and all parties benefited, including Bijou, the great-grandmother, who continued to be the lady of the house until her death in 2005."

A. REASONS CITED FOR MULTI-GENERATIONAL/EXTENDED FAMILY HABITATION

1. Economic Justification:

As a result of the current demographics where house prices are prohibitive, where more seniors are home owners, more and more seniors prefer to remain in their homes, more and more adult sons and daughters, as well as younger families have

difficulty finding appropriate accommodation and child care, many families are seriously entertaining multigenerational /extended family habitation.

Throughout the international literature habitation/housing, there are numerous examples of economic reasons for on multi-generational and Extended family housing.

"Our own sense is that a lot of this (trend) is driven mostly by economics," said Nicolas Retsinas, director of Harvard University's Joint Center for Housing Studies. He believes the percentage of multigenerational households has likely increased over the past few years right along with home prices. "In certain markets where affordable housing is scarce this is much more common."

2. Poverty Reduction

In Canada in the government section on Western economic diversification Responses to Affordable Housing http://www.wd.gc.ca/ced/wuf/planning/4a_e.asp

It is stated that Affordable housing needs are currently being addressed at federal, provincial and municipal levels through a variety of means. One approach has been to examine various alternatives to expanding the stock of affordable housing (e.g., the Grow Home) (Friedman 2001). One initiative, Affordability and Choice Today (ACT), is funded federally and implemented locally. The multi-pronged approach of ACT addresses four issues related to providing more affordable housing:

- Streamlining approvals processes;
- Facilitating new forms of housing (e.g., secondary suites, garden suites, multi-generational housing, and rooming housing;
- Regulatory and incentive programs to promote infill, intensification and conversion; and
- Alternative land and site development standards (Canada Mortgage and Housing Corporation et al. 2004).

In Vancouver in 2006, there was a forum on Affordable Housing Action Forum held, one of the recommendations was Encourage multi-generational family habitation to live in the same premises (May 5 2006).

*3. Cultural including aboriginal:

Aboriginal

*Housing Quality http://www.aboriginalroundtable.ca/sect/hsng/rprt/fntn_sum_e.html

Canada aboriginal people's round-table. One strategic approach was the following:

"long-term planning that includes future demands, maintenance, renovations, emergencies, replacements, partnerships, flexible housing (e.g. multigenerational housing, finances).

Cultural

Another trend has emerged to counter multigenerational extended family habitation. This discriminatory trend has emerged because of a somewhat cultural redefinition of the “form of family” category. In the United States, a precedent in Virginia was established primarily as a discriminatory measure against different “forms of families” in the immigrant communities. If a complaint was filed, the police would be called to investigate whether the residents were conforming to the definition of “nuclear form of family”.

It was reported in the Washington Post that Manassa, Virginia redefined “form of family” as the following:

Reacting to a swell of pressure from residents, the town of Herndon restricted its definition of family last year. Prince William County and Richmond are studying the Manassas ordinance. And Fairfax County is seeking authority from the state to impose criminal fines and jail time on landlords who rent houses to more than four unrelated people, typically immigrants.

A new Manassas ordinance narrows, for zoning, what the city considers a family:

A. An individual;

B. Two or more persons related to the second degree of collateral consanguinity by blood, marriage, adoption or guardianship, or otherwise duly authorized custodial relationship, as verified by official public records such as driver's licenses, birth or marriage certificates, court orders or notarized affidavits, living and cooking together as a single housekeeping unit, exclusive of not more than one additional unrelated person;

C. A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or guardianship; or

D. Not more than two unrelated persons and their dependent children living and cooking together as a single housekeeping unit.

This ordinance was followed and a family was told that the nephew had to leave.

The Post reported that, "The ordinance is enforced by complaint, and so far, complaints have overwhelmingly been against Latino".

Canada Mortgage and Housing, however, clearly affirms its commitment to preventing discrimination on the following grounds: • race • creed • religion • colour • family status • age and presumably also “country of origin”.

Under the Canadian Commission of Human Rights, “family status” is defined in the following way:

"Family status" refers to "the inter-relationship that arises from bonds of marriage, consanguinity or legal adoption, including of course, the ancestral relationship, whether legitimate, illegitimate, or by adoption, as well as the relationships between spouses, siblings, in-laws, uncles or aunts, and nephews or nieces, cousins, etc."

Hopefully, as a result of the extension of “family status” to multigenerational/extended family habitation in Canada, the situation in Virginia would never occur in Canada.

*4. Care-giving/Mutual care provision

The 1994 UN Report stressed that Families are microcosms of many interacting systems, as highlighted during the International Year of the Family, 1994. Its caregiving role is examined here.

As a primary care-giving system in many societies, it is the first resource and last resort for individuals throughout the life course. The launch pad for early life and the landing pad of late life.

With demographic ageing, care recipients are changing: there are fewer children needing care and more of the very old. With women's increasing participation in the paid workforce, care-giving patterns are changing, with more men participating in direct and instrumental care-giving roles. Yet, in most places, family care remains a euphemism for a single usually female caregiver. In an aging world, the double task of care-giving for old and young usually falls to the "sandwich generation", those ranging in age from 40 to 70. Though intensive elder care-giving needs are generally confined to the last few years of life, these can be burdensome, stretching over 24 hours a day and 365 days a year. In contrast with child care, which is characterized by progress towards independence, elder care usually intensifies over time.

As families age, family care needs to be increasingly provided by a network of family members and to be supported by organized formal care. Family networks have unique resources -- proximity, affection, lifelong commitment and intense knowledge of the older person. Formal care has the vital resources of expertise and money. Family and formal care is often mediated by community care combining health and social services. Family friendly work places are needed that provide opportunities for family leave, homeworking, job-sharing, as well as respite care and day-care facilities for dependent family members."

*5 Emotional/psychological:

"Multigenerational cohabitation would be greatly therapeutic for ailing societies in Canada and the United States. The absurd isolation of individuals, the neglect of children and older adults, the intolerance among humans-who are progressively more comfortable living with computers and television sets than with each other, even the lack of language skills, would be assuaged.... Also, housing problems may be solved, once and for all." (Deanna Geddes, personal communication).

*6 environment/sustainability:

In Article 16 of the Habitat II Agenda, member states of the United Nations affirmed that

"Human settlements shall be planned, developed and improved in a manner that takes full account of sustainable development principles and all its components, as set out in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development.

At the Habitat II Conference, every member states of the United Nations made a commitment to reduce the ecological footprint:

“Promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; (27 b, Habitat II, 1996).

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).

Eco density is being proposed as a solution to reducing the ecological footprint; multigenerational habitation complements ecodensity.

DESIGN SOLUTIONS APPEAR TO BE MOVING TOWARDS SUPPORTING THE TREND: Designs for multi-generational-extended family habitation will be in greater demand. With more elderly parents moving in with their children for care-giving purposes, or adult children moving back in with parents due to factors like divorce or unemployment, there is a demand for more "suites," such as bedrooms with a suite bathrooms, basement or attic apartment. Another multi-generational option is a house with a raised basement, to allow more natural light into the rooms. Raised basement suites, often with separate entrances, are also well-suited to home offices. (Toronto real estate).

ANNEX B. DRAFT TO BE DISCUSSED BY ADVISORY BOARD, AND FURTHER DEVELOPED

PARTICIPATORY ACTION RESEARCH
OUTLINE OF SERIES OF SURVEY INSTRUMENTS:

IN CANADA

A. CANADIAN BORN RESPONDENTS

B. IMMIGRANT RESPONDENTS: Survey instruments for Canadian born respondents will be modified to be suitable for Canadian Immigrants.

C. IN MEXICO: Survey instruments for Canadian born respondents will be translated and modified to be suitable for Mexican respondents.

DRAFT SURVEY INSTRUMENT

1. CANADIAN BORN RESPONDENTS

BACKGROUND:

Education:

Profession:

Income:

Marital status:

Single O, married O, common law O, separated O, divorced O recently married O
recently separated O, recently divorced O

Type of current habitation arrangement:

Single residence O, nuclear family residence O, multigenerational/Extended family
Habitation O

Number of Children:

None O, one O, two O, three O, four O, more O

DEFINITIONS: to be provided

Multigenerational habitation and

“Family status”

Barrier-free habitation

Eco-density

ETC

From the UN study on family it is stated: “In follow-up to Habitat II, barrier-free universal design is being promoted worldwide, but has yet to take effect on the ground.”

- If you do not own your own home is owning your own home one of your “dreams”?
In Canada, is there an understood or standard age for moving away from the family home?

- Has there been or would there be any pressure to compel/oblige you to move out of the parental house earlier than you would want to?

From social/peer group O, from other family members O, or another O?

- Has there been or would there be any pressure to compel/oblige you to move out of the parental house later than you would have wanted to?

From social/peer group O, from other family members O, or other O?

- Has there been or would there be any pressure to compel/oblige you to move back into the parental house earlier than you would have wanted to?

From social/peer group O, from other family members, or other O?

-Would there be any pressure to compel/oblige you to move back into the parental house later than you would want to?

From social/peer group O, from other family members O, or other O?

-Is there or would there be any pressure from social group/peer group that would prevent you from moving back to the parental house earlier if you would want to move back?

* If for some reason it is impossible to move out, does the fact that you cannot move out influence your acceptance or rejection of the multigenerational habitation?

-If you are living in multigenerational habitation, how do you describe your living arrangements?

* If you are living in multigenerational habitation would you happy, proud, embarrassed, or other?

* Do you think there is support for Multigenerational habitation in Canada?

* If so in which of the following situations?

* If so which of the following situations do you think receive little support?

Son or daughter over 30 still living at home?

Divorced Son or daughter living at home for a given period of time?

Son or daughter living with grandchildren living at home?

Grandparent or grandparent living in son or daughter's home?

Or other?

* If so, why do you think there is support?

* Do you think there is little support for Multigenerational habitation in Canada?

* If so which of the following situations do you think receive little support?

Son or daughter over 30 still living at home?

Divorced Son or daughter living at home for a given period of time?

Son or daughter living with grandchildren living at home?

Grandparent or grandparent living in son or daughter's home?

Or other?

* If so, why do you think there is little support?

* Does your residence complex permit multigenerational/extended family habitation?

* Does your residence complex preclude , prohibit , discourage multigenerational/extended family habitation?

REASONS FOR MULTIGENERATIONAL HABITATION:

In the 2001 Canada Mortgage and Housing Report, it is claimed that "Our mortgage loan insurance program has helped many Canadians realize their dream of owning a home."

1. Economic

* If you have a choice between living in a multigenerational /extended family habitation or buying your own home, which one would you choose and why?

* If you are living in multigenerational/extended family habitation: is it for economic reasons?

- * If you are living in multigenerational/extended family habitation for economic reasons would you continue to live there if it were economically feasible for you to buy your own place?
- * If you are living in multigenerational/extended family habitation because of financial necessity would you live there out of choice or would you leave as soon as you would be able to move into your own place?
- * If you are not living in multigenerational/extended family habitation, would you do so for financial reasons?
- * Under what financial circumstances would you live in multigenerational/extended family habitation?
- * Would you feel a sense of failure if you were obliged financially to live with your parents?
- * How much of your decision to buy a home (and not live in multigenerational habitation) is influenced by the economic potential. eg. investment benefits?

2. Poverty-reduction

- * Do you believe that multigenerational/extended family habitation could in some way address issues of poverty?
- * If so, in what ways?

3. Cultural

- * Do you think that there are different cultural attitudes towards multigenerational/extended family habitation?
- If so
- * In what way do the cultural attitudes differ?
- * What do you think are the reasons for the different attitudes?

4. Care-giving/ mutual care-provisions:

A UN report indicated the following: "As a primary caregiving system in many societies, it is the first resource and last resort for individuals throughout the life course. The launch pad for early life and the landing pad of late life."

- * Do you think that barrier-free habitation could improve the attitude towards the elderly O, towards teenagers O, towards children O or both O?
- * If you have lived in a multigenerational/extended family habitation, were you living in multigenerational/extended family habitation because of the need to provide care for another generation?
child care O, elder care O, Both O, or Other O
- * If you are living in a multigenerational/extended family habitation, are you living in multigenerational/extended family habitation because of the need to provide mutual care child care O, elder care O, Both O, or Other O? Describe
- * What is the attitude in your culture towards the elderly?
Elder care as an obligation O, Elder care as a burden O, Elder care as opportunity to share in the life of an Elder person O, or Other O? Describe
- * What do you perceive is the attitude in Canada towards the elderly?

Describe:

* How do you think the mainstream media generally portray the elderly

Describe:

* Are elder women treated differently in the media than elder men?

If so, in what way?

* At what point do you think that it becomes impossible to care for an elderly member of the family in a multigenerational/extended family habitation?

physical incapacitation? , mental incapacitation? , other?

Describe:

* Have you or would you enter into a transient multigenerational/extended family habitation where a time limited period of care may be agreed to?

If so, what were the conditions?

* Do you believe it is an obligation for a son or daughter to be prepared to have a parent or parents who need care to move in?

* At what point does familial obligation turn to voluntary benevolent activity?

* Are you living in a multigenerational/extended family habitation for personal health reasons?

* In your culture is it deemed to be an obligation for a son or daughter to care for a parent or parents in one's home

* In your culture are the grandparents expected to care for their grandchildren

* Would it be a burden infringement that we have earned through upper mobility saddled with looking after

trend

5. Emotional/psychological:

Are you living in a multigenerational/extended family habitation because of loss of spouse or child , other family member or other?

Have you returned to the family home for personal marital reason?

separated , divorced recently married recently separated , recently divorced

6 Environment/sustainability:

Environmental reasons- reducing the ecological foot print: Eco-density is proposed in some areas as a solution to reducing the ecological footprint; multigenerational/extended family habitation complements Eco-density

* Different habitation forms have been proposed to address the need to be more environmental. Which living arrangement would you prefer? RANK

Living downtown in Eco-density facility in a well serviced area?

Living in multigenerational/extended family habitation in a well serviced area?

Living in a multigenerational/extended family habitation in the suburbs far from services O

Living in a high-rise with alternating business and residence floors? (Arthur Erickson, Design, Vancouver) O

Other?

* Do you think that multigenerational/extended family habitation would help to contribute to the protection of the environment?

If so , how?

It not , why?

* If you believe that it would help the environment, would you be motivated to live in multigenerational/extended family habitation for the sake of the environment?

* Do you think that your ecological footprint would be reduced if you lived multigenerational/extended family habitation?

If so, in what way?

* Do you believe that multigenerational habitation multigenerational/extended family habitation n?

if so how?

C. FILM PROPOSAL

1. In Canada respondents will be selected from the survey instruments, and interviewed.

2. in Mexico, the Survey Instrument will be given and then the participants will also be videotaped

3. There will be a two-part series of 40-minute films: with a juxtaposition of responses one from Canada and one from Mexico;

A. Housing research question or hypothesis Scope and Objectives

Is the reason in Canada for a reluctance to move towards

Multigenerational/extended family habitation, because of a lingering stigma attached to this form of habitation? What is the source of this stigma? And what measures can be taken to move beyond this stigma?

B. Justification of the need for research Context and relation to other work in the field

In a time of increased concern for the environment, of increased concern for affordability of Housing, and increased concern for mutual inter-generational care giving, many who believe that multigenerational/extended family Habitation is a solution, are reluctant to enter into this form of habitation because of a lingering stigma.

C Potential contribution to/significance to housing

From a review of the literature there appears to be an increasing need to move towards multigenerational/extended family habitation. In addition, it appears that Industry Canada is becoming aware that this form of habitation is increasing important for Canadian housing export technology.

D. Detailed research plan (See above)

Prepare an annotated bibliography

Establish a Board of Advisors

Design a Research Instrument

Do a comparative analysis in Canada and Mexico

Produce a film.

13 WORK SCHEDULE AND ALLOCATION OF TASKS

Joan Russow and the senior advisor Ron MacIssaac will be offering their services pro bono. The principal cost will be the actual production of the film.

14 JUSTIFICATION OF COSTS

Joan Russow will be approaching a board of Advisors. Joan Russow will be doing the research pro-bono. Six Advisers will be paid honorarium of \$500 each for about 20 hours of consultation (total 3000). The advisers will have input into the Survey Instruments. Joan Russow and a film maker will be carrying out comparative research in Mexico. This expenditure will involve air fare roughly at current prices about \$700 each, and about \$1000 each for subsistence in Mexico. One thousand dollars will be allotted for assisting with Spanish Translation. Two thousand dollars will be for copying the survey instruments and for printing up reports. The remainder, \$15,000 will be for making a film.

15. PROPOSED RESEARCH COSTS

Joan Russow will be carrying out the research pro-Bono

TRAVEL EXPENSES

Joan Russow air fare to Mexico \$700 plus internal bus fare \$300 = \$1000

Film maker air fare to Mexico \$700 plus bus internal bus fare \$300= \$1000

SUSTENANCE:

Joan Russow \$1000

Film Maker \$1000

MATERIAL

Photo copying of survey instruments and reports \$2000

Assistance with Spanish Translation \$1000

Production of film \$15000

SUMMARY OF PROPOSED RESEARCH;

Fees and Honorariums:	3000
Travel	2000
Sustenance	2000
Photo copying	2000
Assistance with Spanish	1000
Film production	15000
TOTAL	25000

OTHER SUPPORT:

Other support will be sought to expand on the project at a later date

16 STATEMENT OF QUALIFICATIONS OF APPLICANT

Joan Russow (PhD)

Father- Assistant Auditor General of Canada

Widow, two sons, and two daughters

Living in a multigenerational/extended family habitation

Degrees Awarded:

-Ph.D. in interdisciplinary studies

Doctorate in Interdisciplinary studies addressing, in dissertation, the problem of expressing and communicating complexity

University of Victoria 1996

-M.Ed. in Curriculum Development

Developed a method of teaching human Rights: Principle-based education, linking peace, environment, social justice and human rights within a framework of international law. UBC 1986

-B.A. History of Art: Pre-Columbian Art

University of British Columbia 1978

-Studied Art and Architecture in Rome, Paris, Seville 1960-62 and 1963-66

-Studied Common law, University of Ottawa 1962-63

-Studied Philosophy, Carleton and University of Toronto 1957-1960

Tri-lingual English, French and Spanish

Relevant Grants and Awards:

1996 Ministry of Environment, B.C. Grant for
Global Compliance Research project, for

- 1996 Habitat II Conference.
Canadian Housing and Renewal Association (CHRA)
for research and preparation of documents for submission
to Canadian Government consultation process for Habitat II
Conference.
- 1995 CIDA Grant for Brazil/Canada: Interdisciplinarity/
Interdependence of issues: instruments of change.
- 1995 CIDA Grant for research, for preparation and for publication of the
“Charter of Obligations” for United Nations Conference on Women:
Equality, Development and Peace.
- 1995 - Dean of Graduate Studies Scholarship for Interdisciplinary Studies.
1990-94 Research and teaching Grants.
Local award for community service, and for work on Climate Change issue.

Experience:

For about forty years, carrying out research, making presentations, giving workshops, presenting briefs and developing policy on the complexity and interdependence of issues related to the following:

- promoting and fully guaranteeing respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to health care, right to education and social justice;
- enabling socially equitable and environmentally sound employment, and instituting the fair and just transition principle for affected workers and communities
- * achieving a state of peace, justice and true security;
- creating a global structure that respects the rule of law; and
- ensuring the preservation and protection of the environment, respecting the inherent worth of nature beyond human purpose, reducing the ecological footprint and moving away from the current model of over consumptive development.

-1992-Policy analyst and lecturer: lectured in Global Issues in Sustainability and presented papers and gave workshops on bringing international conventions to the grassroots.

-1993-95 Policy researcher in the School of Public Administration, University of Victoria for an international project based in Kennedy School of Public policy, Harvard. This project examined social learning related to policy issues related to ozone depletion, acid rain, and climate change in 8 countries including Canada.

-1991-92 Policy researcher in School of Public Administration, University of Victoria, for various projects such as on NAFTA and the need for Continent-wide standards drawing from the highest principles related to ecology and equity; on Industry’s intrusion into education; and on a proposal for a graduate course in Masters in Business Administration on environmental vision and direction.

-1993-1995 BCEN Representative on BC Government Round Table Determining Criteria for Discharge Admission.

-1992-1996 Sessional lecturer, Global Issues in Sustainability in the Environment Program University of Victoria. lectured widely on the interdependence of issues, and particularly on the need for the implementation of international law nationally and locally.

-1997-2001 Federal leader of the Green Party of Canada. 1997-2001, compiled, and integrated years of Green party policy into recommendations for different federal government departments, and did an analysis of the treasury Board Estimates and presented a proposed budget on these Estimates. This proposed budget was presented in Ottawa, as a response to the budget in 1998, 1999, and 2000.

International/national Experience:

International related documents

Attended International UN Conferences as a member of accredited NGOs:

-1992 Prep Com for UNCED New York (UNCED Rio ,1992); - drafted an Alternative Earth Charter and worked on the NGO Earth Charter.

- Did a content analysis of UNCED documents: Convention on Biological Diversity, UN Framework Convention on Climate Change, Agenda 21, Rio Declaration, and the Forest Principles and submitted the analysis to UNEP, and presented it to the IUCN.

- Prepared a "Content analysis of Agenda 21 and the Rio Declaration (UNCED)". Paper presented at conferences both locally and internationally. Paper submitted to the United Nations Environment Program and to the IUCN (World Conservation Union) (45 pages).

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- Drafted policy with a Green Party Shadow Cabinet, and ran in the 1997 Federal election and raised common security issues.

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-Participated in the World Trade Organization (WTO) Conference in Seattle.

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- Met with the legal representatives of treaty enforcement branch under the Secretary Generals of the United Nations, and submitted diagram of compliance to the Treaty Branch for the millennium session of the UN.

-Ran in the by-election, in the Okanagan Coquihalla riding, and raised issues related to inappropriate and unsustainable development in the Okanagan.

-Ran in the General Federal Election in the riding of Victoria.

2001 Attended Habitat II +5 in New York 2001, worked with various caucuses, in particular a group set up to monitor compliance with commitments made through the Habitat II Agenda.

2002 Attended World Summit on Sustainable Development (WSSD) which was supposed to be the culmination of all the previous conferences. - did a 400-page analysis of WSSD bracketed sections in the context of previous international obligations,

commitments and expectations. and prepared a 300-page dictionary of terms examining the evolution of terms like "security" and "threat" etc.

2002-2004 Participated in the Uniting for Peace Coalition, in calling for an emergence session of the UN General Assembly, to vote on a resolution to oppose the invasion of Iraq.

2005 made a presentation to the Canadian Senate on the Anti-terrorism Act, and proposed the Common Security Index based on International peremptory norms related to peace, human rights, environment and social justice.

-Prepared in collaboration with the Canadian Voice of Women for Peace, a statement that was submitted to the Commission on the Status of Women.

-Attended Beijing +10, and worked with the Peace Caucus, and drafted with the Peace Caucus a statement to be presented to the Commission on the Status of Women.

- to present worked as Common Security editor of PEJ.News (Peace Earth and Justice News).

2007 Attended the Commission on the Status of Women, and the DPI conference on Climate Change.

Publications and other pieces

Russow, J. (1992) "Content analysis of Agenda 21 and the Rio Declaration (UNCED)". Paper presented at conferences both locally and internationally. Paper submitted to the United Nations Environment Program and to the IUCN (World Conservation Union) (45 pages)

Russow, J. (1992) "Composite Earth Charter" —a composite Earth Charter drawing upon "the Rio Declaration," "the NGO Earth Charter," and the Alternative Earth Charter. Presented to "Road to Rio" Conference, to UNCED prep meeting in Vancouver, and submitted as a contribution to the NGO editing committee at the NGO Forum at UNCED, and circulated widely to Delegates at the Prep-com for UNCED in New York in March 1992, and at the UNCED official government Conference in Rio De Janeiro in June, 1992

Knelman, F. and J. Russow. (1992) The "not-too-hidden agenda" of the International Atomic Energy Agency (IAEA) at UNCED: nukespeak, and seductive devices, doctrines, dogmas, strategies and fallacies". Paper widely circulated at International Conference and to organizations.

Russow, J. and D. White. (1992) "Forest Principles in Context of other UNCED documents". An analysis of the Forest Principles document in the context of principles from other international documents. This document was submitted to the Forest Caucus of the CEN, the Canadian Environmental Network, and to the Deputy Ministry of Forests.

Russow, J. (1993) "Canadian Obligations under the Climate Change Convention". British Columbia Environmental Network (BCEN) Report

Russow, J (1993). "Policy Directions: Complying with the Role Envisioned for Business and Industry in Environmental Training" Policy report commissioned by Hugh Faulkner, Executive Director, International Business Council for Sustainable Development. Geneva (45 pages).

Russow, J. (1993-4) Submissions to the B.C. Court Re: Application of International Law to the granting of injunctions (Leave to Appeal book, 85 pages + 60 pages of affidavits). Appeal Court Registry.

Russow, J 1993 Prepared in collaboration with Dr. Rod Dobell, a series of reports diagrams and submissions for the Climate Change section of the Social Learning project based in Harvard

(i) Comparison of obligations under the Framework Convention on Climate Change, the expectations created through adoption of the Atmosphere Chapter 9 Agenda 21, UNCED, and the commitments made by Government, scientists and NGOs in the 1988, conference on "The Changing Atmosphere" (30 pages)

(ii) Comparison of Forest policy related to reduction of CO2 emissions from 1972 to 1993 from 8 different countries

Russow, J. (1994) "Beyond the precautionary principle". Publication of the Proceedings on Conference on Ozone Depletion and Ultraviolet Radiation. Victoria: Skies Above Foundation.

Dobell & Russow (1994). "Survey of Science Council policy related to climate change". Submission to Social Learning Project based in Harvard.

Russow, J (1994). Principle-based Education: an instrument of socio-political global change. Paper circulated at the Annual General meeting of the Commission on Education and Communication, IUCN World conservation Union, 1994), and submitted to tri-university (University of British Columbia, Simon Fraser University, and University of Victoria Publication); and to the Chair, Department of Social and Natural Sciences, Faculty of Education, University of Victoria

Russow, J. (1994) - "Beyond the precautionary principle". Conference on Ozone Depletion and Ultraviolet radiation, University of Victoria. (published in proceedings)

Russow, J. (1995). Charter of Obligations: interdependence of human rights, peace, and environmental issues. Victoria: Global Compliance Research project. (A content analysis of international instruments related to peace, human rights, environment and social equity/equality issues, 350 pages.). Victoria: Global Compliance Research Project

Russow, J (1995). Global Compliance presentation to the United Nations Commission on Women. Reprint in Canadian Voice of Women Newsletter.

Russow, J. and Confalonieri (1995). Redefinition of development in equitable and ecological terms. Report from CIDA funded ERA (Canada) /Ecotropic (Brazil)

Russow, J. (1998) Compilation of Green Party Policy drawn from National and Provincial Annual General meetings. (370 pages)

Russow, J. (1997-2001) Platform development, policy statements, and press releases related to wide range of International, National, Regional and Municipal issues

Russow, J. (2002) Analysis of WSSD bracketed sections in the context of previous international obligations, commitments and expectations. (400 pages)

Russow, J (2002) 300-page dictionary of terms examining the evolution of international terms like "security" and "threat" etc. (300 pages)

Russow, J (2002) Draft Proposal for the Johannesburg Declaration for the WSSD Conference

Russow, J. (2003- to present) Commentary, and press releases related to Common Security issues.

Relevant Affiliations:

current

-Coordinator, Global Compliance Research Project, a project examining the interdependence of peace, environment, human rights, and socially equitable and environmentally sound development., and documenting lack of compliance.

-Member of the IUCN (World Conservation Union) Commission on Education and Communication.

-Director, Council of Canadians (Victoria Branch).

-UN Vienna Representative for the Canadian Voice of Women for Peace.

Former:

-Director the United Nations Association on Victoria.

-Chair, International Affairs Caucus, British Columbia Environmental Network

-Co- founder of the Vancouver Island Human Rights Coalition.

-Member of UNESCO (Canadian division) Working Group on Science and Ethics.

Worked on a content analysis of the UNESCO 5-year proposal, placing document in context of international obligations and commitments-- in preparation for the US rejoining UNESCO.

-President, ERA Ecological Rights Association (an organization that has received accreditation as an international organization for United Nations Conferences.

****Bio**

Joan Russow (PhD)

Father- Assistant Auditor General of Canada

Widow, two sons, and two daughters

Living in a multigenerational/extended family habitation

Degrees Awarded:

-Ph.D. in interdisciplinary studies

Doctorate in Interdisciplinary studies addressing, in dissertation, the problem of expressing and communicating complexity

University of Victoria 1996

-M.Ed. in Curriculum Development

Developed a method of teaching human Rights: Principle-based education, linking peace, environment, social justice and human rights within a framework of international law. UBC 1986

-B.A. History of Art: Pre-Columbian Art

University of British Columbia 1978

-Studied Art and Architecture in Rome, Paris, Seville 1960-62 and 1963-66

-Studied Common law, University of Ottawa 1962-63

-Studied Philosophy, Carleton and University of Toronto 1957-1960

Tri-lingual English, French and Spanish

Relevant Grants and Awards:

- 1996 Ministry of Environment, B.C. Grant for Global Compliance Research project, for Habitat II Conference.
- 1996 Canadian Housing and Renewal Association (CHRA) for research and preparation of documents for submission to Canadian Government consultation process for Habitat II Conference.
- 1995 CIDA Grant for Brazil/Canada: Interdisciplinarity/ Interdependence of issues: instruments of change.
- 1995 CIDA Grant for research, for preparation and for publication of the "Charter of Obligations" for United Nations Conference on Women: Equality, Development and Peace.
- 1995 - Dean of Graduate Studies Scholarship for Interdisciplinary Studies.
- 1990-94 Research and teaching Grants.
- Local award for community service, and for work on Climate Change issue.

Experience:

For about forty years, carrying out research, making presentations, giving workshops, presenting briefs and developing policy on the complexity and interdependence of issues related to the following:

- promoting and fully guaranteeing respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to health care, right to education and social justice;
- enabling socially equitable and environmentally sound employment, and instituting the fair and just transition principle for affected workers and communities

- * achieving a state of peace, justice and true security;
- creating a global structure that respects the rule of law; and
- ensuring the preservation and protection of the environment, respecting the inherent worth of nature beyond human purpose, reducing the ecological footprint and moving away from the current model of over-consumptive development.

-1992-Policy analyst and lecturer: lectured in Global Issues in Sustainability and presented papers and gave workshops on bringing international conventions to the grassroots.

-1993-95 Policy researcher in the School of Public Administration, University of Victoria for an international project based in Kennedy School of Public policy, Harvard. This project examined social learning related to policy issues related to ozone depletion, acid rain, and climate change in 8 countries including Canada.

-1991-92 Policy researcher in School of Public Administration, University of Victoria, for various projects such as on NAFTA and the need for Continent-wide standards drawing from the highest principles related to ecology and equity; on Industry's intrusion into education; and on a proposal for a graduate course in Masters in Business Administration on environmental vision and direction.

-1993-1995 BCEN Representative on BC Government Round Table Determining Criteria for Discharge Admission.

-1992-1996 Sessional lecturer, Global Issues in Sustainability in the Environment Program University of Victoria. lectured widely on the interdependence of issues, and particularly on the need for the implementation of international law nationally and locally.

-1997-2001 Federal leader of the Green Party of Canada. 1997-2001, compiled, and integrated years of Green party policy into recommendations for different federal government departments, and did an analysis of the treasury Board Estimates and presented a proposed budget on these Estimates. This proposed budget was presented in Ottawa, as a response to the budget in 1998, 1999, and 2000.

International/national Experience:

International related documents

Attended International UN Conferences as a member of accredited NGOs:

-1992 Prep Com for UNCED New York (UNCED Rio ,1992); - drafted an Alternative Earth Charter and worked on the NGO Earth Charter.

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- Ran in the by-election, in the Okanagan-Coquihalla riding, and raised issues related to inappropriate and unsustainable development in the Okanagan.
- Ran in the General Federal Election in the riding of Victoria.

2001 Attended Habitat II +5 in New York 2001, worked with various caucuses, in particular a group set up to monitor compliance with commitments made through the Habitat II Agenda.

2002 Attended World Summit on Sustainable Development (WSSD) which was supposed to be the culmination of all the previous conferences. - did an 400 page analysis of WSSD bracketed sections in the context of previous international obligations, commitments and expectations . and prepared a 300 page dictionary of terms examining the evolution of terms like "security" and "threat" etc.

2002-2004 Participated in the Uniting for Peace Coalition, in calling for an emergence session of the UN General Assembly, to vote on a resolution to oppose the invasion of Iraq.

2005 made a presentation to the Canadian Senate on the Anti-terrorism Act, and proposed the Common Security Index based on International peremptory norms related to peace, human rights, environment and social justice.

- Prepared in collaboration with the Canadian Voice of Women for Peace, a statement that was submitted to the Commission on the Status of Women.
- Attended Beijing +10, and worked with the Peace Caucus, and drafted with the Peace Caucus a statement to be presented to the Commission on the Status of Women.
- to present worked as Common Security editor of PEJ.News (Peace Earth and Justice News).

2007 Attended the Commission on the Status of Women, and the DPI conference on Climate Change.

Publications and other pieces

Russow, J.(1992) "Content analysis of Agenda 21 and the Rio Declaration (UNCED)". Paper presented at conferences both locally and internationally. Paper submitted to the United Nations Environment Program and to the IUCN (World Conservation Union) (45 pages)

Russow, J. (1992) "Composite Earth Charter" —a composite Earth Charter drawing upon "the Rio Declaration," "the NGO Earth Charter," and the Alternative

Earth Charter. Presented to "Road to Rio" Conference, to UNCED prep meeting in Vancouver, and submitted as a contribution to the NGO editing committee at the NGO Forum at UNCED, and circulated widely to Delegates at the Prep-com for UNCED in New York in March 1992, and at the UNCED official government Conference in Rio De Janeiro in June, 1992

Knelman, F. and J. Russow. (1992) The "not-too-hidden agenda" of the International Atomic Energy Agency (IAEA) at UNCED: 'nukespeak', and seductive devices, doctrines, dogmas, strategies and fallacies". Paper widely circulated at International Conference and to organizations.

Russow, J. and D. White. (1992) "Forest Principles in Context of other UNCED documents". An analysis of the Forest Principles document in the context of principles from other international documents. This document was submitted to the Forest Caucus of the CEN, the Canadian Environmental Network, and to the Deputy Ministry of Forests.

Russow, J.(1993) "Canadian Obligations under the Climate Change Convention". British Columbia Environmental Network (BCEN) Report

Russow, J (1993). "Policy Directions: Complying with the Role Envisioned for Business and Industry in Environmental Training" Policy report commissioned by Hugh Faulkner, Executive Director, International Business Council for Sustainable Development. Geneva (45 pages).

Russow, J. (1993-4) Submissions to the B.C. Court Re: Application of International Law to the granting of injunctions (Leave to Appeal book, 85 pages + 60 pages of affidavits). Appeal Court Registry.

Russow, J 1993 Prepared in collaboration with Dr. Rod Dobell, a series of reports diagrams and submissions for the Climate Change section of the Social Learning project based in Harvard

(i) Comparison of obligations under the Framework Convention on Climate Change, the expectations created through adoption of the Atmosphere Chapter 9 Agenda 21, UNCED, and the commitments made by Government, scientists and NGOs in the 1988, conference on "The Changing Atmosphere" (30 pages)

(ii) Comparison of Forest policy related to reduction of CO2 emissions from 1972 to 1993 from 8 different countries

Russow, J. (1994) "Beyond the precautionary principle". Publication of the Proceedings on Conference on Ozone Depletion and Ultraviolet Radiation. Victoria: Skies Above Foundation.

Dobell & Russow (1994). "Survey of Science Council policy related to climate change". Submission to Social Learning Project based in Harvard.

Russow, J (1994) . Principle-based Education: an instrument of socio-political global change. Paper circulated at the Annual General meeting of the Commission on Education and Communication, IUCN World conservation Union, 1994), and submitted to tri-university (University of British Columbia, Simon Fraser University, and University of Victoria Publication); and to the Chair, Department of Social and Natural Sciences, Faculty of Education, University of Victoria

Russow, J. (1994) - "Beyond the precautionary principle" . Conference on Ozone Depletion and Ultraviolet radiation, University of Victoria. (published in proceedings)

Russow, J. (1995). Charter of Obligations: interdependence of human rights, peace, and environmental issues. Victoria: Global Compliance Research project. (A content analysis of international instruments related to peace, human rights, environment and social equity/equality issues, 350 pages.). Victoria: Global Compliance Research Project

Russow, J (1995). Global Compliance presentation to the United Nations Commission on Women. Reprint in Canadian Voice of Women Newsletter.

Russow, J. and Confalonieri (1995). Redefinition of development in equitable and ecological terms. Report from CIDA funded ERA (Canada) /Ecotropic (Brazil)

Russow, J. (1998) Compilation of Green Party Policy drawn from National and Provincial Annual General meetings. (370 pages)

Russow, J. (1997-2001) Platform development, policy statements, and press releases related to wide range of International, National, Regional and Municipal issues

Russow, J. (2002) Analysis of WSSD bracketed sections in the context of previous international obligations, commitments and expectations .(400 pages)

Russow, J (2002) 300 page dictionary of terms examining the evolution of international terms like "security" and "threat" etc. (300 pages)

Russow, J (2002) Draft Proposal for the Johannesburg Declaration for the WSSD Conference

Russow, J. (2003- to present) Commentary, and press releases related to Common Security issues.

Relevant Affiliations:

current

-Coordinator, Global Compliance Research Project, a project examining the interdependence of peace, environment, human rights, and socially equitable and environmentally sound development., and documenting lack of compliance.

-Member of the IUCN (World Conservation Union) Commission on Education and Communication.

-Director, Council of Canadians (Victoria Branch).

-UN Vienna Representative for the Canadian Voice of Women for Peace.

Former:

-Director the United Nations Association on Victoria.

-Chair, International Affairs Caucus, British Columbia Environmental Network

-Co- founder of the Vancouver Island Human Rights Coalition.

-Member of UNESCO (Canadian division) Working Group on Science and Ethics.

Worked on a content analysis of the UNESCO 5 year proposal, placing document in context of international obligations and commitments-- in preparation for the US rejoining UNESCO.

-President, ERA Ecological Rights Association (an organization that has received accreditation as an international organization for United Nations Conferences.

****ANNEX******B. Draft Survey Instrument****BOARD OF ADVISORS****Senior Advisor**

Senior project advisory

RONALD FRANCIS THREES Mac ISAAC

2946 Leigh Road Victoria, B.C. V9B 4G6 Phone: (250)474-4470 Fax: (250)478-3106

FATHER: I.E. Mac Isaac, LL.B. (Daly), O.K. Native of I.E. (1890-1981)

MOTHER: Mary McNair, B.A.,L.L.D.(St.F.X. Native of N.B. (1893 - 2006)

Honorary Doctor of Laws for work in the initiation of Medicare.

CURRENT

After 55 plus years as an advocate, am interested in improving the justice system., and am with others studying the efficacy of cost-lowering systems such as alternative dispute resolution. Am writing a history of selected lawyers from 1950 to the present. Book review ed. For Verdict, Barrister, Sask. Advocate and review for sundry local media.

Charitable work and establishing recognition ceremonies and awards for worthy citizens. Supplying educational texts to students. Visits to prisons and mental institutions. Support to women's groups, e.g. Voice of Women, West Coast Leaf. Supporting aboriginal groups. Long time supporter of revival of the E& N railroad passenger service.

EDUCATION

- Prince Albert, Saskatchewan and University of Saskatchewan LL.B. - 1948
- Called to British Columbia Bar - 1949 with later calls to the Alberta Bar and the Grand Cayman Bar.
- Certificate in Mediation: University of Windsor - 1995.
- Certificate in Advanced A.D.R. University of Windsor 1996

PROFESSIONAL EXPERIENCE AND INTERESTS

- Law Firm of Maclsaac and Maclsaac.
- Past experience as City solicitor for Port Alberni, Municipal solicitor for Parksville, Qualicum Beach School Board solicitor, and City Prosecutor for Port Alberni.
- Member or past member of N.Y. Trial Lawyers Association, Washington State Trial Lawyers Association, American Trial Lawyers Association, Manitoba Bar Association, Alberta Bar Association, Saskatchewan Trial Lawyers Association, International Bar Association, and Asia Pacific Bar Association.

Acted as Counsel at hearings in British Columbia, Alberta, Manitoba, Ontario, Scotland, England, India, Mexico, Hong Kong, Colombia, Jamaica and the Grand Cayman Islands.

- Member Family Mediation Canada.
- Co-Founder (with H.A.D. Oliver and John Pearks) of the B.C. Chapter of the National Association of Claimants and Compensation Lawyers, later reorganized as the B.C. Trial Lawyers' Association.
- Member or Past Member: Nanaimo Choral Society, Chamber of Commerce, Wall Street Curling Club, Elks, Moose, Royal Canadian Legion, Eagles, Knights of Columbus, Automobile Victims' Association, Caledonia Association, Canadian National Institute for the Blind (Victoria Director), Workers' Compensation Victims Association, B.C. Anti-Poverty Association, Victoria Child Sexual Abuse Association, and Amnesty International.
- Union experience: Past solicitor for the Retail Clerks Union. Past member of the Mine, Mill & Smelter Workers union at Flin Flon, the Boilermakers' Union at Rupert. Past solicitor for the I.W.A. Duncan.
- President or Past President: Nanaimo County Bar Association, Vancouver Island Human Rights Coalition, Jaycees, Toastmasters, T.A.P.S., Oak Bay Wild Flower Society, Greater Victoria Concerned Citizens Association, and Langford Lake and Area Protection Society.
- Past Governor or Director: of the B.C. chapter of the National Association of Claimant & Compensation Attorneys (later became the Trial Lawyers' Association of British Columbia), C.N.I.B. (Victoria), M.A.D.D., International Law Education Foundation, Skies Above Foundation. And MacIsaac/Floyer charitable foundation.
- Past Chieftain of the Nanaimo Highland Games, Honorary Life Member of the Nanaimo Figure Skating Club and the Mt. Arrowsmith Alpine Association.
- Adjunct Professor of the International College of the Grand Cayman Islands.
- Occasional Law School and Law Seminar Lecturer in Canada and abroad.

WRITING AND TELEVISION

- Regular law book reviewer for several legal publications, weekly columnists for several newspapers, law columnist for several magazines, travel writer, and twice weekly host of community television show.

PAST ACTIVITIES

- Initiated the revival in the 1950s of the use of Civil Jury Trials in injury claims in Canada.
- Successfully lobbied for the abolition of Stipendiary Magistrates ("No Conviction, No Pay!")
- Initiated a Law Society ruling on the use of interest on trust funds by lawyers. This vacuum gave rise to the creation in 1969 under the guidance of Ken Meredith of the first Law Foundation which directed funding from that unused source.
- Formed an association regarding sewage treatment for Victoria.
- Active supporter of equal rights for women; gender equality in judicial appointments and pro rata appointment of minorities. Activist in the lobbying for the first appointee to the S.C. of C.
- In the 1950s initiated the use of contingency fees in injury claim cases. "The key for the poor to the Court House door."

Free legal services to groups to make representations re: obtaining government action.
 Initiated pro bono legal work for all clergy in Nanaimo.

PAST AND PRESENT INTERESTS

Travel. .have visited 102 countries, been present in 5 revolutions, Greece, Indonesia, El Salvador, Argentina, and Chile.

- Sculpture in rock, steel and wood. Active member of V.I. sculptors Association
- Frequent lecturer in Canada and abroad on Heroin, Prostitution, and Pornography problems.

Writer of articles on:

- Canadian-Japanese internment
- Canadian-Ukrainian internment
- Chinese head tax compensation issues
- Increase in number of parks
- Motor-free lakes
- Aboriginal peoples, their art and culture
- Smoking By-Laws
- Protection of children from abuse
- Automobile safety design
- Street and shoreline beautification
- Continued passenger service by railroad: especially the E & N to which I have given free legal advice for 20 years

Present or past member of:

- Nanaimo Choral Society
- Toastmasters club (President)
- K. of C.(Chair)
- Fraternal order of Eagles
- C. of C.
- Past Baseball commission chair
- Past drama club player
- Mother Against Drunk Driving (vice Pres)
- Oak Bay Wild Flower Society

Contributions to the community

- Supplying art to public bodies such as colleges, universities, court houses, hospitals and municipalities.
- .complete collections of Inuit, First Nations, African, & Pacific Nations art.
- Shoreline beautification..mussel re-seeding...soil donation to Malaspina university
- Funding and supplying transport, clothing , pharmaceuticals, tools & equipment to environmental bodies and third world countries.
- Funded sundry environmental videos and land acquisitions
- Supported transitions houses and prostitute empowerment.
- Bursaries and scholarships for last forty years and continues.

SPECIAL INTERESTS

Foreign languages, archeology, sculpture, antiques.

SEMINARS

- Spoken at or have been the organizer for scores of seminars in Canada and abroad.
- Maintain a library of seminar papers.
- Lectured at Asia Pan Pacific Conference in Hawaii on Intellectual Property - January 6, 1989. Gave a paper on the same in 1990 at Beijing, China.

RESEARCH

- Funded, founded and was monitor for Tobacco Research Council: Team of University of Victoria Law Students - Hon. Emmet Hall was Patron. _
- Researched No Fault Law in New Zealand and its effects on the future of the Insurance Corporation of British Columbia (I.C.B.C.) (three trips to that country).
- Researched sentences in criminal cases involving sex abuse for the Inter-ministerial Committee for no fee.
- Completed Tax Law research on one-year sabbatical in Grand Cayman, visited tax havens Turks and Caicas, New Hebrides (Vanuatu), Jersey, Barbados and maintain library on tax haven issues.

PUBLISHED ARTICLES

- Panel Discussion on Law Office Management (1962) 5 Canadian Bar Journal.
- Jury Trial (1964) 7 Canadian Bar Journal 376.
- How to Settle or Try Personal Injury Cases (1965) 35 Manitoba Bar News, 410.
- Conducting a Personal Injury Case, 1966.
- Examination for Discovery (1967) 10 Canadian Bar Journal 224.
- How to Settle Personal Injury Cases from the Defence Standpoint (1967) Manitoba Bar News 141.
- Presentation of Medical Evidence (1968) Canadian Bar Journal 363.
- The Final Address to Judge and Jury (1969) 12 Canadian Bar Journal 342.
- The Age of Specialization (1971) 2 Canadian Bar Journal.
- Negligence Actions Against Medical Doctors (1976) 24 Chitty's Law Journal 201.
- How to Establish Damages on the Death of a Mother (1977) 1 Legal Med.Q.267.
- Who's in Jail? (1977) 25 Chitty's Law Journal 1.
- Why Johnny Canuck Can't be a Lawyer (1978) 26 Chitty's Law Journal.
- Sovereignty and Ecology (1978) 16 Alberta Law Review 530.
- Grand Cayman Island and Taxation (1978) 26 Chitty's Law Journal 275.
- The Contingent Fee (1979) The Advocate 41.
- Division of Property Upon Termination of Marriage (1980) 3 Family Law Review 181.
- A Ceiling on Damages (1982) 40 The Advocate 123.
- Law in the Cannibal Island (1984) 42 The Advocate 301Canada's Eleventh Province (1984) The Advocate 209.
- How to Handle a Medical Negligence Case, The Verdict, March/April 1985.

Insurance Firm's Gambling Games Lead to Ransom, Issue 31, The Verdict, February/ March 1986, p.21.

— The Profoundly Injured Child, Standard of Care, Vol. II, The Advocate, Issue 1, 7, 11.

— How to Improve Income and Dignified Marketing, The Verdict, October 1987.

— Insurance and Our Civil Rights, The Verdict, Issue 35, p.11.

— Tobacco Litigation, The Verdict, Issue 37, p.14.

— History of Jury Trial, The Verdict, Issue 37, p.14.

— Behavioral Psychology, The Verdict, Issue 37, p.14.

— Preferred Area of Practice: Tobacco Litigation, The Saskatchewan Advocate, Vol. 11, Issue IV, p.13.

— Why You Should Support Alberta Civil Trial Lawyers' Association, The Barrister, Vol.12, No. 3, Winter 1987.

— The TMJ Syndrome, The Verdict, Issue 38, p.18, December 1987.

— Law for the Layman - a series of articles appearing in the Business Examiner, Westside Hometown Magazine and the Vancouver Waterfront Magazine.

BOOKS PUBLISHED

— Co-Author: The Devil of Decourcey Island: The Brother XII (a famous Canadian Trial and a best seller for two quarters in 1990 and 1991). Beachholme Press.

— Researcher: Never Under the Table. Cinnebar Press.

— Co-Editor Clayoquot Mass Trials. New Society Publishers.

— Started text on Civil Jury Trials.

— Almost completed texts on Tobacco Litigation and Canards.

TRIAL WORK

Founded a litigation law firm MacIsaac, Clark & Co. with branch offices in ten centres and affiliated offices in several countries, then left the firm to practice with son Daniel

Counsel in all Canadian Courts...inc. Supreme Court of Canada and Federal Court of Appeal.
Some unusual hearing locales:

BC Police jail furnace room in Nanaimo. School board secretary's office in Cowichan lake. Real estate offices in Chemainus, Parksville. City hall in Ladysmith the antique court houses in Campbell River and Cumberland.

Some unusual trial issues:

- Gleaning, the painting of the Gleaners was displayed in defence of men charged with theft of coal from a slag heap.
- Time magazine covered the decision that a man's car was his castle {later overruled} Nanaimo police court case of drinking in a public place.
- Land clearing with dynamite caused female mink to eat their young. Damages awarded including the likelihood that a certain percent of the young would bear the more valuable platinum color.
- Jehovah Witness charged with obstructing sidewalk traffic by standing hold Awake magazine. Wat Tyler of Britain's only revolution used as precedent to give the Witnesses their first Canadian victory.
- L993 appeared as counsel at the largest mass trial in legal history, the defense of the Clayoquot protesters against clear-cutting and erosion.
- Another protest trial was up country re clear-cutting the Elaho Valley.
- Mediating sex abuse cases was one of first uses of courses in ADR.

VOLUNTEER WORK

Pro bono legal advisor to the following groups:

1. Vancouver Island Human Rights Coalition (past president)
2. British Columbia Inter-ministerial Committee on Child Sexual Abuse (past co-Chair)
3. Mothers and Others Against Drunk Drivers - M.A.D.D. (past Vice-President)
4. Canadian National Institute for the Blind - C.N.I.B. (past board of Directors member)
5. Together Against Poverty Society (founding president)
6. Greater Victoria Concerned Citizens Association (vice-president)
7. Langford Lake Area Protection Society (co-founder and chair)
8. Island Tomorrow Society (co-founder)
9. Save the Sooke Hills Group
10. Save the Crystal Gardens (director).
11. Nanaimo and county bar assoc. past pres
12. Jaycees past pres.
13. Silver Spur Horse and Riding assoc (hon. Life member)
14. Arrowsmith Alpine club (hon life member)
15. Nanaimo figure skating assoc (hon. Life member.)
16. Pro bono legal work e.g. for discipline hearing, marital mediation, working with lawyers troubled by alcohol and/or other issues.
17. Hawthorne Society of Arts and Letters (their first honorary member)
18. Past dir. Metis Society

****Budget**
telephone number

Applicant per diem estimate no of days

Team members:

In-house contribution by Joan Russow

Travel Expenses: 3000

Name	origin and Destination	Flight	basis of calculation	current cost
of flight	total amount	2000		

Joan Russow	Mexico			1000
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Film maker	Mexico			1000
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Internal bus travel

Subsistence expenses Mexico

Name Joan Russow	Mexico and Vancouver		1000
film maker		1000	

Interplay between sustainability and stigma: cross-cultural study of multigenerational, extended family habitation

Material and Supplies: 1000

Telephone

Photocopying Survey Instrument

**Report results from Survey Instrument and
Final report 500**

Film and tapes subsumed under film production costs

Assistance in translation Spanish – 500

Other expenses:

SUMMARY OF PROPOSES RESEARCH

- 1. FEES Honoraria 3000**
- 2. travel expenses 2000**

3. subsistence Expenses 2000
4. material and Supplies 1000
5 other expenses video production Independent Video Production Company
17,000

? Other support?

In kind:

Access to small video production company.

Name Joan Russow

Present. Policy Analyst

Global Compliance Research Project 1995- to present
Leader Green Party of Canada 1997- 2001 Green Party of Canada
Sessional lecturer global issues in
sustainability 1992-6 University of Victoria
Researcher, Department of Public administration 1993-94

ACADEMIC BACKGROUND

PhD in Interdisciplinary studies

University of Victoria 1996

MED in Education. Curriculum Development

University of British Columbia 1986

BA. Pre-Colombian Art University of British Columbia 1978

Publications: significant articles

Russow, J.(1992) "Content analysis of Agenda 21 and the Rio Declaration (UNCED)". Paper presented at conferences both locally and internationally. Paper submitted to the United Nations Environment Program and to the IUCN (World Conservation Union) (45 pages)

Russow, J. (1992) "Composite Earth Charter" —a composite Earth Charter drawing upon "the Rio Declaration," "the NGO Earth Charter," and the Alternative Earth Charter. Presented to "Road to Rio" Conference, to UNCED prep meeting in Vancouver, and submitted as a contribution to the NGO editing committee at the NGO Forum at UNCED, and circulated widely to Delegates at the Prep-com for UNCED in New York in March 1992, and at the UNCED official government Conference in Rio De Janeiro in June, 1992

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Russow, J. (1994) - "Beyond the precautionary principle" . Conference on Ozone Depletion and Ultraviolet radiation, University of Victoria. (published in proceedings)

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Russow, J. (2002) Analysis of WSSD bracketed sections in the context of previous international obligations, commitments and expectations .(400 pages)

Russow, J (2002) 300 page dictionary of terms examining the evolution of international terms like "security" and "threat" etc. (300 pages)

Russow, J (2002) Draft Proposal for the Johannesburg Declaration for the WSSD Conference

Russow, J. (2003- to present) Commentary, and press releases related to Common Security issues.

Awards and Distinctions

- 1996 Ministry of Environment, B.C. Grant for Global Compliance Research project, for Habitat II Conference
- 1996 Canadian Housing and Renewal Association (CHRA) for research and preparation of documents for submission to Canadian Government consultation process for Habitat II Conference
- 1995 CIDA Grant for Brazil/Canada: Interdisciplinarity/ Interdependence of issues: instruments of change.
- 1995 CIDA Grant for research, for preparation and for publication of the "Charter of Obligations" for United Nations Conference on Women: Equality, Development and Peace
- 1995 - Dean of Graduate Studies Scholarship for Interdisciplinary Studies
- 1990-94 Research and teaching Grants
Local award for community service, and for work on Climate Change issue.

19. Statement of Qualifications and Experience: Team Members

(please attach full resumes /CVs—maximum of four (4) pages for each team member)

Page 6 of 6

Canada Mortgage and Housing Corporation

ONE PAGE SUMMARY

Interplay between sustainability and stigma: cross-cultural study of multigenerational, extended family habitation

In the UN study on Families, it stated "In follow-up to Habitat II, barrier-free universal design is being promoted worldwide, but has yet to take effect on the ground."

Many rural and urban neighbourhoods are tending to become more age-segregated because of migration and age-segregated urban design. Modernization is giving rise to different age-group institutions. These trends call for measures that would restore the easy interactions and collaborations of the generations.

In Canada Mortgage and Housing publication for The Newcomer's Guide to Canadian Housing, it is noted that "Generally, Canadian families are "nuclear families"—a couple and one or two children. Grandparents usually do not live with their adult children and grandchildren." This statement reaffirms that multigenerational/extended family habitation is not the norm and implies that there might be a stigma attached to deviating from the norm.

This is also reinforced by the subsequent statement in the CHMC Green report "Our mortgage loan insurance program has helped many Canadians realize their dream of owning a home.improve quality of life for Canadians in communities across this country.

A review of the international literature suggests that for numerous reasons: economic, poverty-reduction, cultural/aboriginal, care-giving/ mutual care- provisions, emotional, environment/sustainability there is beginning a trend to promote multigenerational/ extended family Habitation, but also a beginning of a US trend to discriminate on the grounds of a cultural definition of "form of family" Canada Mortgage and Housing, however, clearly affirms its commitment to preventing discrimination on the following grounds: • race • creed • religion • colour • family status • age and presumably also "country of origin"

In this proposed Research Project, an annotated bibliography will be prepared, an advisory group with relevant background (economist, anti-poverty/human rights advocates, culture/ aboriginal representative, specialist in child and elder care, psychologist/counsellor, environmental consultant, urban planner, architect) will be set up, and series of research instruments will be prepared. [see subsequent section] and will be administered in Canada and Mexico to the following segments of society: economists, anti-poverty advocates, representatives from various cultural and aboriginal communities, environmentalists, town planners/architects, immigrants/migrant workers. From the results of the research, individuals will be selected to be part of the film or possibly a series of films.

It should be noted as well, that Industry Canada is recognizing the importance of moving into Multigenerational housing for export.:

"Changing demographics (a flat population with an increasing proportion of "active" elderly) will impact the design and location of the new houses. This factor will affect design, location, and styles. This will create profitable opportunities for exporters that first identify trends such as multi generational housing and a possible increase in the number of traditional (but low cost...). "industry Canada <http://www.ic.gc.ca/epic/site/fi-if.nsf/en/fb01478e.html>

() THAT in 1996 I found out the reason my proposal for multigenerational housing for CHMC was rejected

I received through FOI request the decision about my submission . It said that it was the best international submission but the project should further international trade, or that it must further Canada's housing industry

COMMENT'

KEY ISSUE; MISREPRESENTATION OF PROJECT GUIDELINES

EXHIBIT()

THAT in 1996 I examined the guidelines for the Grant Application with CMHC under Department of Public Works; The guidelines do not say that the project should further international trade, or that it must further Canada's housing industry [the two main reasons that my project was refused

SEPTEMBER 24 1996

Stated guidelines were the following

- key issues in grant writing
- clear accurate and complete picture of the activity to be undertaken
- avoid the use of jargon or highly technical terms
- convince reviewers that your project is appropriate to the agency research needs and priorities
- comprehensive review of the appropriate literature to demonstrate that the proposed activity will represent a significant next step
- the important must be explicit in the text of the proposal
- convince review that the format is methodologically sound
- proposal should lead reviewers to conclude that the investigators are well qualified to implement the proposed activity.

Summary: clearly and concise summarizes the request

Introduction describes the applicant agency and its qualification for funding

Problem states or needs assessment; relates to agencies interest /needs program objectives describe the outcomes of the grant in measurable terms; describes the activities to be conducted to achieve the desired objectives anticipate results present a plan for determining the degree to which objectives are met and methods are followed

Budget clearly delineates costs to be met by the funding source and those provide by other parties.

Proposal Structure

Introduction
 Problem statement rational
 objectives

Methods

Anticipated results

Budget

- i. Dr. Joan E. Russow
- ii Dr Fred Knelman
- iii Dorothy Livingston Together Against Poverty
- iv John Freeman (student in landscape architecture, University of Toronto)

A revisiting of “sustainable development” in the context of human settlements”: from principle to policy and action

References:

- (i) Dr Rod Dobell Windspear Chair, School of public Administration
 University of Victoria 721-6116 (
- (ii) Diane Sabil CHMC
- (iii) Souha Faneian Vice President, United Nations Association

EMPLOYER’S ACKNOWLEDGEMENT OF PROPOSAL, ADHERENCE
 TO RELEVANT EMPLOYER POLICIES, AND AGREEMENT TO
 PROVIDE THE RESOURCES AND SERVICES OUTLINED IN THE

SUMMARY OF HOUSING RESEARCH PROJECT

The research problem of question 2 the scope and objectives and 3 other
 research method and data sources

PROBLEM

- clearly and concisely summarized the entire proposal (summary)

- * provides a general introduction or background to the problem (introduction)
 - * importance of proposed research with supporting references
 - * relate the importance of area of research to the mission of the sponsor
- leads logically to the problem statement

PROBLEM STATEMENT

- relates to agencies interest/needs
 - is supported by statistical evidence or supporting literature review
- Identifies gaps in knowledge
reasonable dimensions

Objectives

- at least one objective for each problem
- describes outcomes in measurable terms
- objects are not methods they are outcomes of your activities (to increase something to decrease something)
- who benefits

METHODS

- methods by which to achieve objectives (questionnaire sampling)
- clear defines program activities
- be specific on frequency and distribution.
- include a time chart
- identify limitations

ANTICIPATED RESULTS

- so, what
- results in relation to problem statement and objectives
- significance to agency (policy development)

7. Budget

- break down of costs

references

- standard format
- selected references

A. RESEARCH PROBLEM STATED

- B. Context and relation of the work to a housing research priority area and to existing research literature on your topic (appropriate bibliographic reference may be attached)

C Scope and objectives of the proposed research

D Potential contribution to housing: what results are expected? How is the project significant or innovative.? how and to whom will the results be useful, and how will they be transferred?

E Research plan and methods of analysis. Identify data and information sources and describe how you will use them. If a survey is proposed describe or attach copies of draft questionnaires or other research instruments and describe survey logistics

Work schedule, allocation of tasks to team members and justification of costs to be incurred (see item 13)

() **THAT** in 1996,

I analyzed Agenda 21 for sections that would be relevant to the proposal for Canada Mortgage and Housing

EXHIBIT

AGENDA 21, CHAPTER 5

DEMOGRAPHIC DYNAMICS AND SUSTAINABILITY

*** SUBSIDIES**

NO MENTION OF SUBSIDIES IN CHAPTER 10

***REQUIREMENT**

***SECTORAL**

5.42. Population programmes are more effective when implemented together with appropriate cross-sectoral policies. To attain sustainability at the local level, a new framework is needed that integrates demographic trends and factors with such factors as ecosystem health, technology and human settlements, and with socioeconomic structures and access to resources. Population programmes should be consistent with socioeconomic and environmental planning. Integrated sustainable development programmes should closely correlate action on demographic trends and factors with resource management activities and development goals that meet the needs of the people concerned.

8.7. Governments, in cooperation, where appropriate with international organizations, should adopt a national strategy for sustainable development based on, inter alia; the implementation of decisions taken at the Conference, particularly in respect of Agenda 21. This strategy should build upon and harmonize the various sectoral, economic, social and environmental policies and plans that are operating in the country. The experience gained through existing planning exercises such as national reports for the Conference, national conservation strategies and environment action plans should be fully used and incorporated into a country-driven sustainable development strategy. Its goals should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situation and initiatives.

(e) Strengthen national institutional capacity

8.12. Governments, in cooperation, where appropriate, with international organizations, should strengthen national institutional capability and capacity to integrate social, economic, developmental and environmental issues at all levels of development decision-making and implementation. Attention should be given to moving away from narrow sectoral approaches, progressing towards full cross-sectoral coordination and cooperation.

(d) Strengthening data and information collection

8.49. National Governments could consider implementing the necessary enhancement in data collection to set in place national IEEAs with a view to contributing pragmatically to sound economic management. Major efforts should be made to augment the capacity to collect and analyse environmental data and information and to integrate it with economic data, including gender disaggregated data. Efforts should also be made to develop physical environmental accounts. International donor agencies should consider financing the development of inter-sectoral data banks to help ensure that national planning for sustainable development is based on precise, reliable and effective information and is suited to national conditions.

10.1. Land is normally defined as a physical entity in terms of its topography and spatial nature; a broader integrative view also includes natural resources: the soils, minerals, water and biota that the land comprises. These components are organized in ecosystems which provide a variety of services essential to the maintenance of the integrity of life-support systems and the productive capacity of the environment. Land resources are used in ways that take advantage of all these

characteristics. Land is a finite resource, while the natural resources it supports can vary over time and according to management conditions and uses. Expanding human requirements and economic activities are placing ever increasing pressures on land resources, creating competition and conflicts and resulting in sub-optimal use of both land and land resources. If, in the future, human requirements are to be met in a sustainable manner, it is now essential to resolve these conflicts and move towards more effective and efficient use of land and its natural resources. Integrated physical and land-use planning and management is an eminently practical way to achieve this. By examining all uses of land in an integrated manner, it makes it possible to minimize conflicts, to make the most efficient trade-offs and to link social and economic development with environmental protection and enhancement, thus helping to achieve the objectives of sustainable development. The essence of the integrated approach finds expression in the coordination of the sectoral planning and management activities concerned with the various aspects of land use and land resources.

11.2. There are major weaknesses in the policies, methods and mechanisms adopted to support and develop the multiple ecological, economic, social and cultural roles of trees, forests and forest lands. Many developed countries are confronted with the effects of air pollution and fire damage on their forests. More effective measures and approaches are often required at the national level to improve and harmonize policy formulation, planning and programming; legislative measures and instruments; development patterns; participation of the general public, especially women and indigenous people; involvement of youth; roles of the private sector, local organizations, non-governmental organizations and cooperatives; development of technical and multidisciplinary skills and quality of human resources; forestry extension and public education; research capability and support; administrative structures and mechanisms, including inter-sectoral coordination, decentralization and responsibility and incentive systems; and dissemination of information and public relations. This is especially important to ensure a rational and holistic approach to the sustainable and environmentally sound development of forests. The need for securing the multiple roles of forests and forest lands through adequate and appropriate institutional strengthening has been repeatedly emphasized in many of the reports, decisions and recommendations of FAO, ITTO, UNEP, the World Bank, IUCN and other organizations.

LEGISLATION*NO MENTION OF LEGISLATION IN CHAPTER 5**

6.41 (h) Ionizing and non-ionizing radiation:

Develop and implement appropriate national legislation, standards and enforcement procedures on the basis of existing international guidelines;

NO MENTION OF LEGISLATION IN CHAPTER 8**NO MENTION OF LEGISLATION IN CHAPTER 10**

11.4 (c) Reviewing and, if necessary, revising measures and programmes relevant to all types of forests and vegetation, inclusive of other related lands and forest-based resources, and relating them to other land uses and development policies and legislation; promoting adequate legislation and other measures as a basis against uncontrolled conversion to other types of land uses;

MONITORING*NO MENTION OF MONITORING IN CHAPTER 5**

6.41(k) Monitoring and assessment:

Establish, as appropriate, adequate environmental monitoring capacities for the surveillance of environmental quality and the health status of populations;

(l) Injury monitoring and reduction:

6.41(i) Support, as appropriate, the development of systems to monitor the incidence and cause of injury to allow well-targeted intervention/prevention strategies;

8.4. (d) Monitoring and evaluating the development process systematically, conducting regular reviews of the state of human resources development, economic and social conditions and trends, the state of the environment and natural resources; this could be complemented by annual environment and development reviews, with a view to assessing sustainable development achievements by the various sectors and departments of government;

8.6. Countries could develop systems for monitoring and evaluation of progress towards achieving sustainable development by adopting indicators that measure changes across economic, social and environmental dimensions.

(f) National monitoring of legal follow-up to international instruments

8.22. Contracting parties to international agreements, in consultation with the appropriate secretariats of relevant international conventions as appropriate, should improve practices and procedures for collecting information on legal and regulatory measures taken. Contracting parties to international agreements could undertake sample surveys of domestic follow-up action subject to agreement by the sovereign States concerned. Means of implementation

NO MENTION OF MONITORING IN CHAPTER 10

***RIGHTS**

2.33. Good management that fosters the association of effective, efficient, honest, equitable and accountable public administration with individual rights and opportunities is an essential element for sustainable, broadly based development and sound economic performance at all development levels. All countries should increase their efforts to eradicate mismanagement of public and private affairs, including corruption, taking into account the factors responsible for, and agents involved in, this phenomenon.

5.48. Special attention should be given to the critical role of women in population/environment programmes and in achieving sustainable development. Projects should take advantage of opportunities to link social, economic and environmental gains for women and their families. Empowerment of women is essential and should be assured through education, training and policies to accord and improve women's right and access to assets, human and civil rights, labour-saving measures, job opportunities and participation in decision-making. Population/environment programmes must enable women to mobilize themselves to alleviate their burden and improve their capacity to participate in and benefit from socioeconomic development. Specific measures should be undertaken to close the gap between female and male illiteracy rates.

(b) Establishing judicial and administrative procedures

8.18. Governments and legislators, with the support, where appropriate, of competent international organizations, should establish judicial and administrative procedures for legal redress and remedy of actions affecting environment and development that may be unlawful or infringe

on rights under the law, and should provide access to individuals, groups and organizations with a recognized legal interest.

*WOMEN'S RIGHTS

5.17. Full integration of population concerns into national planning, policy and decision-making processes should continue. Population policies and programmes should be considered, with full recognition of women's rights.

(i) Avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country. Environmental measures addressing transborder or global environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, *inter alia*, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and developmental requirements of developing countries as they move towards internationally agreed environmental objectives

NO RIGHTS MENTIONED IN CHAPTER 4

6.25. Governments should take active steps to 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, to 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.

10.5. The broad objective is to facilitate allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition to a sustainable and integrated management of land resources. In doing so, environmental, social and economic issues should be taken into consideration. Protected areas, private property rights, the rights of indigenous people and their communities and other local communities and the economic role of women in agriculture and rural development, among other issues, should be taken into account. In more specific terms, the objectives are as follows:

(a) To review and develop policies to support the best possible use of land and the sustainable management of land resources, by not later than 1996;

(b) To improve and strengthen planning, management and evaluation systems for land and land resources, by not later than 2000;

(c) To strengthen institutions and coordinating mechanisms for land and land resources, by not later than 1998;

(d) To create mechanisms to facilitate the active involvement and participation of all concerned, particularly communities and people at the local level, in decision-making on land use and management, by not later than 1996.

15.4. (j) Develop measures and arrangements to implement the rights of countries of origin of genetic resources or countries providing genetic resources, as defined in the Convention on Biological Diversity, particularly developing countries, to benefit from the biotechnological development and the commercial utilization of products derived from such resources. 2/8

*ENVIRONMENTAL HEALTH

NO MENTION OF ENVIRONMENTAL HEALTH IN CHAPTER 5

6.1. 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. Action items under Agenda 21 must address the primary health needs of the world's population, since they are integral to the achievement of the goals of sustainable development and primary environmental care. The linkage of health, environmental and socioeconomic improvements requires inter-sectoral efforts. Such efforts, involving education, housing, public works and community groups, including businesses, schools and universities and religious, civic and cultural organizations, are aimed at enabling people in their communities to ensure sustainable development. Particularly relevant, is the inclusion of prevention programmes rather than relying solely on remediation and treatment. Countries ought to develop plans for priority actions, drawing on the programme areas in this chapter, which are based on cooperative planning by the various levels of government, non-governmental organizations and local communities. An appropriate international organization, such as WHO, should coordinate these activities.

6.4. Within the overall strategy to achieve health for all by the year 2000, the objectives are to meet the basic health needs of rural peri-urban

and urban populations; to provide the necessary specialized environmental health services; and to coordinate the involvement of citizens, the health sector, the health-related sectors and relevant non-health sectors (business, social, educational and religious institutions) in solutions to health problems. As a matter of priority, health service coverage should be achieved for population groups in greatest need, particularly those living in rural areas.

- 6.5(i) Establish mechanisms for sustained community involvement in environmental health activities, including optimization of the appropriate use of community financial and human resources;
- ii) Conduct environmental health research, including behaviour research and research on ways to increase coverage and ensure greater utilization of services by peripheral, under-served and vulnerable populations, as appropriate to good prevention services and health care;
- (iii) Conduct research into traditional knowledge of prevention and curative health practices.

6.32. For hundreds of millions of people, the poor living conditions in urban and peri-urban areas are destroying lives, health, and social and moral values. Urban growth has outstripped society's capacity to meet human needs, leaving hundreds of millions of people with inadequate incomes, diets, housing and services. Urban growth exposes populations to serious environmental hazards and has outstripped the capacity of municipal and local governments to provide the environmental health services that the people need. All too often, urban development is associated with destructive effects on the physical environment and the resource base needed for sustainable development. Environmental pollution in urban areas is associated with excess morbidity and mortality. Overcrowding and inadequate housing contribute to respiratory diseases, tuberculosis, meningitis and other diseases. In urban environments, many factors that affect human health are outside the health sector. Improvements in urban health therefore will depend on coordinated action by all levels of government, health care providers, businesses, religious groups, social and educational institutions and citizens.

- 6.34 (c) Strengthen environmental health services:
 - (i) Adopt health impact and environmental impact assessment procedures;
 - (ii) Provide basic and in-service training for new and existing personnel;

- (d) Establish and maintain city networks for collaboration and exchange of models of good practice.

6.37. Programmes must supply the orientation and basic training of municipal staff required for the healthy city processes. Basic and in-service training of environmental health personnel will also be needed.

6.39. 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. There have been notable improvements in some countries, but deterioration of the environment continues. The ability of countries to tackle pollution and health problems is greatly restrained because of lack of resources. Pollution control and health protection measures have often not kept pace with economic development. Considerable development-related environmental health hazards exist in the newly industrializing countries. Furthermore, the recent analysis of WHO has clearly established the interdependence among the factors of health, environment and development and has revealed that most countries are lacking such integration as would lead to an effective pollution control mechanism. ^{2/} Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country and the extent of the applicability of standards that are valid for the most advanced countries but may be inappropriate and of unwarranted social cost for the developing countries.

6.40 (d) To identify and compile, as appropriate, the necessary statistical information on health effects to support cost/benefit analysis, including environmental health impact assessment for pollution control, prevention and abatement measures.

6.41 Develop criteria for maximum permitted safe noise exposure levels and promote noise assessment and control as part of environmental health programmes;

- (i) Establish environmental health impact assessment procedures for the planning and development of new industries and energy facilities;

6.45. Comprehensive national strategies should be designed to overcome the lack of qualified human resources, which is a

major impediment to progress in dealing with environmental health hazards. Training should include environmental and health officials at all levels from managers to inspectors. More emphasis needs to be placed on including the subject of environmental health in the curricula of secondary schools and universities and on educating the public.

(d) Capacity-building

6.46. Each country should develop the knowledge and practical skills to foresee and identify environmental health hazards, and the capacity to reduce the risks. Basic capacity requirements must include knowledge about environmental health problems and awareness on the part of leaders, citizens and specialists; operational mechanisms for inter-sectoral and intergovernmental cooperation in development planning and management and in combating pollution; arrangements for involving private and community interests in dealing with social issues; delegation of authority and distribution of resources to intermediate and local levels of government to provide front-line capabilities to meet environmental health needs.

NO MENTION OF ENVIRONMENTAL HEALTH IN CHAPTER 8

NO MENTION OF ENVIRONMENTAL HEALTH IN CHAPTER 10

*ENVIRONMENTAL CARE

5.37. Understanding of the interactions between demographic trends and factors and sustainable development should be increased in all sectors of society. Stress should be placed on local and national action.

Demographic and sustainable development education should be coordinated and integrated in both the formal and non-formal education sectors. Particular attention should be given to population literacy programmes, notably for women. Special emphasis should be placed on the linkage between these programmes, primary environmental care and the provision of primary health care and services.

5.46. Nationally determined policies for integrated and multifaceted programmes, with special attention to women, to the poorest people living in critical areas and to other vulnerable groups should be implemented, ensuring the involvement of groups with a special potential to act as agents for change and sustainable development. Special emphasis should be placed on those programmes that achieve multiple objectives, encouraging sustainable economic development, and mitigating adverse impacts of demographic trends and factors, and avoiding long-term environmental damage. Food security, access to secure tenure, basic shelter, and essential infrastructure, education, family welfare, women's reproductive health, family credit schemes, reforestation programmes,

primary environmental care, women's employment should, as appropriate, be included among other factors.

NO MENTION IN CHAPTER 6 HEALTH

7.20(g) Empower community groups, non-governmental organizations and individuals to assume the authority and responsibility for managing and enhancing their immediate environment through participatory tools, techniques and approaches embodied in the concept of environmental care

NO MENTION OF ENVIRONMENTAL CARE IN CHAPTER 8 JUDICIAL

NO MENTION OF ENVIRONMENTAL CARE IN CHAPTER 10 JUDICIAL

Sustainable Development

We affirm the imperative need **and urgency** to improve the quality of human settlements which profoundly affects the daily lives and well-being of *our* people. There is a sense of great opportunity and hope that a new world can be built in which economic development, social development and environmental protection as interdependent and mutually reinforcing components of *sustainable development* **socially equitable and environmentally sound development** can be realized through solidarity and cooperation within and between countries, and through effective partnerships at all levels. International cooperation and universal solidarity, guided by the ~~[[purposes and]]~~ principles of the Charter of the United Nations, **and by over 50 years of obligations accruing through Conventions, Treaties, and Covenants; and by over 50 years of expectations arising through Declarations, Conference action plans and General Assembly Resolutions (Preamble, Habitat II agenda)**

NEED TO RECONCILE MULTIPLE DIVERSE MESSAGE ABOUT SUSTAINABLE DEVELOPMENT

One of the apparent key components of sustainable development is the

rights of future generations

RECOGNIZING 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)

RE: PROMOTING NEW INTERNATIONAL ECONOMIC ORDER BASED ON EQUITY

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)

16. [*Sustainable socially equitable and environmentally sound development is essential to human settlements development, while giving full consideration for the needs and necessities of achievement of economic growth in all countries, particularly in developing countries. Special consideration needs to be given to the specific situation of countries with economies in transition.*] Human settlements shall be planned, developed and improved in a manner that takes full account of **sustainable socially equitable and environmentally sound** development principles **observed and expectations created and all its components, as set out** in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development. Sustainable human settlements development ensures **socially equitable and environmentally sound economic development, meaningful employment opportunities and social justice progress**, in harmony with the environment. It incorporates, among the principles of the Rio Declaration which are equally important and other outcomes of the United Nations Conference on Environment and Development, that of the precautionary **approach principle**, pollution prevention, respect for the carrying capacity of ecosystems, and **preservation of natural heritage and socially equitable and environmentally sound opportunities for future generations**. Production, consumption and transportation should be **developed managed** in ways that protect and conserve the stock of resources while drawing upon them. Science and technology have a crucial role in shaping sustainable human settlements and sustaining the ecosystems they depend upon. **As expressed in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Humanity from 1975, there is continued 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.”** Sustainability of human settlements entails their balanced geographical distribution or other appropriate distribution in keeping with national conditions, promotion of **socially equitable and environmentally sound development economic and social development**, and human health and education, the **conservation and protection of maintenance of biodiversity promotion of economic and social development**, human health and education, and cultural diversity, as well as air, water, vegetation and soil qualities at standards sufficient to sustain human life and well-being for all time.

1.4. RECOGNISING THE PRESENT AND FUTURE IMPACT OF ENVIRONMENTAL CONTAMINANTS

(a) (Article 95 bis. Many environmental contaminants, such as radioactive materials and persistent organic pollutants, work their way into the food chain and eventually into human beings, thus compromising the health of present and future generations. (Habitat II))

2.5. RESPECTING THE CARRYING CAPACITY OF ECOSYSTEMS

Sustainable human settlements development incorporates... the precautionary principle, pollution prevention, respect for the carrying capacity of ecosystems and preservation of opportunities for future generations. (16, Habitat II). **Respecting the carrying capacity of ecosystems also entails acknowledging that there are limits to growth, and respecting the inherent worth of nature, and thus does not justify increased pollution in pristine areas, or give a licence to pollute less polluted areas.**

2.7. PROMOTING THE CONSERVATION AND SUSTAINABLE USE OF URBAN AND PERIURBAN BIODIVERSITY

In order to promote a healthy environment that will continue to support adequate shelter for all and sustainable human settlements for current and future generations, Governments at the appropriate levels, in partnership with all relevant interested parties, should:

(a) Promote the conservation and sustainable use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity; the protection of biodiversity should be included within local sustainable development planning activities

(b) encourage, where appropriate, the establishment of productive and recreational green belts around urban and rural agglomerations in order to protect their environment and contribute to the provision of food products. (Article* 98 bis Habitat II, 1996)

***FUTURE GENERATIONS**

(31)

INTERGENERATIONAL EQUITY PRINCIPLE

31.1. RESPECTING THE RIGHTS OF FUTURE GENERATIONS

Through mandatory international standards, states shall respect inter-generational equity.

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 international standards. 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),

In UN Resolution 37/7, 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.

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)

NO MENTION OF FUTURE GENERATIONS IN CHAPTER 1
 NO MENTION OF FUTURE GENERATIONS IN CHAPTER 5
 NO MENTION OF FUTURE GENERATIONS IN CHAPTER 6

8.7. Governments, in cooperation, where appropriate, with international organizations, should adopt a national strategy for sustainable development based on, *inter alia*, the implementation of decisions taken at the Conference, particularly in respect of Agenda 21. This strategy should build upon and harmonize the various sectoral economic, social and environmental policies and plans that are operating in the country. The experience gained through existing planning exercises such as national reports for the Conference, national conservation strategies and environment action plans should be fully used and incorporated into a country-driven sustainable development strategy. Its goals should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situation and initiatives.

8.31 (a) To incorporate environmental costs in the decisions of producers and consumers, to reverse the tendency to treat the environment as a "free good" and to pass these costs on to other parts of society, other countries, or to future generations;

NO MENTION OF FUTURE GENERATIONS IN CHAPTER 10

***SUSTAINABLE DEVELOPMENT**

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 ecosystems on which we depend for our well-being. However, integration of environment and development concerns and greater attention to them will lead to the fulfillment of basic needs, improved living standards for all, better protected and *managed* ecosystems and a safer, more prosperous future. No nation can achieve this on its own; but together we can - in a global partnership for sustainable development. (Agenda 21, preamble)

1.4. The developmental and environmental objectives of Agenda 21 will require a substantial flow of new and additional financial resources to developing countries, in order to cover the incremental costs for the actions they have to undertake to deal with global environmental problems and to accelerate sustainable development. Financial resources are also required for strengthening the capacity of international institutions for the

implementation of Agenda 21. An indicative order of magnitude assessment of costs is included in each of the programme areas. This assessment will need to be examined and refined by the relevant implementing agencies and organizations.

1.6. The programme areas that constitute Agenda 21 are described in terms of the basis for action, objectives, activities and means of implementation. Agenda 21 is a dynamic programme. It will be carried out by the various actors according to the different situations, capacities and priorities of countries and in full respect of all the principles contained in the Rio Declaration on Environment and Development. It could evolve over time in the light of changing needs and circumstances. This process marks the beginning of a new global partnership for sustainable development.

2.1. In order to meet the challenges of environment and development, States decided to establish a new global partnership. This partnership commits all States to engage in a continuous and constructive dialogue, inspired by the need to achieve a more efficient and equitable world economy, keeping in view the increasing interdependence of the community of nations, and that sustainable development should become a priority item on the agenda of the international community. It is recognized that, for the success of this new partnership, it is important to overcome confrontation and to foster a climate of genuine cooperation and solidarity. It is equally important to strengthen national and international policies and multinational cooperation to adapt to the new realities.

2.2. Economic policies of individual countries and international economic relations both have great relevance to sustainable development. The reactivation and acceleration of development requires both a dynamic and a supportive international economic environment and determined policies at the national level. It will be frustrated in the absence of either of these requirements. A supportive external economic environment is crucial. The development process will not gather momentum if the global economy lacks dynamism and stability and is beset with uncertainties. Neither will it gather momentum if the 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 of developing countries remain depressed. The record of the 1980s was essentially negative on each of these counts and needs to be reversed. The policies and measures needed to create an international environment that is strongly supportive of national development efforts are thus vital. International cooperation in this area should be designed to complement and support - not to diminish or subsume - sound domestic economic

policies, in both developed and developing countries, if global progress towards sustainable development is to be achieved.

2.3. The international economy should provide a supportive international climate for achieving environment and development goals by:

- (a) Promoting sustainable development through trade liberalization;
- (b) Making trade and environment mutually supportive;
- (c) Providing adequate financial resources to developing countries and dealing with international debt;
- (d) Encouraging macroeconomic policies conducive to environment and development.

A. Promoting sustainable development through trade

Basis for action

2.5. An open, equitable, secure, non-discriminatory and predictable multilateral trading system that is consistent with the goals of sustainable development and leads to the optimal distribution of global production in accordance with comparative advantage is of benefit to all trading partners. Moreover, improved market access for developing countries' exports in conjunction with sound macroeconomic and environmental policies would have **a positive environmental impact and therefore make an important contribution towards sustainable development.**

2.6. Experience has shown that sustainable development requires a commitment to sound economic policies and management, an effective and predictable public administration, the integration of environmental concerns into decision-making and progress towards democratic government, in the light of country-specific conditions, which allows for full participation of all parties concerned. These attributes are essential for the fulfillment of the policy directions and objectives listed below.

2.7. The commodity sector dominates the economies of many developing countries in terms of production, employment and export earnings. An important feature of the world commodity economy in the 1980s was the prevalence of very low and declining real prices for most commodities in international markets and a resulting substantial contraction in commodity export earnings for many producing countries. The ability of those countries to mobilize, through international trade, the resources needed to finance investments required for sustainable development may be

impaired by this development and by tariff and non-tariff impediments, including tariff escalation, limiting their access to export markets. The removal of existing distortions in international trade is essential. In particular, the achievement of this objective requires that there be substantial and progressive reduction in the support and protection of agriculture - covering internal regimes, market access and export subsidies - as well as of industry and other sectors, in order to avoid inflicting large losses on the more efficient producers, especially in developing countries. Thus, in agriculture, industry and other sectors, there is scope for initiatives aimed at trade liberalization and at policies to make production more responsive to environment and development needs. Trade liberalization should therefore be pursued on a global basis across economic sectors so as to contribute to sustainable development.

2.9 (c) To improve the functioning of commodity markets and achieve sound, compatible and consistent commodity policies at national and international levels with a view to optimizing the contribution of the commodity sector to sustainable development, taking into account environmental considerations;

(d) To promote and support policies, domestic and international, that make economic growth and environmental protection mutually supportive.

2.10. Accordingly, the international community should:

(a) Halt and reverse protectionism in order to bring about further liberalization and expansion of world trade, to the benefit of all countries, in particular the developing countries;

(b) Provide for an equitable, secure, non-discriminatory and predictable international trading system;

(c) Facilitate, in a timely way, the integration of all countries into the world economy and the international trading system;

(d) Ensure that environment and trade policies are mutually supportive, with a view to achieving sustainable development;

2.11. The international community should aim at finding ways and means of achieving a better functioning and enhanced transparency of commodity markets, greater diversification of the commodity sector in developing economies within a macroeconomic framework that takes into consideration a country's economic structure, resource endowments and market opportunities, and better management of natural resources that takes into account the necessities of sustainable development.

2.12. Therefore, all countries should implement previous commitments to halt and reverse protectionism and further expand market access, particularly in areas of interest to developing countries. This improvement of market access will be facilitated by appropriate structural adjustment in developed countries. Developing countries should continue the trade-policy reforms and structural adjustment they have undertaken. It is thus urgent to achieve an improvement in market access conditions for commodities, notably through the progressive removal of barriers that restrict imports, particularly from developing countries, of commodity products in primary and processed forms, as well as the substantial and progressive reduction of types of support that induce uncompetitive production, such as production and export subsidies.

(b) Management related activities

Developing domestic policies that maximize the benefits of trade liberalization for sustainable development

Basis for action

2.19. Environment and trade policies should be mutually supportive. An open, multilateral trading system makes possible a more efficient allocation and use of resources and thereby contributes to an increase in production and incomes and to lessening demands on the environment. It thus provides additional resources needed for economic growth and development and improved environmental protection. A sound environment, on the other hand, provides the ecological and other resources needed to sustain growth and underpin a continuing expansion of trade. An open, multilateral trading system, supported by the adoption of sound environmental policies, would have a positive impact on the environment and contribute to sustainable development.

2.20. International cooperation in the environmental field is growing, and in a number of cases trade provisions in multilateral environment agreements have played a role in tackling global environmental challenges. Trade measures have thus been used in certain specific instances, where considered necessary, to enhance the effectiveness of environmental regulations for the protection of the environment. Such regulations should address the root causes of environmental degradation so as not to result in unjustified restrictions on trade. The challenge is to ensure that trade and environment policies are consistent and reinforce the process of sustainable development. However, account should be taken of the fact that environmental standards valid for developed countries may have unwarranted social and economic costs in developing countries.

Objectives

2.21. Governments should strive to meet the following objectives, through relevant multilateral forums, including GATT, UNCTAD and other international organizations:

- (a) To make international trade and environment policies mutually supportive in favour of sustainable development;
- (b) To clarify the role of GATT, UNCTAD and other international organizations in dealing with trade and environment-related issues, including, where relevant, conciliation procedure and dispute settlement;
- (c) To encourage international productivity and competitiveness and encourage a constructive role on the part of industry in dealing with environment and development issues.

Developing an environment/trade and development agenda

2.22. Governments should encourage GATT, UNCTAD and other relevant international and regional economic institutions to examine, in accordance with their respective mandates and competences, the following propositions and principles:

- (a) Elaborate adequate studies for the better understanding of the relationship between trade and environment for the promotion of sustainable development;

Basis for action

2.23. Investment is critical to the ability of developing countries to achieve needed economic growth to improve the welfare of their populations and to meet their basic needs in a sustainable manner, all without deteriorating or depleting the resource base that underpins development. Sustainable development requires increased investment, for which domestic and external financial resources are needed. Foreign private investment and the return of flight capital, which depend on a healthy investment climate, are an important source of financial resources. Many developing countries have experienced a decade-long situation of negative net transfer of financial resources, during which their financial receipts were exceeded by payments they had to make, in particular for debt-servicing. As a result, domestically mobilized resources had to be transferred abroad instead of being invested locally in order to promote sustainable economic development.

Basis for action

2.32. The unfavourable external environment facing developing countries makes domestic resource mobilization and efficient allocation and utilization of domestically mobilized resources all the more important for the promotion of sustainable development. In a number of countries, policies are necessary to correct misdirected public spending, large budget deficits and other macroeconomic imbalances, restrictive policies and distortions in the areas of exchange rates, investment and finance, and obstacles to entrepreneurship. In developed countries, continuing policy reform and adjustment, including appropriate savings rates, would help generate resources to support the transition to sustainable development both domestically and in developing countries.

2.34. Many indebted developing countries are undergoing structural adjustment programmes relating to debt rescheduling or new loans. While such programmes are necessary for improving the balance in fiscal budgets and balance-of-payments accounts, in some cases they have resulted in adverse social and environmental effects, such as cuts in allocations for health care, education and environmental protection. It is important to ensure that structural adjustment programmes do not have negative impacts on the environment and social development so that such programmes can be more in line with the objectives of sustainable development.

2.35. It is necessary to establish, in the light of the country-specific conditions, economic policy reforms that promote the efficient planning and utilization of resources for sustainable development through sound economic and social policies, foster entrepreneurship and the incorporation of social and environmental costs in resource pricing, and remove sources of distortion in the area of trade and investment.

2.38. More specifically, all countries should develop policies that improve efficiency in the allocation of resources and take full advantage of the opportunities offered by the changing global economic environment. In particular, wherever appropriate, and taking into account national strategies and objectives, countries should:

- (a) Remove the barriers to progress caused by bureaucratic inefficiencies, administrative strains, unnecessary controls and the neglect of market conditions;
- (b) Promote transparency in administration and decision-making;
- (c) Encourage the private sector and foster entrepreneurship by improving institutional facilities for enterprise creation and market entry.

The essential objective would be to simplify or remove the restrictions, regulations and formalities that make it more complicated, costly and time-consuming to set up and operate enterprises in many developing countries;

(d) Promote and support the investment and infrastructure required for sustainable economic growth and diversification on an environmentally sound and sustainable basis;

(e) Provide scope for appropriate economic instruments, including market mechanisms, in harmony with the objectives of sustainable development and fulfillment of basic needs;

(g) Provide opportunities for small-scale enterprises, both farm and non-farm, and for the indigenous population and local communities to contribute fully to the attainment of sustainable development;

2.40. International financial and development institutions should further review their policies and programmes in the light of the objective of sustainable development.

Chapter 3 Combating poverty

3.7. Sustainable development must be achieved at every level of society. Peoples' organizations, women's groups and non-governmental organizations are important sources of innovation and action at the local level and have a strong interest and proven ability to promote sustainable livelihoods. Governments, in cooperation with appropriate international and non-governmental organizations, should support a community-driven approach to sustainability, which would include, inter alia:

5.1. (a) Developing and disseminating knowledge concerning the links between demographic trends and factors and sustainable development;

Basis for action

5.2. Demographic trends and factors and sustainable development have a synergistic relationship.

5.3. 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.

Research on the interaction between demographic trends and factors and sustainable development

5.13. Results of research concerned with sustainable development issues should be disseminated through technical reports, scientific journals, the media, workshops, forums or other means so that the information can be used by decision makers at all levels and increase public awareness.

5.16. Existing plans for sustainable development have generally recognized demographic trends and factors as elements that have a critical influence on consumption patterns, production, lifestyles and long-term sustainability. But in future, more attention will have to be given to these issues in general policy formulation and the design of development plans. To do this, all countries will have to improve their own capacities to assess the environment and development implications of their demographic trends and factors. They will also need to formulate and implement policies and action programmes where appropriate. Policies should be designed to address the consequences of population growth built into population momentum, while at the same time incorporating measures to bring about demographic transition. They should combine environmental concerns and population issues within a holistic view of development whose primary goals include the alleviation of poverty; secure livelihoods; good health; quality of life; improvement of the status and income of women and their access to schooling and professional training, as well as fulfillment of their personal aspirations; and empowerment of individuals and communities. Recognizing that large increases in the size and number of cities will occur in developing countries under any likely population scenario, greater attention should be given to preparing for the needs, in particular of women and children, for improved municipal management and local government.

5.21. Vulnerable population groups (such as rural landless workers, ethnic minorities, refugees, migrants, displaced people, women heads of household) whose changes in demographic structure may have specific impacts on sustainable development should be identified.

5.23. An assessment should also be made of national population carrying capacity in the context of satisfaction of human needs and sustainable

development, and special attention should be given to critical resources, such as water and land, and environmental factors, such as ecosystem health and biodiversity

5.34. Demographic concerns, including concerns for environmental migrants and displaced people, should be incorporated in the programmes for sustainable development of relevant international and regional institutions.

(b) Raising awareness of demographic and sustainable development interactions

5.37. Understanding of the interactions between demographic trends and factors and sustainable development should be increased in all sectors of society. Stress should be placed on local and national action. Demographic and sustainable development education should be coordinated and integrated in both the formal and non-formal education sectors. Particular attention should be given to population literacy programmes, notably for women. Special emphasis should be placed on the linkage between these programmes, primary environmental care and the provision of primary health care and services.

5.38. The capacity of national, regional and local structures to deal with issues relating to demographic trends and factors and sustainable development should be enhanced. This would involve strengthening the relevant bodies responsible for population issues to enable them to elaborate policies consistent with the national prospects for sustainable development. Cooperation among government, national research institutions, non-governmental organizations and local communities in assessing problems and evaluating policies should also be enhanced.

5.39. The capacity of the relevant United Nations organs, organizations and bodies, international and regional intergovernmental bodies, non-governmental organizations and local communities should, as appropriate, be enhanced to help countries develop sustainable development policies on request and, as appropriate, provide assistance to environmental migrants and displaced people.

5.40. Inter-agency support for national sustainable development policies and programmes should be improved through better coordination of population and environment activities.

5.42. Population programmes are more effective when implemented together with appropriate cross-sectoral policies. To attain sustainability at the local level, a new framework is needed that integrates demographic trends and factors with such factors as ecosystem health, technology and

human settlements, and with socioeconomic structures and access to resources. Population programmes should be consistent with socioeconomic and environmental planning. Integrated sustainable development programmes should closely correlate action on demographic trends and factors with resource management activities and development goals that meet the needs of the people concerned.

Objective

5.46. Nationally determined policies for integrated and multifaceted programmes, with special attention to women, to the poorest people living in critical areas and to other vulnerable groups should be implemented, ensuring the involvement of groups with a special potential to act as agents for change and sustainable development. Special emphasis should be placed on those programmes that achieve multiple objectives, encouraging sustainable economic development, and mitigating adverse impacts of demographic trends and factors, and avoiding long-term environmental damage. Food security, access to secure tenure, basic shelter, and essential infrastructure, education, family welfare, women's reproductive health, family credit schemes, reforestation programmes, primary environmental care, women's employment should, as appropriate, be included among other factors.

5.47. An analytical framework should be developed to identify complementary elements of sustainable development policies as well as the national mechanisms to monitor and evaluate their effects on population dynamics.

5.48. Special attention should be given to the critical role of women in population/environment programmes and in achieving sustainable development. Projects should take advantage of opportunities to link social, economic and environmental gains for women and their families. Empowerment of women is essential and should be assured through education, training and policies to accord and improve women's right and access to assets, human and civil rights, labour-saving measures, job opportunities and participation in decision-making. Population/environment programmes must enable women to mobilize themselves to alleviate their burden and improve their capacity to participate in and benefit from socioeconomic development. Specific measures should be undertaken to close the gap between female and male illiteracy rates.

NO MENTION OF FUTURE GENERATIONS IN THIS CHAPTER

6.1. 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. Action items under Agenda 21 must address the primary health needs of the world's population, since they are integral to the achievement of the goals of sustainable development and primary environmental care. The linkage of health, environmental and socioeconomic improvements requires inter-sectoral efforts. Such efforts, involving education, housing, public works and community groups, including businesses, schools and universities and religious, civic and cultural organizations, are aimed at enabling people in their communities to ensure sustainable development. Particularly relevant is the inclusion of prevention programmes rather than relying solely on remediation and treatment. Countries ought to develop plans for priority actions, drawing on the programme areas in this chapter, which are based on cooperative planning by the various levels of government, non-governmental organizations and local communities. An appropriate international organization, such as WHO, should coordinate these activities.

6.18. In addition to meeting basic health needs, specific emphasis has to be given to protecting and educating vulnerable groups, particularly infants, youth, women, indigenous people and the very poor as a prerequisite for sustainable development. Special attention should also be paid to the health needs of the elderly and disabled population.

6.32. For hundreds of millions of people, the poor living conditions in urban and peri-urban areas are destroying lives, health, and social and moral values. Urban growth has outstripped society's capacity to meet human needs, leaving hundreds of millions of people with inadequate incomes, diets, housing and services. Urban growth exposes populations to serious environmental hazards and has outstripped the capacity of municipal and local governments to provide the environmental health services that the people need. All too often, urban development is associated with destructive effects on the physical environment and the resource base needed for sustainable development. Environmental pollution in urban areas is associated with excess morbidity and mortality. Overcrowding and inadequate housing contribute to respiratory diseases, tuberculosis, meningitis and other diseases. In urban environments, many factors that affect human health are outside the health sector. Improvements in urban health therefore will depend on coordinated action by all levels of government, health care providers, businesses, religious groups, social and educational institutions and citizens.

also, no mention in chapter 7

7.20. All cities, particularly those characterized by severe sustainable development problems, should, in accordance with national laws, rules and regulations, develop and strengthen programmes aimed at addressing such problems and guiding their development along a sustainable path. Some international initiatives in support of such efforts, as in the Sustainable Cities Programme of Habitat and the Healthy Cities Programme of WHO, should be intensified. Additional initiatives involving the World Bank, the regional development banks and bilateral agencies, as well as other interested stakeholders, particularly international and national representatives of local authorities, should be strengthened and coordinated. Individual cities should, as appropriate:

7.20. All cities, particularly those characterized by severe sustainable development problems, should, in accordance with national laws, rules and regulations, develop and strengthen programmes aimed at addressing such problems and guiding their development along a sustainable path. Some international initiatives in support of such efforts, as in the Sustainable Cities Programme of Habitat and the Healthy Cities Programme of WHO, should be intensified. Additional initiatives involving the World Bank, the regional development banks and bilateral agencies, as well as other interested stakeholders, particularly international and national representatives of local authorities, should be strengthened and coordinated. Individual cities should, as appropriate:

(a) Institutionalize a participatory approach to sustainable urban development, based on a continuous dialogue between the actors involved in urban development (the public sector, private sector and communities), especially women and indigenous people;

(b) Improve the urban environment by promoting social organization and environmental awareness through the participation of local communities in the identification of public service's needs, the provision of urban infrastructure, the enhancement of public amenities and the protection and/or rehabilitation of older buildings, historic precincts and other cultural artifacts. In addition, "green works" programmes should be activated to create self-sustaining human development activities and both formal and informal employment opportunities for low-income urban residents;

(c) Strengthen the capacities of their local governing bodies to deal more effectively with the broad range of developmental and environmental challenges associated with rapid and sound urban growth through comprehensive approaches to planning that recognize the individual needs of cities and are based on ecologically sound urban design practices;

(d) Participate in international "sustainable city networks" to exchange experiences and mobilize national and international technical and financial support;

(e) Promote the formulation of environmentally sound and culturally sensitive tourism programmes as a strategy for sustainable development of urban and rural settlements and as a way of decentralizing urban development and reducing discrepancies among regions;

7.36. An integrated approach to the provision of environmentally sound infrastructure in human settlements, in particular for the urban and rural poor, is an investment in sustainable development that can improve the quality of life, increase productivity, improve health and reduce the burden of investments in curative medicine and poverty alleviation.

8.31 (b) To move more fully towards integration of social and environmental costs into economic activities, so that prices will appropriately reflect the relative scarcity and total value of resources and contribute towards the prevention of environmental degradation; (c) to include, wherever appropriate, the use of market principles in the framing of economic instruments and policies to pursue sustainable development.

8.32. In the near term, Governments should consider gradually building on experience with economic instruments and market mechanisms by undertaking to reorient their policies, keeping in mind national plans, priorities and objectives, in order to:

- (a) Establish effective combinations of economic, regulatory and voluntary (self-regulatory) approaches;
- (b) Remove or reduce those subsidies that do not conform with sustainable development objectives;
- (e) Move towards pricing consistent with sustainable development objectives.

8.37 (a) The practical implications of moving towards greater reliance on pricing that internalize environmental costs appropriate to help achieve sustainable development objectives;

10.14. Governments at the appropriate level, in collaboration with the national and international scientific community and with the support of appropriate national and international organizations, should promote and support research, tailored to local environments, on the land resources system and the implications for sustainable development and management practices. Priority should be given, as appropriate, to:

- (a) Assessment of land potential capability and ecosystem functions;
- (b) Eco-systemic interactions and interactions between land resources and social, economic and environmental systems;
- (c) Developing indicators of sustainability for land resources, taking into account environmental, economic, social, demographic, cultural and political factors.

11.3.nce the scope and effectiveness of activities related to the management, conservation and sustainable development of forests, and to effectively ensure the sustainable utilization and production of forests' goods and services in both the developed and the developing countries; by the year 2000, to strengthen the capacities and capabilities of national institutions to enable them to acquire the necessary knowledge for the protection and conservation of forests, as well as to expand their scope and, correspondingly, enhance the effectiveness of programmes and activities related to the management and development of forests;

(b) To strengthen and improve human, technical and professional skills, as well as expertise and capabilities to effectively formulate and implement policies, plans, programmes, research and projects on management, conservation and sustainable development of all types of forests and forest-based resources, and forest lands inclusive, as well as other areas from which forest benefits can be derived.

(a) Management-related activities

11.4. Governments at the appropriate level, with the support of regional, sub-regional and international organizations, should, where necessary, enhance institutional capability to promote the multiple roles and functions of all types of forests and vegetation inclusive of other related lands and forest-based resources in supporting sustainable development and environmental conservation in all sectors. This should be done, wherever possible and necessary, by strengthening and/or modifying the existing structures and arrangements, and by improving cooperation and coordination of their respective roles. Some of the major activities in this regard are as follows:

(a) Rationalizing and strengthening administrative structures and mechanisms, including provision of adequate levels of staff and allocation of responsibilities, decentralization of decision-making, provision of infrastructural facilities and equipment, inter-sectoral coordination and an effective system of communication;

(b) Promoting participation of the private sector, labour unions, rural cooperatives, local communities, indigenous people, youth, women, user groups and non-governmental organizations in forest-related activities, and access to information and training programmes within the national context;

(c) Reviewing and, if necessary, revising measures and programmes relevant to all types of forests and vegetation, inclusive of other related lands and forest-based resources, and relating them to other land uses and development policies and legislation; promoting adequate legislation and other measures as a basis against uncontrolled conversion to other types of land uses;

(d) Developing and implementing plans and programmes, including definition of national and, if necessary, regional and sub-regional goals, programmes and criteria for their implementation and subsequent improvement;

(e) Establishing, developing and sustaining an effective system of forest extension and public education to ensure better awareness, appreciation and management of forests with regard to the multiple roles and values of trees, forests and forest lands;

(f) Establishing and/or strengthening institutions for forest education and training, as well as forestry industries, for developing an adequate cadre of trained and skilled staff at the professional, technical and vocational levels, with emphasis on youth and women;

(g) Establishing and strengthening capabilities for research related to the different aspects of forests and forest products, for example, on the sustainable management of forests, research on biodiversity, on the effects of air-borne pollutants, on traditional uses of forest resources by local populations and indigenous people, and on improving market returns and other non-market values from the management of forests.

11.13 (b) To prepare and implement, as appropriate, national forestry action programmes and/or plans for the management, conservation and sustainable development of forests. These programmes and/or plans should be integrated with other land uses. In this context, country-driven national forestry action programmes and/or plans under the Tropical Forestry Action Programme are currently being implemented in more than 80 countries, with the support of the international community;

11.13 (e) To facilitate and support the effective implementation of the non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests, adopted by the United Nations Conference on Environment and Development, and on the basis of the implementation of these principles to consider the need for and the feasibility of all kinds of appropriate internationally agreed arrangements to promote international cooperation on forest management, conservation and sustainable development of all types of forests including afforestation, reforestation, and rehabilitation.

11.16

(d) Strengthening the coordination and improving the capacity and ability of intergovernmental organizations such as FAO, ITTO, UNEP and UNESCO to provide technical support for the management, conservation and sustainable development of forests, including support for the negotiation of the International Tropical Timber Agreement of 1983, due in 1992/

11.23 (b) Formulating scientifically sound criteria and guidelines for the management, conservation and sustainable development of all types of forests;

11.23

(k) Harmonizing sustainable development of forests with national development needs and trade policies that are compatible with the ecologically sound use of forest resources, using, for example, the ITTO Guidelines for Sustainable Management of Tropical Forests;

11.30. Assessment and systematic observations are essential components of long-term planning, for evaluating effects, quantitatively and qualitatively, and for rectifying inadequacies. This mechanism,

however, is one of the often-neglected aspects of forest resources, management, conservation and development. In many cases, even the basic information related to the area and type of forests, existing potential and volume of harvest is lacking. In many developing countries, there is a lack of structures and mechanisms to carry out these functions. There is an urgent need to rectify this situation for a better understanding of the role and importance of forests and to realistically plan for their effective conservation, management, regeneration, and sustainable development.

INTEGRATIVE AREA APPROACHES AT THE ECOSYSTEM OF WATERSHED LEVEL

(c) Adopting flexible and integrative planning approaches that allow the consideration of multiple goals and enable adjustment of changing needs; integrative area approaches at the ecosystem or watershed level can assist in this approach;

NO MENTION OF WATERSHED IN CHAPTER 5

*ECOSYSTEM APPROACH

5.25. National databases on demographic trends and factors and environment should be built and/or strengthened, dis-aggregating data by ecological region (ecosystem approach), and population/environment profiles should be established by region.

5.41. The international and regional scientific institutions should assist Governments, upon request, to include concerns regarding the population/environment interactions at the global, ecosystem and micro-levels in the training of demographers and population and environment specialists. Training should include research on linkages and ways to design integrated strategies.

10.1. Land is normally defined as a physical entity in terms of its topography and spatial nature; a broader integrative view also includes natural resources: the soils, minerals, water and biota that the land comprises. These components are organized in ecosystems which provide a variety of services essential to the maintenance of the integrity of life-support systems and the productive capacity of the environment. Land resources are used in ways that take advantage of all these characteristics. Land is a finite resource, while the natural resources it supports can vary over time and according to management conditions and uses. Expanding human requirements and economic activities are placing ever increasing pressures on land resources, creating competition and conflicts and resulting in sub-optimal use of both land and land resources. If, in the future, human requirements are to be met in a sustainable manner, it is now essential to resolve these conflicts and move towards

more effective and efficient use of land and its natural resources. Integrated physical and land-use planning and management is an eminently practical way to achieve this. By examining all uses of land in an integrated manner, it makes it possible to minimize conflicts, to make the most efficient trade-offs and to link social and economic development with environmental protection and enhancement, thus helping to achieve the objectives of sustainable development. The essence of the integrated approach finds expression in the coordination of the sectoral planning and management activities concerned with the various aspects of land use and land resources.

10.4. A number of techniques, frameworks and processes can be combined to facilitate an integrated approach. They are the indispensable support for the planning and management process, at the national and local level, ecosystem or area levels and for the development of specific plans of action. Many of its elements are already in place but need to be more widely applied, further developed and strengthened. This programme area is concerned primarily with providing a framework that will coordinate decision-making; the content and operational functions are therefore not included here but are dealt with in the relevant sectoral programmes of Agenda 21.

10.7. Governments at the appropriate level, with the support of regional and international organizations, should review and, if appropriate, revise planning and management systems to facilitate an integrated approach. To do this, they should:

(a) Adopt planning and management systems that facilitate the integration of environmental components such as air, water, land and other natural resources, using landscape ecological planning (LANDEP) or other approaches that focus on, for example, an ecosystem or a watershed;

10.8. Governments at the appropriate level, with the support of national and international organizations, should promote the improvement, further development and widespread application of planning and management tools that facilitate an integrated and sustainable approach to land and resources. To do this, they should:

(a) Adopt improved systems for the interpretation and integrated analysis of data on land use and land resources;

(b) Systematically apply techniques and procedures for assessing the environmental, social and economic impacts, risks, costs and benefits of specific actions;

(c) Analyse and test methods to include land and ecosystem functions and land resources values in national accounts.

10.14. Governments at the appropriate level, in collaboration with the national and international scientific community and with the support of appropriate national and international organizations, should promote and support research, tailored to local environments, on the land resources system and the implications for sustainable development and management practices. Priority should be given, as appropriate, to:

(a) Assessment of land potential capability and ecosystem functions;

(b) Eco-systemic interactions and interactions between land resources and social, economic and environmental systems;

(c) Developing indicators of sustainability for land resources, taking into account environmental, economic, social, demographic, cultural and political factors.

NO MENTION OF ECOSYSTEM IN CHAPTER 11

*ECOSYSTEM HEALTH

5.23. An assessment should also be made of national population carrying capacity in the context of satisfaction of human needs and sustainable development, and special attention should be given to critical resources, such as water and land, and environmental factors, such as ecosystem health and biodiversity.

5.29. In formulating human settlements policies, account should be taken of resource needs, waste production and ecosystem health.

5.42. Population programmes are more effective when implemented together with appropriate cross-sectoral policies. To attain sustainability at the local level, a new framework is needed that integrates demographic trends and factors with such factors as ecosystem health, technology and human settlements, and with socioeconomic structures and access to resources. Population programmes should be consistent with socioeconomic and environmental planning. Integrated sustainable development programmes should closely correlate action on demographic trends and factors with resource management activities and development goals that meet the needs of the people concerned.

ENVIRONMENTAL HEALTH NOT MENTIONED IN CHAPTER 10

*ENVIRONMENTAL CONDITIONS

NO MENTION OF ENVIRONMENTAL CONDITIONS IN CHAPTER 5

11.32 (c) Making estimates of impacts of activities affecting forestry developments and conservation proposals, in terms of key variables such as developmental goals, benefits and costs, contributions of forests to other sectors, community welfare, environmental conditions and biological diversity and their impacts at the local, regional and global levels, where appropriate, to assess the changing technological and financial needs of countries;

ENVIRONMENTAL ISSUES

11.36. Accelerating development consists of implementing the management-related and data/information activities cited above. Activities related to global environmental issues are those that will contribute to global information for assessing/evaluating/addressing environmental issues on a world-wide basis. Strengthening the capacity of international institutions consists of enhancing the technical staff and the executing capacity of several international organizations in order to meet the requirements of countries.

*ENVIRONMENTAL TOXINS

NO MENTION OF ENVIRONMENTAL TOXINS IN CHAPTER 5

(iii) Emphasize preventive strategies to reduce occupationally derived diseases and diseases caused by environmental and occupational toxins to enhance worker safety; CHAPTER 6

NO MENTION OF ENVIRONMENTAL TOXINS IN CHAPTER 8

NO MENTION OF ENVIRONMENTAL TOXINS IN CHAPTER 10

*ENVIRONMENTAL HAZARDS

NO MENTION IN CHAPTER 5

^,6? (ii) Develop and carry out interdisciplinary research on the combined health effects of exposure to multiple environmental hazards, including epidemiological investigations of long-term exposures to low levels of pollutants and the use of biological markers capable of estimating human exposures, adverse effects and susceptibility to environmental agents.

6.45. Comprehensive national strategies should be designed to overcome the lack of qualified human resources, which is a major impediment to progress in dealing with environmental health hazards. Training should include environmental and health officials at all levels from managers to inspectors. More emphasis needs to be placed on including the subject of environmental health in the curricula of secondary schools and universities and on educating the public.

NO MENTION OF ENVIRONMENTAL HAZARDS IN CHAPTER 8
 NO MENTION OF ENVIRONMENTAL HAZARDS IN CHAPTER 10

*ENVIRONMENTAL POLLUTION

NO MENTION OF ENVIRONMENTAL POLLUTION IN CHAPTER 5
 6.32. For hundreds of millions of people, the poor living conditions in urban and peri-urban areas are destroying lives, health, and social and moral values. Urban growth has outstripped society's capacity to meet human needs, leaving hundreds of millions of people with inadequate incomes, diets, housing and services. Urban growth exposes populations to serious environmental hazards and has outstripped the capacity of municipal and local governments to provide the environmental health services that the people need. All too often, urban development is associated with destructive effects on the physical environment and the resource base needed for sustainable development. Environmental pollution in urban areas is associated with excess morbidity and mortality. Overcrowding and inadequate housing contribute to respiratory diseases, tuberculosis, meningitis and other diseases. In urban environments, many factors that affect human health are outside the health sector. Improvements in urban health therefore will depend on coordinated action by all levels of government, health care providers, businesses, religious groups, social and educational institutions and citizens.

E. Reducing health risks from environmental pollution
 and hazards

NO MENTION OF ENVIRONMENTAL POLLUTION IN CHAPTER 8
 NO MENTION OF ENVIRONMENTAL POLLUTION IN CHAPTER 10
 NO MENTION OF ENVIRONMENTAL POLLUTION IN CHAPTER 11

ENVIRONMENTAL PROBLEMS

5.3. 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.

* ENVIRONMENTAL AND DEVELOPMENT CONCERNS

5.3. 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.

*ENVIRONMENT

3.2. While managing resources sustainably, an environmental policy that focuses mainly on the conservation and protection of resources must take due account of those who depend on the resources for their livelihoods. Otherwise, it could have an adverse impact both on poverty and on chances for long-term success in resource and environmental conservation. Equally, a development policy that focuses mainly on increasing the production of goods without addressing the sustainability of the resources on which production is based will sooner or later run into declining productivity, which could also have an adverse impact on poverty. A specific anti-poverty strategy is therefore one of the basic conditions for ensuring sustainable development. An effective strategy for tackling the problems of poverty, development and environment simultaneously should begin by focusing on resources, production and people and should cover demographic issues, enhanced health care and education, the rights of women, the role of youth and of indigenous people and local communities and a democratic participation process in association with improved governance.

3.4 (c) To develop for all poverty-stricken areas integrated strategies and programmes of sound and sustainable management of the environment, resource mobilization, poverty eradication and alleviation, employment and income generation;

3.5. Activities that will contribute to the integrated promotion of sustainable livelihoods and environmental protection cover a variety of sectoral interventions involving a range of actors, from local to global, and are essential at every level, especially the community and local levels. Enabling actions will be necessary at the national and international levels, taking full account of regional and sub-regional conditions to support a locally driven and country-specific approach. In general design, the programmes should:

(a) Focus on the empowerment of local and community groups through the principle of delegating authority, accountability and resources to the most appropriate level to ensure that the programme will be geographically and ecologically specific;

(b) Contain immediate measures to enable those groups to alleviate poverty and to develop sustainability;

(c) 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 smallholders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (3.5. combating Poverty, Agenda 21)

3.6. The focus here is on specific cross-cutting measures - in particular, in the areas of basic education, primary/maternal health care, and the advancement of women.

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

3.10 (e) 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);

5.1 (c) Implementing integrated, environment and development programmes at the local level, taking into account demographic trends and factors.

6.33. The health and well-being of all urban dwellers must be improved so that they can contribute to economic and social development. The global objective is to achieve a 10 to 40 per cent improvement in health indicators by the year 2000. The same rate of improvement should be achieved for environmental, housing and health service indicators. These include the development of quantitative objectives for infant mortality, maternal mortality, percentage of low birth weight newborns and specific indicators (e.g. tuberculosis as an indicator of crowded housing, diarrhoeal diseases as indicators of inadequate water and sanitation, rates of industrial and transportation accidents that indicate possible opportunities for prevention of injury, and social problems such as drug abuse, violence and crime that indicate underlying social disorders).

6.34 (b) Survey, where necessary, the existing health, social and environmental conditions in cities, including documentation of intra-urban differences;

6.39. 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. There have been notable improvements in some countries, but deterioration of the environment continues. The ability of countries to tackle pollution and health problems is greatly restrained because of lack of resources. Pollution control and health protection measures have often not kept pace with economic development. Considerable development-related environmental health hazards exist in the newly industrializing countries. Furthermore, the recent analysis of WHO has clearly established the interdependence among the factors of health, environment and development and has revealed that most countries are lacking such integration as would lead to an effective pollution control mechanism. 2/ Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country and the extent of the applicability of standards that are valid for the most advanced countries but may be inappropriate and of unwarranted social cost for the developing countries.

6.40. The overall objective is to minimize hazards and maintain the environment to a degree that human health and safety is not impaired or endangered and yet encourage development to proceed. Specific programme objectives are:

(a) By the year 2000, to incorporate appropriate environmental and health safeguards as part of national development programmes in all countries;

(b) By the year 2000, to establish, as appropriate, adequate national infrastructure and programmes for providing environmental injury, hazard surveillance and the basis for abatement in all countries;

(c) By the year 2000, to establish, as appropriate, integrated programmes for tackling pollution at the source and at the disposal site, with a focus on abatement actions in all countries;

(d) To identify and compile, as appropriate, the necessary statistical information on health effects to support cost/benefit analysis, including environmental health impact assessment for pollution control, prevention and abatement measures.

10.1. Land is normally defined as a physical entity in terms of its topography and spatial nature; a broader integrative view also includes natural resources: the soils, minerals, water and biota that the land comprises. These components are organized in ecosystems which provide a variety of services essential to the maintenance of the integrity of life-support systems and the productive capacity of the environment. Land resources are used in ways that take advantage of all these characteristics. Land is a finite resource, while the natural resources it supports can vary over time and according to management conditions and uses. Expanding human requirements and economic activities are placing ever increasing pressures on land resources, creating competition and conflicts and resulting in sub-optimal use of both land and land resources. If, in the future, human requirements are to be met in a sustainable manner, it is now essential to resolve these conflicts and move towards more effective and efficient use of land and its natural resources. Integrated physical and land-use planning and management is an eminently practical way to achieve this. By examining all uses of land in an integrated manner, it makes it possible to minimize conflicts, to make the most efficient trade-offs and to link social and economic development with environmental protection and enhancement, thus helping to achieve the objectives of sustainable development. The essence of the integrated approach finds expression in the coordination of the sectoral planning and management activities concerned with the various aspects of land use and land resources.

*ENVIRONMENTAL IMPACTS/ IMPACT ON THE ENVIRONMENT

5.4. There is a need to develop strategies to mitigate both the adverse impact on the environment of human activities and the adverse impact of environmental change on human populations. The world's population is

expected to exceed 8 billion by the year 2020. Sixty percent of the world's population already live in coastal areas, while 65 per cent of cities with populations above 2.5 million are located along the world coasts; several of them are already at or below the present sea level. Objectives

5.6 (c) Identifying priority areas for action and developing strategies and programmes to mitigate the adverse impact of environmental change on human populations, and vice-versa.

5.9. Better modeling capabilities should be developed, identifying the range of possible outcomes of current human activities, especially the interrelated impact of demographic trends and factors, per capita resource use and wealth distribution, as well as the major migration flows that may be expected with increasing climatic events and cumulative environmental change that may destroy people's local livelihoods.

5.21. Vulnerable population groups (such as rural landless workers, ethnic minorities, refugees, migrants, displaced people, women heads of household) whose changes in demographic structure may have specific impacts on sustainable development should be identified.

5.46. Nationally determined policies for integrated and multifaceted programmes, with special attention to women, to the poorest people living in critical areas and to other vulnerable groups should be implemented, ensuring the involvement of groups with a special potential to act as agents for change and sustainable development. Special emphasis should be placed on those programmes that achieve multiple objectives, encouraging sustainable economic development, and mitigating adverse impacts of demographic trends and factors, and avoiding long-term environmental damage. Food security, access to secure tenure, basic shelter, and essential infrastructure, education, family welfare, women's reproductive health, family credit schemes, reforestation programmes, primary environmental care, women's employment should, as appropriate, be included among other factors.

(b) Scientific and technological means 6.36. Decision-making models should be further developed and more widely used to assess the costs and the health and environment impacts of alternative technologies and strategies. Improvement in urban development and management requires better national and municipal statistics based on practical, standardized indicators. Development of methods is a priority for the measurement of intra-urban and intra-district variations in health status and environmental conditions, and for the application of this information in planning and management.

6.43. Although technology to prevent or abate pollution is readily available for a large number of problems, for programme and policy development countries should undertake research within an inter-sectoral framework. Such efforts should include collaboration with the business sector. Cost/effect analysis and environmental impact assessment methods should be developed through cooperative international programmes and applied to the setting of priorities and strategies in relation to health and development.

NO MENTION OF ENVIRONMENTAL IMPACTS IN CHAPTER 8

NO MENTION OF ENVIRONMENTAL IMPACTS IN CHAPTER 10

NO MENTION OF ENVIRONMENTAL IMPACTS IN CHAPTER 11

*ENVIRONMENTALLY SOUND

chapter 2

2.2. Economic policies of individual countries and international economic relations both have great relevance to sustainable development. The reactivation and acceleration of development requires both a dynamic and a supportive international economic environment and determined policies at the national level. It will be frustrated in the absence of either of these requirements. A supportive external economic environment is crucial. The development process will not gather momentum if the global economy lacks dynamism and stability and is beset with uncertainties. Neither will it gather momentum if the 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 of developing countries remain depressed. The record of the 1980s was essentially negative on each of these counts and needs to be reversed. The policies and measures needed to create an international environment that is strongly supportive of national development efforts are thus vital. International cooperation in this area should be designed to complement and support - not to diminish or subsume - sound domestic economic policies, in both developed and developing countries, if global progress towards sustainable development is to be achieved.

poverty

3.4. (c) To develop for all poverty-stricken areas integrated strategies and programmes of sound and sustainable management of the environment, resource mobilization, poverty eradication and alleviation, employment and income generation;

Consumption

4.17 (c) To reinforce both values that encourage sustainable production and consumption patterns and policies that encourage the transfer of environmentally sound technologies to developing countries.

(a) Encouraging greater efficiency in the use of energy and resources

4.18. Reducing the amount of energy and materials used per unit in the production of goods and services can contribute both to the alleviation of environmental stress and to greater economic and industrial productivity and competitiveness. Governments, in cooperation with industry, should therefore intensify efforts to use energy and resources in an economically efficient and environmentally sound manner by:

(a) Encouraging the dissemination of existing environmentally sound technologies;

(b) Promoting research and development in environmentally sound technologies;

(c) Assisting developing countries to use these technologies efficiently and to develop technologies suited to their particular circumstances;

(d) Encouraging the environmentally sound use of new and renewable sources of energy;

(e) Encouraging the environmentally sound and sustainable use of renewable natural resources.

(b) Minimizing the generation of wastes

4.20. The recent emergence in many countries of a more environmentally conscious consumer public, combined with increased interest on the part of some industries in providing environmentally sound consumer products, is a significant development that should be encouraged. Governments and international organizations, together with the private sector, should develop criteria and methodologies for the assessment of environmental impacts and resource requirements throughout the full life cycle of products and processes. Results of those assessments should be transformed into clear indicators in order to inform consumers and decision makers.

4.23. (a) Providing information on the consequences of consumption choices and behaviour so as to encourage demand for environmentally sound products and use of products;

(e) Moving towards environmentally sound pricing

4.24. Without the stimulus of prices and market signals that make clear to producers and consumers the environmental costs of the consumption of energy, materials and natural resources and the generation of wastes, significant changes in consumption and production patterns seem unlikely to occur in the near future.

(f) Reinforcing values that support sustainable consumption

4.26. Governments and private-sector organizations should promote more positive attitudes towards sustainable consumption through education, public awareness programmes and other means, such as positive advertising of products and services that utilize environmentally sound technologies or encourage sustainable production and consumption patterns. In the review of the implementation of Agenda 21, an assessment of the progress achieved in developing these national policies and strategies should be given due consideration.

DEMOGRAPHY

NO MENTION OF ENVIRONMENTALLY SOUND OR OF SOUND
IN CHAPTER 5

HEALTH

6.3. Health ultimately depends on the ability to manage successfully the interaction between the physical, spiritual, biological and economic/social environment. 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 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, immunization and provision of essential drugs. Education and appropriate services regarding responsible planning of family size, with respect for cultural, religious and social aspects, in keeping with freedom, dignity and personally held values and taking into account ethical and cultural considerations, also contribute to these inter-sectoral activities.

- 6.13 d) Control of environmental factors that influence the spread of communicable diseases:

Apply methods for the prevention and control of communicable diseases, including water supply and sanitation control, water pollution control, food quality control, integrated vector control, garbage collection and disposal and environmentally sound irrigation practices;

- 6.41 (i) Develop appropriate pollution control technology on the basis of risk assessment and epidemiological research for the introduction of environmentally sound production processes and suitable safe mass transport;
- 6.41 (iv) Promote the introduction of environmentally sound technologies within the industry and energy sectors;

Settlement

7.39. All countries should assess the environmental suitability of infrastructure in human settlements, develop national goals for sustainable management of waste, and implement environmentally sound technology to ensure that the environment, human health and quality of life are protected. Settlement infrastructure and environmental programmes designed to promote an integrated human settlements approach to the planning, development, maintenance and management of environmental infrastructure (water supply, sanitation, drainage, solid-waste management) should be strengthened with the assistance of bilateral and multilateral agencies. Coordination among these agencies and with collaboration from international and national representatives of local authorities, the private sector and community groups should also be strengthened. The activities of all agencies engaged in providing environmental infrastructure should, where possible, reflect an ecosystem or metropolitan area approach to settlements and should include monitoring, applied research, capacity-building, transfer of appropriate technology and technical cooperation among the range of programme activities.

- (c) Human resource development and capacity-building

Basis for action

2.5. An open, equitable, secure, non-discriminatory and predictable multilateral trading system that is consistent with the goals of sustainable development and leads to the optimal distribution of global production in accordance with comparative advantage is of benefit to all trading partners. Moreover, improved market access for developing countries' exports in conjunction with sound macroeconomic and environmental policies would

have a positive environmental impact and therefore make an important contribution towards sustainable development.

2.6. Experience has shown that sustainable development requires a commitment to sound economic policies and management, an effective and predictable public administration, the integration of environmental concerns into decision-making and progress towards democratic government, in the light of country-specific conditions, which allows for full participation of all parties concerned. These attributes are essential for the fulfillment of the policy directions and objectives listed below.

2.9 In the years ahead, and taking into account the results of the Uruguay Round of multilateral trade negotiations, Governments should continue to strive to meet the following objectives:

(a) To promote an open, non-discriminatory and equitable multilateral trading system that will enable all countries - in particular, the developing countries - to improve their economic structures and improve the standard of living of their populations through sustained economic development;

(b) To improve access to markets for exports of developing countries;

(c) To improve the functioning of commodity markets and achieve sound, compatible and consistent commodity policies at national and international levels with a view to optimizing the contribution of the commodity sector to sustainable development, taking into account environmental considerations;

(d) To promote and support policies, domestic and international, that make economic growth and environmental protection mutually supportive.

2.19. Environment and trade policies should be mutually supportive. An open, multilateral trading system makes possible a more efficient allocation and use of resources and thereby contributes to an increase in production and incomes and to lessening demands on the environment. It thus provides additional resources needed for economic growth and development and improved environmental protection. A sound environment, on the other hand, provides the ecological and other resources needed to sustain growth and underpin a continuing expansion of trade. **An open, multilateral trading system, supported by the adoption of sound environmental policies, would have a positive impact on the environment and contribute to sustainable development.**

2.26. As discussed in Chapter 33, new and additional resources should be provided to support Agenda 21 programmes.

(b) Addressing the debt issue 2.27. In regard to the external debt incurred with commercial banks, the progress being made under the strengthened debt strategy is recognized and a more rapid implementation of this strategy is encouraged. Some countries have already benefited from the combination of sound adjustment policies and commercial bank debt reduction or equivalent measures. The international community encourages:

2.33. Good management that fosters the association of effective, efficient, honest, equitable and accountable public administration with individual rights and opportunities is an essential element for sustainable, broadly based development and sound economic performance at all development levels. All countries should increase their efforts to eradicate mismanagement of public and private affairs, including corruption, taking into account the factors responsible for, and agents involved in, this phenomenon.

Objectives

2.35. It is necessary to establish, in the light of the country-specific conditions, economic policy reforms that promote the efficient planning and utilization of resources for sustainable development through sound economic and social policies, foster entrepreneurship and the incorporation of social and environmental costs in resource pricing, and remove sources of distortion in the area of trade and investment.

(a) Management-related activities

Promoting sound economic policies 2.36. The industrialized countries and other countries in a position to do so should strengthen their efforts:

2.37. Developing countries should consider strengthening their efforts to implement sound economic policies:

(a) That maintain the monetary and fiscal discipline required to promote price stability and external balance;

(b) That result in realistic exchange rates;

(c) That raise domestic savings and investment, as well as improve returns to investment.

2.38. More specifically, all countries should develop policies that improve efficiency in the allocation of resources and take full advantage of the opportunities offered by the changing global economic environment. In particular, wherever appropriate, and taking into account national strategies and objectives, countries should:

- (a) Remove the barriers to progress caused by bureaucratic inefficiencies, administrative strains, unnecessary controls and the neglect of market conditions;
- (b) Promote transparency in administration and decision-making;
- (c) Encourage the private sector and foster entrepreneurship by improving institutional facilities for enterprise creation and market entry. The essential objective would be to simplify or remove the restrictions, regulations and formalities that make it more complicated, costly and time-consuming to set up and operate enterprises in many developing countries;
- (d) Promote and support the investment and infrastructure required for sustainable economic growth and diversification on an environmentally sound and sustainable basis;**

7.45. With the assistance and support of funding agencies, all countries should, as appropriate, undertake training and popular participation programmes aimed at:

- (a) Raising awareness of the means, approaches and benefits of the provision of environmental infrastructure facilities, especially among indigenous people, women, low-income groups and the poor;
- (b) Developing a cadre of professionals with adequate skills in integrated infrastructural service planning and maintenance of resource-efficient, environmentally sound and socially acceptable systems;

7.52. Promoting efficient and environmentally sound urban transport systems in all countries should be a comprehensive approach to urban-transport planning and management. To this end, all countries should:

- (a) Integrate land-use and transportation planning to encourage development patterns that reduce transport demand;
- (b) Adopt urban-transport programmes favouring high-occupancy public transport in countries, as appropriate;

(c) Encourage non-motorized modes of transport by providing safe cycle-ways and foot-ways in urban and suburban centres in countries, as appropriate;

(d) Devote particular attention to effective traffic management, efficient operation of public transport and maintenance of transport infrastructure;

(e) Promote the exchange of information among countries and representatives of local and metropolitan areas;

(f) Re-evaluate the present consumption and production patterns in order to reduce the use of energy and national resources.

Means of implementation

7.60 (d) Identifying industrially based environmental disaster areas at the national and international levels and implementing strategies aimed at the rehabilitation of these areas through, inter alia:

- (i) Restructuring of the economic activities and promoting new job opportunities in environmentally sound sectors;

7.74. Local authorities are called upon to play a pioneering role in promoting the increased use of environmentally sound building materials and construction technologies, e.g., by pursuing an innovative procurement policy.

Objective

7.8. The objective is to achieve adequate shelter for rapidly growing populations and for the currently deprived urban and rural poor through an enabling approach to shelter development and improvement that is environmentally sound.

7.16 (ii) Improving the level of infrastructure and service provision in poorer urban areas;

(d) Developing local strategies for improving the quality of life and the environment, integrating decisions on land use and land management, investing in the public and private sectors and mobilizing human and material resources, thereby promoting employment generation that is environmentally sound and protective of human health.

- (b) Strengthening urban data systems

7.20 (c) Strengthen the capacities of their local governing bodies to deal more effectively with the broad range of developmental and environmental

challenges associated with rapid and sound urban growth through comprehensive approaches to planning that recognize the individual needs of cities and are based on ecologically sound urban design practices;

(e) Promote the formulation of environmentally sound and culturally sensitive tourism programmes as a strategy for sustainable development of urban and rural settlements and as a way of decentralizing urban development and reducing discrepancies among regions;

(b) Human resource development and capacity-building

7.23. Developing countries should, with appropriate international assistance, consider focusing on training and developing a cadre of urban managers, technicians, administrators and other relevant stakeholders who can successfully manage environmentally sound urban development and growth and are equipped with the skills necessary to analyse and adapt the innovative experiences of other cities. For this purpose, the full range of training methods - from formal education to the use of the mass media - should be utilized, as well as the "learning by doing" option.

7.28. The objective is to provide for the land requirements of human settlement development through environmentally sound physical planning and land use so as to ensure access to land to all households and, where appropriate, the encouragement of communally and collectively owned and managed land. 6/ Particular attention should be paid to the needs of women and indigenous people for economic and cultural reasons.

Activities

7.30. Subsequently, all countries should consider developing national land-resource management plans to guide land-resource development and utilization and, to that end, should:

(a) Establish, as appropriate, national legislation to guide the implementation of public policies for environmentally sound urban development, land utilization, housing and for the improved management of urban expansion;

(c) Develop fiscal incentives and land-use control measures, including land-use planning solutions for a more rational and environmentally sound use of limited land resources;

Basis for action

7.35. The sustainability of urban development is defined by many parameters relating to the availability of water supplies, air quality and the provision of environmental infrastructure for sanitation and waste management. As a result of the density of users, urbanization, if properly managed, offers unique opportunities for the supply of sustainable environmental infrastructure through adequate pricing policies, educational programmes and equitable access mechanisms that are economically and environmentally sound. In most developing countries, however, the inadequacy and lack of environmental infrastructure is responsible for widespread ill-health and a large number of preventable deaths each year. In those countries' conditions are set to worsen due to growing needs that exceed the capacity of Governments to respond adequately.

7.36. An integrated approach to the provision of environmentally sound infrastructure in human settlements, in particular for the urban and rural poor, is an investment in sustainable development that can improve the quality of life, increase productivity, improve health and reduce the burden of investments in curative medicine and poverty alleviation.

7.37. Most of the activities whose management would be improved by an integrated approach, are covered in Agenda 21 as follows: chapter 6 (Protecting and promoting human health conditions), chapters 9 (Protecting the atmosphere), 18 (Protecting the quality and supply of freshwater resources) and 21 (Environmentally sound management of solid wastes and sewage-related issues).

Objective

7.38. The objective is to ensure the provision of adequate environmental infrastructure facilities in all settlements by the year 2025. The achievement of this objective would require that all developing countries incorporate in their national strategies programmes to build the necessary technical, financial and human resource capacity aimed at ensuring better integration of infrastructure and environmental planning by the year 2000.

8.4. The primary need is to integrate environmental and developmental decision-making processes. To do this, Governments should conduct a national review and, where appropriate, improve the processes of decision-making so as to achieve the progressive integration of economic, social and environmental issues in the pursuit of development that is economically efficient, socially equitable and responsible and environmentally sound. Countries will develop their own priorities in

accordance with their national plans, policies and programmes for the following activities:

8.32 (d) Establish a policy framework that encourages the creation of new markets in pollution control and environmentally sounder resource management;

8.33 (c) The development and introduction of environmentally sound technology and its adaptation, diffusion and transfer to developing countries, in conformity with chapter 34.

NO MENTION OF ENVIRONMENTALLY SOUND IN CHAPTER 10

11.2. There are major weaknesses in the policies, methods and mechanisms adopted to support and develop the multiple ecological, economic, social and cultural roles of trees, forests and forest lands. Many developed countries are confronted with the effects of air pollution and fire damage on their forests. More effective measures and approaches are often required at the national level to improve and harmonize policy formulation, planning and programming; legislative measures and instruments; development patterns; participation of the general public, especially women and indigenous people; involvement of youth; roles of the private sector, local organizations, non-governmental organizations and cooperatives; development of technical and multidisciplinary skills and quality of human resources; forestry extension and public education; research capability and support; administrative structures and mechanisms, including inter-sectoral coordination, decentralization and responsibility and incentive systems; and dissemination of information and public relations. This is especially important to ensure a rational and holistic approach to the sustainable and environmentally sound development of forests. The need for securing the multiple roles of forests and forest lands through adequate and appropriate institutional strengthening has been repeatedly emphasized in many of the reports, decisions and recommendations of FAO, ITTO, UNEP, the World Bank, IUCN and other organizations.

11.18

(b) Develop and apply environmentally sound technology relevant to the various activities listed;

11.23 (c) Improving environmentally sound methods and practices of forest harvesting, which are ecologically sound and economically viable, including planning and management, improved use of equipment, storage and transportation to reduce and, if possible, maximize the use of waste and improve value of both wood and non-wood forest products;

11.23 (d) Promoting the better use and development of natural forests and woodlands, including planted forests, wherever possible, through appropriate and environmentally sound and economically viable activities, including silviculture practices and management of other plant and animal species;

11.27 (b) Development and application of environmentally sound and less-polluting technology for forest utilization;

NO MENTION OF CARRYING CAPACITY, ecocycles, footprint

NOTE MENTION OF CARRYING CAPACITY OF THE EARTH IN CHAPTER 4

NO MENTION OF DISASTERS IN CHAPTER 5

*DISASTER

Disaster reduction 7.56. The General Assembly, in resolution 44/236, proclaimed the 1990s as the International Decade for Natural Disaster Reduction. The goals of the Decade 8/ bear relevance to the objectives of the present programme area.

7.57. In addition, there is an urgent need to address the prevention and reduction of man-made disasters and/or disasters caused by, inter alia, industries, unsafe nuclear power generation and toxic wastes (see chapter 6 of Agenda 21).

7.58. The objective is to enable all countries, in particular those that are disaster-prone, to mitigate the negative impact of natural and man-made disasters on human settlements, national economies and the environment.

Activities

7.59. Three distinct areas of activity are foreseen under this programme area, namely, the development of a "culture of safety", pre-disaster planning and post-disaster reconstruction.

7.60 (a) Completing national and local studies on the nature and occurrence of natural disasters, their impact on people and economic activities, the effects of inadequate construction and land use in hazard-prone areas, and the social and economic advantages of adequate pre-disaster planning;

(b) Developing pre-disaster planning

7.61. Pre-disaster planning should form an integral part of human settlement planning in all countries. The following should be included:

- (a) Undertaking complete multi-hazard research into risk and vulnerability of human settlements and settlement infrastructure, including water and sewerage, communication and transportation networks, as one type of risk reduction may increase vulnerability to another (e.g., an earthquake-resistant house made of wood will be more vulnerable to wind storms);
- (b) Developing methodologies for determining risk and vulnerability within specific human settlements and incorporating risk and vulnerability reduction into the human settlement planning and management process;
- (c) Redirecting inappropriate new development and human settlements to areas not prone to hazards;
- (d) Preparing guidelines on location, design and operation of potentially hazardous industries and activities;
- (e) Developing tools (legal, economic etc.) to encourage disaster-sensitive development, including means of ensuring that limitations on development options are not punitive to owners, or incorporate alternative means of compensation;
- (f) Further developing and disseminating information on disaster-resistant building materials and construction technologies for buildings and public works in general;
- (g) Developing training programmes for contractors and builders on disaster-resistant construction methods. Some programmes should be directed particularly to small enterprises, which build the great majority of housing and other small buildings in the developing countries, as well as to the rural populations, which build their own houses;
- (h) Developing training programmes for emergency site managers, non-governmental organizations and community groups which cover all aspects of disaster mitigation, including urban search and rescue, emergency communications, early warning techniques, and pre-disaster planning;
- (i) Developing procedures and practices to enable local communities to receive information about hazardous installations or situations in these areas, and facilitate their participation in early warning and disaster abatement and response procedures and plans;

(j) Preparing action plans for the reconstruction of settlements, especially the reconstruction of community life-lines.

(c) Initiating post-disaster reconstruction and rehabilitation planning

NO MENTION OF DISASTER IN CHAPTER 8

NO MENTION OF DISASTER IN CHAPTER 10

NO MENTION OF DISASTER IN CHAPTER 11 (LAND)

***EQUITY OR EQUITABLE**

INTRODUCTION

2.1. In order to meet the challenges of environment and development, States decided to establish a new global partnership. This partnership commits all States to engage in a continuous and constructive dialogue, inspired by the need to achieve a more efficient and equitable world economy, keeping in view the increasing interdependence of the community of nations, and that sustainable development should become a priority item on the agenda of the international community. It is recognized that, for the success of this new partnership, it is important to overcome confrontation and to foster a climate of genuine cooperation and solidarity. It is equally important to strengthen national and international policies and multinational cooperation to adapt to the new realities.

2.5. An open, equitable, secure, non-discriminatory and predictable multilateral trading system that is consistent with the goals of sustainable development and leads to the optimal distribution of global production in accordance with comparative advantage is of benefit to all trading partners. Moreover, improved market access for developing countries' exports in conjunction with sound macroeconomic and environmental policies would have a positive environmental impact and therefore make an important contribution towards sustainable development.

2.9. (a) To promote an open, non-discriminatory and equitable multilateral trading system that will enable all countries - in particular, the developing countries - to improve their economic structures and improve the standard of living of their populations through sustained economic development;

2.10. Accordingly, the international community should:

(a) Halt and reverse protectionism in order to bring about further liberalization and expansion of world trade, to the benefit of all countries, in particular the developing countries;

(b) Provide for an equitable, secure, non-discriminatory and predictable international trading system;

2.33. Good management that fosters the association of effective, efficient, honest, equitable and accountable public administration with individual rights and opportunities is an essential element for sustainable, broadly based development and sound economic performance at all development levels. All countries should increase their efforts to eradicate mismanagement of public and private affairs, including corruption, taking into account the factors responsible for, and agents involved in, this phenomenon.

Poverty

Basis for action

3.1. Poverty is a complex multidimensional problem with origins in both the national and international domains. No uniform solution can be found for global application. Rather, country-specific programmes to tackle poverty and international efforts supporting national efforts, as well as the parallel process of creating a supportive international environment, are crucial for a solution to this problem. The eradication of poverty and hunger, greater equity in income distribution and human resource development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries.

3.2. While managing resources sustainably, an environmental policy that focuses mainly on the conservation and protection of resources must take due account of those who depend on the resources for their livelihoods. Otherwise it could have an adverse impact both on poverty and on chances for long-term success in resource and environmental conservation. Equally, a development policy that focuses mainly on increasing the production of goods without addressing the sustainability of the resources on which production is based will sooner or later run into declining productivity, which could also have an adverse impact on poverty. A specific anti-poverty strategy is therefore one of the basic conditions for ensuring sustainable development. An effective strategy for tackling the problems of poverty, development and environment simultaneously should begin by focusing on resources, production and people and should cover demographic issues, enhanced health care and education, the rights of women, the role of youth and of indigenous people and local communities and a democratic participation process in association with improved governance.

3.5. (c) 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 smallholders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (3.5. combating Poverty, Agenda 21)

3.8. (j) 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-partum. 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. Combating Poverty, Agenda 21, 1992)

5.12. Awareness should be increased of the fundamental linkages between improving the status of women and demographic dynamics, particularly through women's access to education, primary and reproductive health care programmes, economic independence and their effective, equitable participation in all levels of decision-making.

NO MENTION OF EQUITY IN CHAPTER 6

8.4. The primary need is to integrate environmental and developmental decision-making processes. To do this, Governments should conduct a national review and, where appropriate, improve the processes of decision-making so as to achieve the progressive integration of economic,

social and environmental issues in the pursuit of development that is economically efficient, socially equitable and responsible and environmentally sound. Countries will develop their own priorities in accordance with their national plans, policies and programmes for the following activities:

(g) Delegating planning and management responsibilities to the lowest level of public authority consistent with effective action; in particular the advantages of effective and equitable opportunities for participation by women should be discussed;

***SOCIALLY EQUITABLE AND RESPONSIBLE AND ENVIRONMENTALLY SOUND DEVELOPMENT**

8.4. The primary need is to integrate environmental and developmental decision-making processes. To do this, Governments should conduct a national review and, where appropriate, improve the processes of decision-making so as to achieve the progressive integration of economic, social and environmental issues in the pursuit of development that is economically efficient, socially equitable and responsible and environmentally sound. Countries will develop their own priorities in accordance with their national plans, policies and programmes for the following activities:

NO MENTION OF EQUITY OR EQUITABLE IN CHAPTER 10
NO MENTION OF EQUITY OR EQUITABLE IN CHAPTER 10

***EQUALITY**

5.45. An effective consultative process should be established and implemented with concerned groups of society where the formulation and decision-making of all components of the programmes are based on a nationwide consultative process drawing on community meetings, regional workshops and national seminars, as appropriate. This process should ensure that views of women and men on needs, perspective and constraints are equally well reflected in the design of programmes, and that solutions are rooted in specific experience. The poor and underprivileged should be priority groups in this process.

5.51. Governments should take active steps to implement programmes to establish and strengthen preventive and curative health facilities that 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 and 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-partum. 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

6.26. 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 and 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-partum. 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.

5.66. The recommendations contained in this chapter should in no way prejudice discussions at the International Conference on Population and Development in 1994, which will be the appropriate forum for dealing with population and development issues, taking into account the recommendations of the International Conference on Population, held in Mexico City in 1984, 1/ and the Forward-looking Strategies for the Advancement of Women, 2/ adopted by the World Conference to Review and Appraise the Achievements of the United Decade for Women: Equality, Development and Peace, held in Nairobi in 1985.

Basis for action

7.35. The sustainability of urban development is defined by many parameters relating to the availability of water supplies, air quality and the provision of environmental infrastructure for sanitation and waste management. As a result of the density of users, urbanization, if properly managed, offers unique opportunities for the supply of sustainable environmental infrastructure through adequate pricing policies, educational programmes and equitable access mechanisms that are economically and environmentally sound. In most developing countries, however, the inadequacy and lack of environmental infrastructure is responsible for widespread ill-health and a large number of preventable deaths each year. In those countries, conditions are set to worsen due to

growing needs that exceed the capacity of Governments to respond adequately.

757 7.57. In addition, there is an urgent need to address the prevention and reduction of man-made disasters and/or disasters caused by, inter alia, industries, unsafe nuclear power generation and toxic wastes (see chapter 6 of Agenda 21).

8.14. While there is continuous need for law improvement in all countries, many developing countries have been affected by shortcomings of laws and regulations. To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted. Technical support may be needed for many countries to accomplish these goals. Technical cooperation requirements in this field include legal information, advisory services and specialized training and institutional capacity-building.

NO MENTION OF EQUALITY IN CHAPTER 10

NO MENTION OF EQUALITY IN CHAPTER 11

***GROWTH**

Chapter 1 no mention of growth

2.9 (d) To promote and support policies, domestic and international, that make economic growth and environmental protection mutually supportive.

2.19. Environment and trade policies should be mutually supportive. An open, multilateral trading system makes possible a more efficient allocation and use of resources and thereby contributes to an increase in production and incomes and to lessening demands on the environment. It thus provides additional resources needed for economic growth and development and improved environmental protection. A sound environment, on the other hand, provides the ecological and other resources needed to sustain growth and underpin a continuing expansion of trade. An open, multilateral trading system, supported by the adoption of sound environmental policies, would have a positive impact on the environment and contribute to sustainable development.

2.23. Investment is critical to the ability of developing countries to achieve needed economic growth to improve the welfare of their populations and to meet their basic needs in a sustainable manner, all without deteriorating or depleting the resource base that underpins development. Sustainable development requires increased investment, for which domestic and

external financial resources are needed. Foreign private investment and the return of flight capital, which depend on a healthy investment climate, are an important source of financial resources. Many developing countries have experienced a decade-long situation of negative net transfer of financial resources, during which their financial receipts were exceeded by payments they had to make, in particular for debt-servicing. As a result, domestically mobilized resources had to be transferred abroad instead of being invested locally in order to promote sustainable economic development.

2.24. For many developing countries, the reactivation of development will not take place without an early and durable solution to the problems of external indebtedness, taking into account the fact that, for many developing countries, external debt burdens are a significant problem. The burden of debt-service payments on those countries has imposed severe constraints on their ability to accelerate growth and eradicate poverty and has led to a contraction in imports, investment and consumption. External indebtedness has emerged as a main factor in the economic stalemate in the developing countries. Continued vigorous implementation of the evolving international debt strategy is aimed at restoring debtor countries' external financial viability, and the resumption of their growth and development would assist in achieving sustainable growth and development. In this context, additional financial resources in favour of developing countries and the efficient utilization of such resources are essential.

2.30. In connection with multilateral debt, it is urged that serious attention be given to continuing to work towards growth-oriented solutions to the problem of developing countries with serious debt-servicing problems, including those whose debt is mainly to official creditors or to multilateral financial institutions. Particularly in the case of low-income countries in the process of economic reform, the support of the multilateral financial institutions in the form of new disbursements and the use of their concessional funds is welcomed. The use of support groups should be continued in providing resources to clear arrears of countries embarking upon vigorous economic reform programmes supported by IMF and the World Bank. Measures by the multilateral financial institutions such as the refinancing of interest on non-concessional loans with IDA re-flows - "fifth dimension" - are noted with appreciation.

2.36 (d) To undertake appropriate national macroeconomic and structural policies aimed at promoting non-inflationary growth, narrowing their major external imbalances and increasing the adjustment capacity of their economies.

2.38 (d) Promote and support the investment and infrastructure required for **sustainable economic growth and diversification on an environmentally sound and sustainable basis**;

2.41. Stronger economic cooperation among developing countries has long been accepted as an important component of efforts to promote economic growth and technological capabilities and to accelerate development in the developing world. Therefore, the efforts of the developing countries to promote economic cooperation among themselves should be enhanced and continue to be supported by the international community.

COMBATING POVERTY

3.3. Integral to such action is, together with international support, the promotion of economic growth in developing countries that is both sustained and sustainable and direct action in eradicating poverty by strengthening employment and income-generating programmes.

4.6. Growing recognition of the importance of addressing consumption has also not yet been matched by an understanding of its implications. Some economists are questioning traditional concepts of economic growth and underlining the importance of pursuing economic objectives that take account of the full value of natural resource capital. More needs to be known about the role of consumption in relation to economic growth and population dynamics in order to formulate coherent international and national policies.

4.10 (b) Assess the relationship between production and consumption, environment, technological adaptation and innovation, economic growth and development, and demographic factors;

Developing new concepts of sustainable economic growth and prosperity

4.11. Consideration should also be given to the present concepts of economic growth and the need for new concepts of wealth and prosperity which allow higher standards of living through changed lifestyles and are **less dependent on the Earth's finite resources and more in harmony with the Earth's carrying capacity**. This should be reflected in the evolution of new systems of national accounts and other indicators of sustainable development.

(c) International cooperation and coordination

4.12. While international review processes exist for examining economic, development and demographic factors, more attention needs to be paid to issues related to consumption and production patterns and sustainable lifestyles and environment.

4.13. In the follow-up of the implementation of Agenda 21, reviewing the role and impact of unsustainable production and consumption patterns and lifestyles and their relation to sustainable development should be given high priority.

4.17 (a) To promote efficiency in production processes and reduce wasteful consumption in the process of economic growth, taking into account the development needs of developing countries;

5.3. 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.

5.16. Existing plans for sustainable development have generally recognized demographic trends and factors as elements that have a critical influence on consumption patterns, production, lifestyles and long-term sustainability. But in future, more attention will have to be given to these issues in general policy formulation and the design of development plans. To do this, all countries will have to improve their own capacities to assess the environment and development implications of their demographic trends and factors. They will also need to formulate and implement policies and action programmes where appropriate. Policies should be designed to address the consequences of population growth built into population momentum, while at the same time incorporating measures to bring about demographic transition. They should combine environmental concerns and population issues within a holistic view of development whose primary goals include the alleviation of poverty; secure livelihoods; good health; quality of life; improvement of the status and income of women and their access to schooling and professional training, as well as fulfillment of their personal aspirations; and empowerment of individuals and communities. Recognizing that large

increases in the size and number of cities will occur in developing countries under any likely population scenario, greater attention should be given to preparing for the needs, in particular of women and children, for improved municipal management and local government.

6.11. With HIV infection levels estimated to increase to 30-40 million by the year 2000, the socioeconomic impact of the pandemic is expected to be devastating for all countries, and increasingly for women and children. While direct health costs will be substantial, they will be dwarfed by the indirect costs of the pandemic - mainly costs associated with the loss of income and decreased productivity of the workforce. The pandemic will inhibit growth of the service and industrial sectors and significantly increase the costs of human capacity-building and retraining. The agricultural sector is particularly affected where production is labour-intensive.

6.32. For hundreds of millions of people, the poor living conditions in urban and peri-urban areas are destroying lives, health, and social and moral values. Urban growth has outstripped society's capacity to meet human needs, leaving hundreds of millions of people with inadequate incomes, diets, housing and services. Urban growth exposes populations to serious environmental hazards and has outstripped the capacity of municipal and local governments to provide the environmental health services that the people need. All too often, urban development is associated with destructive effects on the physical environment and the resource base needed for sustainable development. Environmental pollution in urban areas is associated with excess morbidity and mortality. Overcrowding and inadequate housing contribute to respiratory diseases, tuberculosis, meningitis and other diseases. In urban environments, many factors that affect human health are outside the health sector. Improvements in urban health therefore will depend on coordinated action by all levels of government, health care providers, businesses, religious groups, social and educational institutions and citizens.

NO MENTION OF GROWTH IN CHAPTER 8

NO MENTION OF GROWTH IN CHAPTER 10

NO MENTION OF GROWTH IN CHAPTER 11 EXCEPT IN CONTEXT OF OLD GROWTH

OLD GROWTH

11.13 (b) Establishing, expanding and managing, as appropriate to each national context, protected area systems, which includes systems of conservation units for their environmental, social and spiritual functions and values, including conservation of forests in representative ecological systems and landscapes, primary old-

growth forests, conservation and management of wildlife, nomination of World Heritage Sites under the World Heritage Convention, as appropriate, conservation of genetic resources, involving in/situ and ex situ measures and undertaking supportive measures to ensure sustainable utilization of biological resources and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities;

OFFSET PRESSURE ON PRIMARY/OLD GROWTH

11.13 (e) Developing industrial and non-industrial planted forests in order to support and promote national ecologically sound afforestation and reforestation/regeneration programmes in suitable sites, including upgrading of existing planted forests of both industrial and non-industrial and commercial purpose to increase their contribution to human needs and to offset pressure on primary/old growth forests. Measures should be taken to promote and provide intermediate yields and to improve the rate of returns on investments in planted forests, through inter-planting and under-planting valuable crops;

***REGULATIONS**

CHAPTER 1 NO MENTION OF REGULATIONS

2.20. International cooperation in the environmental field is growing, and in a number of cases trade provisions in multilateral environment agreements have played a role in tackling global environmental challenges. Trade measures have thus been used in certain specific instances, where considered necessary, to enhance the effectiveness of environmental regulations for the protection of the environment. Such regulations should address the root causes of environmental degradation so as not to result in unjustified restrictions on trade. The challenge is to ensure that trade and environment policies are consistent and reinforce the process of sustainable development. However, account should be taken of the fact that environmental standards valid for developed countries may have unwarranted social and economic costs in developing countries.

2.22 (e) Seek to avoid the use of trade restrictions or distortions as a means to offset differences in cost arising from differences in environmental standards and regulations, since their application could lead to trade distortions and increase protectionist tendencies;

(f) Ensure that environment-related regulations or standards, including those related to health and safety standards, do not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade;

(i) Avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country. Environmental measures addressing trans-border or global environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, *inter alia*, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and developmental requirements of developing countries as they move towards internationally agreed environmental objectives;

2.38. (c) Encourage the private sector and foster entrepreneurship by improving institutional facilities for enterprise creation and market entry. The essential objective would be to simplify or remove the restrictions, regulations and formalities that make it more complicated, costly and time-consuming to

Chapter 3

3.8. (n) Actively seek to recognize and integrate informal-sector activities into the economy by removing regulations and hindrances that discriminate against activities in those sectors;

NO MENTION OF STANDARDS

Chapter 4 Consumption no mention of regulation

NO MENTION OF REGULATION IN CHAPTER 5

CHAPTER 6 NO MENTION OF REGULATIONS

7.9 (c) All countries should, as appropriate, support the shelter efforts of the urban and rural poor, the unemployed and the no-income group by adopting and/or adapting existing codes and regulations, to facilitate their access to land, finance and low-cost building materials and by actively promoting the regularization and upgrading of informal settlements and urban slums as an expedient measure and pragmatic solution to the urban shelter deficit;

7.20. All cities, particularly those characterized by severe sustainable development problems, should, in accordance with national laws, rules and regulations, develop and strengthen programmes aimed at addressing such problems and guiding their development along a sustainable path. Some international initiatives in support of such efforts, as in the Sustainable Cities Programme of Habitat and the Healthy Cities Programme of WHO, should be intensified. Additional initiatives involving

the World Bank, the regional development banks and bilateral agencies, as well as other interested stakeholders, particularly international and national representatives of local authorities, should be strengthened and coordinated. Individual cities should, as appropriate:

7.40. Developing countries should be assisted at the national and local levels in adopting an integrated approach to the provision of water supply, energy, sanitation, drainage and solid-waste management, and external funding agencies should ensure that this approach is applied in particular to environmental infrastructure improvement in informal settlements based on regulations and standards that take into account the living conditions and resources of the communities to be served.

7.45 (d) Adopting appropriate legal and regulatory instruments, including cross-subsidy arrangements, to extend the benefits of adequate and affordable environmental infrastructure to unserved population groups, especially the poor.

7.69 (c) Adopt standards and other regulatory measures which promote the increased use of energy-efficient designs and technologies and sustainable utilization of natural resources in an economically and environmentally appropriate way;

(d) Formulate appropriate land-use policies and introduce planning regulations specially aimed at the protection of eco-sensitive zones against physical disruption by construction and construction-related activities; (e) Promote the use of labour-intensive construction and maintenance technologies which generate employment in the construction sector for the underemployed labour force found in most large cities, while at the same time promoting the development of skills in the construction sector;

INTRODUCTION

8.1. The present chapter consists of the following programme areas:

(a) Integrating environment and development at the policy, planning and management levels;

(b) Providing an effective legal and regulatory framework;

(c) Making effective use of economic instruments and market and other incentives;

(d) Establishing systems for integrated environmental and economic accounting.

8.2. Prevailing systems for decision-making in many countries tend to separate economic, social and environmental factors at the policy, planning and management levels. This influences the actions of all groups in society, including Governments, industry and individuals, and has important implications for the efficiency and sustainability of development. An adjustment or even a fundamental reshaping of decision-making, in the light of country-specific conditions, may be necessary if environment and development is to be put at the centre of economic and political decision-making, in effect achieving a full integration of these factors. In recent years, some Governments have also begun to make significant changes in the institutional structures of government in order to enable more systematic consideration of the environment when decisions are made on economic, social, fiscal, energy, agricultural, transportation, trade and other policies, as well as the implications of policies in these areas for the environment. New forms of dialogue are also being developed for achieving better integration among national and local government, industry, science, environmental groups and the public in the process of developing effective approaches to environment and development. The responsibility for bringing about changes lies with Governments in partnership with the private sector and local authorities, and in collaboration with national, regional and international organizations, including in particular UNEP, UNDP and the World Bank. Exchange of experience between countries can also be significant. National plans, goals and objectives, national rules, regulations and law, and the specific situation in which different countries are placed are the overall framework in which such integration takes place. In this context, it must be borne in mind that environmental standards may pose severe economic and social costs if they are uniformly applied in developing countries.

8.5. (f) Using policy instruments (legal/regulatory and economic) as a tool for planning and management, seeking incorporation of efficiency criteria in decisions; instruments should be regularly reviewed and adapted to ensure that they continue to be effective;

B. Providing an effective legal and regulatory framework

Basis for action

8.13. Laws and regulations suited to country-specific conditions are among the most important instruments for transforming environment and development policies into action, not only through "command and control" methods, but also as a normative framework for economic planning and market instruments. Yet, although the volume of legal texts in this field is steadily increasing, much of the law-making in many countries seems to

be ad-hoc and piecemeal, or has not been endowed with the necessary institutional machinery and authority for enforcement and timely adjustment.

8.14. While there is continuous need for law improvement in all countries, many developing countries have been affected by shortcomings of laws and regulations. To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted. Technical support may be needed for many countries to accomplish these goals. Technical cooperation requirements in this field include legal information, advisory services and specialized training and institutional capacity-building.

8.15. The enactment and enforcement of laws and regulations (at the regional, national, state/provincial or local/municipal level) are also essential for the implementation of most international agreements in the field of environment and development, as illustrated by the frequent treaty obligation to report on legislative measures. The survey of existing agreements undertaken in the context of conference preparations has indicated problems of compliance in this respect, and the need for improved national implementation and, where appropriate, related technical assistance. In developing their national priorities, countries should take account of their international obligations.

8.16. The overall objective is to promote, in the light of country-specific conditions, the integration of environment and development policies through appropriate legal and regulatory policies, instruments and enforcement mechanisms at the national, state, provincial and local level. Recognizing that countries will develop their own priorities in accordance with their needs and national and, where appropriate, regional plans, policies and programmes, the following objectives are proposed:

(a) To disseminate information on effective legal and regulatory innovations in the field of environment and development, including appropriate instruments and compliance incentives, with a view to encouraging their wider use and adoption at the national, state, provincial and local level;

(b) To support countries that request it in their national efforts to modernize and strengthen the policy and legal framework of governance for sustainable development, having due regard for local social values and infrastructures;

(c) To encourage the development and implementation of national, state, provincial and local programmes that assess and promote compliance and respond appropriately to non-compliance.

Activities

(a) Making laws and regulations more effective

8.17. Governments, with the support, where appropriate, of competent international organizations, should regularly assess the laws and regulations enacted and the related institutional/administrative machinery established at the national/state and local/municipal level in the field of environment and sustainable development, with a view to rendering them effective in practice. Programmes for this purpose could include the promotion of public awareness, preparation and distribution of guidance material, and specialized training, including workshops, seminars, education programmes and conferences, for public officials who design, implement, monitor and enforce laws and regulations

(b) Establishing judicial and administrative procedures

8.18. Governments and legislators, with the support, where appropriate, of competent international organizations, should establish judicial and administrative procedures for legal redress and remedy of actions affecting environment and development that may be unlawful or infringe on rights under the law, and should provide access to individuals, groups and organizations with a recognized legal interest.

8.21. Each country should develop integrated strategies to maximize compliance with its laws and regulations relating to sustainable development, with assistance from international organizations and other countries as appropriate. The strategies could include:

(a) Enforceable, effective laws, regulations and standards that are based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress and deter future violations;

(b) Mechanisms for promoting compliance;

(c) Institutional capacity for collecting compliance data, regularly reviewing compliance, detecting violations, establishing enforcement priorities, undertaking effective enforcement, and conducting periodic

evaluations of the effectiveness of compliance and enforcement programmes;

(d) Mechanisms for appropriate involvement of individuals and groups in the development and enforcement of laws and regulations on environment and development.

(f) National monitoring of legal follow-up to international instruments

8.22. Contracting parties to international agreements, in consultation with the appropriate secretariats of relevant international conventions as appropriate, should improve practices and procedures for collecting information on legal and regulatory measures taken. Contracting parties to international agreements could undertake sample surveys of domestic follow-up action subject to agreement by the sovereign States concerned.
Means of implementation

(c) Human resource development

8.25. Participation in training is expected to benefit practitioners from developing countries and to enhance training opportunities for women. Demand for this type of postgraduate and in-service training is known to be high. The seminars, workshops and conferences on review and enforcement that have been held to date have been very successful and well attended. The purpose of these efforts is to develop resources (both human and institutional) to design and implement effective programmes to continuously review and enforce national and local laws, regulations and standards on sustainable development.

Basis for action

8.27. Environmental law and regulation are important but cannot alone be expected to deal with the problems of environment and development. Prices, markets and governmental fiscal and economic policies also play a complementary role in shaping attitudes and behaviour towards the environment.

8.29. Within a supportive international and national economic context and given the necessary legal and regulatory framework, economic and market-oriented approaches can in many cases enhance capacity to deal with the issues of environment and development. This would be achieved by providing cost-effective solutions, applying integrated pollution prevention control, promoting technological innovation and influencing environmental behaviour, as well as providing financial resources to meet sustainable development objectives.

8.30. What is needed is an appropriate effort to explore and make more effective and widespread use of economic and market-oriented approaches within a broad framework of development policies, law and regulation suited to country-specific conditions as part of a general transition to economic and environmental policies that are supportive and mutually reinforcing.

8.32

(a) Establish effective combinations of economic, regulatory and voluntary (self-regulatory) approaches;

10.6 (c) Review the regulatory framework, including laws, regulations and enforcement procedures, in order to identify improvements needed to support sustainable land use and management of land resources and restricts the transfer of productive arable land to other uses;

NO MENTION OF COMPLIANCE IN CHAPTER 7 or chapter 2 or chapter 1 or 4, 5

8.14. While there is continuous need for law improvement in all countries, many developing countries have been affected by shortcomings of laws and regulations. To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted. Technical support may be needed for many countries to accomplish these goals. Technical cooperation requirements in this field include legal information, advisory services and specialized training and institutional capacity-building.

8.15. The enactment and enforcement of laws and regulations (at the regional, national, state/provincial or local/municipal level) are also essential for the implementation of most international agreements in the field of environment and development, as illustrated by the frequent treaty obligation to report on legislative measures. The survey of existing agreements undertaken in the context of conference preparations has indicated problems of compliance in this respect, and the need for improved national implementation and, where appropriate, related technical assistance. In developing their national priorities, countries should take account of their international obligations.

8.16 (a) To disseminate information on effective legal and regulatory innovations in the field of environment and development, including appropriate instruments and compliance incentives, with a view to

encouraging their wider use and adoption at the national, state, provincial and local level;

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(c) To encourage the development and implementation of national, state, provincial and local programmes that assess and promote compliance and respond appropriately to non-compliance.

8.20 (e) Developing effective national programmes for reviewing and enforcing compliance with national, state, provincial and local laws on environment and development

8.21. Each country should develop integrated strategies to maximize compliance with its laws and regulations relating to sustainable development, with assistance from international organizations and other countries as appropriate. The strategies could include:

(a) Enforceable, effective laws, regulations and standards that are based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress and deter future violations;

(b) Mechanisms for promoting compliance;

(c) Institutional capacity for collecting compliance data, regularly reviewing compliance, detecting violations, establishing enforcement priorities, undertaking effective enforcement, and conducting periodic evaluations of the effectiveness of compliance and enforcement programmes;

(d) Mechanisms for appropriate involvement of individuals and groups in the development and enforcement of laws and regulations on environment and development.

NO MENTION OF COMPLIANCE IN CHAPTER 10

11.23 (a) Carrying out detailed investment studies, supply-demand harmonization and environmental impact analysis to rationalize and improve trees and forest utilization and to develop and establish appropriate incentive schemes and regulatory measures, including tenurial arrangements, to provide a favourable investment climate and promote better management;

***OBLIGATIONS**

8.15. The enactment and enforcement of laws and regulations (at the regional, national, state/provincial or local/municipal level) are also essential for the implementation of most international agreements in the field of environment and development, as illustrated by the frequent treaty obligation to report on legislative measures. The survey of existing agreements undertaken in the context of conference preparations has indicated problems of compliance in this respect, and the need for improved national implementation and, where appropriate, related technical assistance. In developing their national priorities, countries should take account of their international obligations.

NO MENTION OF OBLIGATIONS IN CHAPTER 5

NO MENTION OF OBLIGATIONS IN CHAPTER 10

NO MENTION OF OBLIGATIONS IN CHAPTER 11

STANDARDS*chapter 1 no mention of standards**

2.20. International cooperation in the environmental field is growing, and in a number of cases trade provisions in multilateral environment agreements have played a role in tackling global environmental challenges. Trade measures have thus been used in certain specific instances, where considered necessary, to enhance the effectiveness of environmental regulations for the protection of the environment. Such regulations should address the root causes of environmental degradation so as not to result in unjustified restrictions on trade. The challenge is to ensure that trade and environment policies are consistent and reinforce the process of sustainable development. However, account should be taken of the fact that environmental standards valid for developed countries may have unwarranted social and economic costs in developing countries.

(e) Seek to avoid the use of trade restrictions or distortions as a means to offset differences in cost arising from differences in environmental standards and regulations, since their application could lead to trade distortions and increase protectionist tendencies;

(f) Ensure that environment-related regulations or standards, including those related to health and safety standards, do not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade;

(g) Ensure that special factors affecting environment and trade policies in the developing countries are borne in mind in the application of environmental standards, as well as in the use of any trade measures. It is worth noting that standards that are valid in the most advanced

countries may be inappropriate and of **unwarranted social cost for the developing countries**;

CHAPTER 4 NO MENTION OF STANDARDS

CHAPTER 5 NO MENTION OF STANDARDS

6.12. A number of goals have been formulated through extensive consultations in various international forums attended by virtually all Governments, relevant United Nations organizations (including WHO, UNICEF, UNFPA, UNESCO, UNDP and the World Bank) and a number of non-governmental organizations. Goals (including but not limited to those listed below) are recommended for implementation by all countries where they are applicable, with appropriate adaptation to the specific situation of each country in terms of phasing, standards, priorities and availability of resources, with respect for cultural, religious and social aspects, in keeping with freedom, dignity and personally held values and taking into account ethical considerations. Additional goals that are particularly relevant to a country's specific situation should be added in the country's national plan of action (Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s 1/). Such national level action plans should be coordinated and monitored from within the public health sector. Some major goals are:

6.39. 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. There have been notable improvements in some countries, but deterioration of the environment continues. The ability of countries to tackle pollution and health problems is greatly restrained because of lack of resources. Pollution control and health protection measures have often not kept pace with economic development. Considerable development-related environmental health hazards exist in the newly industrializing countries. Furthermore, the recent analysis of WHO has clearly established the interdependence among the factors of health, environment and development and has revealed that most countries are lacking such integration as would lead to an effective pollution control mechanism. 2/ Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country and the extent of the applicability of standards that are valid for the most advanced countries but may be inappropriate and of unwarranted social cost for the developing countries.

6.41 Develop and implement appropriate national legislation, standards and enforcement procedures on the basis of existing international guide

8.20 (a) Enforceable, effective laws, regulations and standards that are based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress and deter future violations;

8.25. Participation in training is expected to benefit practitioners from developing countries and to enhance training opportunities for women. Demand for this type of postgraduate and in-service training is known to be high. The seminars, workshops and conferences on review and enforcement that have been held to date have been very successful and well attended. The purpose of these efforts is to develop resources (both human and institutional) to design and implement effective programmes to continuously review and enforce national and local laws, regulations and standards on sustainable development.

8.50. The Statistical Office of the United Nations Secretariat, in close collaboration with relevant United Nations organizations, should strengthen existing mechanisms for technical cooperation among countries. This should also include exchange of experience in the establishment of IEEAs, particularly in connection with the valuation of non-marketed natural resources and standardization in data collection. The cooperation of business and industry, including large industrial enterprises and transnational corporations with experience in valuation of such resources, should also be sought.

NO MENTION OF STANDARDS IN CHAPTER 10

11.32 (b) Establishing national assessment and systematic observation systems and evaluation of programmes and processes, including establishment of definitions, standards, norms and inter-calibration methods, and the capability for initiating corrective actions as well as improving the formulation and implementation of programmes and projects;

***INDICATORS**

5.10. Socio-demographic information should be developed in a suitable format for interfacing with physical, biological and socioeconomic data. Compatible spatial and temporal scales, cross-country and time-series information, as well as global behavioural indicators should be developed, learning from local communities' perceptions and attitudes.

6.5 (v) Develop strategies, including reliable health indicators, to monitor the progress and evaluate the effectiveness of health programmes;

6.33. The health and well-being of all urban dwellers must be improved so that they can contribute to economic and social development. The global objective is to achieve a 10 to 40 per cent improvement in health indicators by the year 2000. The same rate of improvement should be achieved for environmental, housing and health service indicators. These include the development of quantitative objectives for infant mortality, maternal mortality, percentage of low birth weight newborns and specific indicators (e.g. tuberculosis as an indicator of crowded housing, diarrhoeal diseases as indicators of inadequate water and sanitation, rates of industrial and transportation accidents that indicate possible opportunities for prevention of injury, and social problems such as drug abuse, violence and crime that indicate underlying social disorders).

6.37 (b) Scientific and technological means 6.36. Decision-making models should be further developed and more widely used to assess the costs and the health and environment impacts of alternative technologies and strategies. Improvement in urban development and management requires better national and municipal statistics based on practical, standardized indicators. Development of methods is a priority for the measurement of intra-urban and intra-district variations in health status and environmental conditions, and for the application of this information in planning and management.

8.6. Countries could develop systems for monitoring and evaluation of progress towards achieving sustainable development by adopting indicators that measure changes across economic, social and environmental dimensions.

8.44 (a) Support, in all member States, the utilization of sustainable development indicators in national economic and social planning and decision-making practices, with a view to ensuring that IEEAs are usefully integrated in economic development planning at the national level;

10.14 (c) Developing indicators of sustainability for land resources, taking into account environmental, economic, social, demographic, cultural and political factors.

NO MENTION OF INDICATORS IN CHAPTER 11

***PRINCIPLES WHAT CONSTITUTES PRINCIPLES**

1.6. The programme areas that constitute Agenda 21 are described in terms of the basis for action, objectives, activities and means of

implementation. Agenda 21 is a dynamic programme. It will be carried out by the various actors according to the different situations, capacities and priorities of countries and in full respect of all the principles contained in the Rio Declaration on Environment and Development. It could evolve over time in the light of changing needs and circumstances. This process marks the beginning of a new global partnership for sustainable development.

1.7. Throughout Agenda 21 the term "environmentally sound" means "environmentally safe and sound", in particular when applied to the terms "energy sources", "energy supplies", "energy systems", or "technology/technologies" Topic

A Conversation with Graham Saul and Linda Solomon Wood

Description

Executive Director of Nature Canada, Graham Saul joins Linda Solomon Wood to talk about environmental justice, a green recovery deal and how we can build better cities. Saul leads one of the oldest national nature conservation charities in Canada, Nature Canada. For 80 years, the organization has helped protect over 110 million acres of parks and wildlife areas in Canada and countless species.

Time

Jun 11, 2020 04:00 PM in [Vancouver](#)

[Add to calendar](#)

Webinar ID

929 3916 0563

Developing an environment/trade and development agenda

2.22. Governments should encourage GATT, UNCTAD and other relevant international and regional economic institutions to examine, in accordance with their respective mandates and competences, the following propositions and principles:

- (a) Elaborate adequate studies for the better understanding of the relationship between trade and environment for the promotion of sustainable development;
- (b) Promote a dialogue between trade, development and environment communities;
- (c) In those cases when trade measures related to environment are used, ensure transparency and compatibility with international obligations;

(d) Deal with the root causes of environment and development problems in a manner that avoids the adoption of environmental measures resulting in unjustified restrictions on trade;

(e) Seek to avoid the use of trade restrictions or distortions as a means to offset differences in cost arising from differences in environmental standards and regulations, since their application could lead to trade distortions and increase protectionist tendencies;

(f) Ensure that environment-related regulations or standards, including those related to health and safety standards, do not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade;

(g) Ensure that special factors affecting environment and trade policies in the developing countries are borne in mind in the application of environmental standards, as well as in the use of any trade measures. It is worth noting that standards that are valid in the most advanced countries may be inappropriate and of unwarranted social cost for the developing countries;

(h) Encourage participation of developing countries in multilateral agreements through such mechanisms as special transitional rules;

(i) Avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country. Environmental measures addressing trans-border or global environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, inter alia, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and developmental requirements of developing countries as they move towards internationally agreed environmental objectives;

(j) Develop more precision, where necessary, and clarify the relationship between GATT provisions and some of the multilateral measures adopted in the environment area;

(k) Ensure public input in the formation, negotiation and implementation of trade policies as a means of fostering increased transparency in the light of country-specific conditions;

(l) Ensure that environmental policies provide the appropriate legal and institutional framework to respond to new needs for the protection of the environment that may result from changes in production and trade specialization.

Chapter 3 principle

3.5. (a) Focus on the empowerment of local and community groups through the principle of delegating authority, accountability and resources to the most appropriate level to ensure that the programme will be geographically and ecologically specific;

CHAPTER 5 NO MENTION OF PRINCIPLES

CHAPTER 6 PRINCIPLES

6.13 (iii) Intervention programmes, including measures consistent with the principles of the global AIDS strategy;

chapter 7 principle

Human settlement objective

7.4. The overall human settlement objective is to improve the social, economic and environmental quality of human settlements and the living and working environments of all people, in particular the urban and rural poor. Such improvement should be based on technical cooperation activities, **partnerships** among the public, private and community sectors and participation in the decision-making process by community groups and special interest groups such as women, indigenous people, the elderly and the disabled. These approaches should form the core principles of national settlement strategies. In developing these strategies, countries will need to set priorities among the eight programme areas in this chapter in accordance with their national plans and objectives, taking fully into account their social and cultural capabilities. Furthermore, countries should make appropriate provision to monitor the impact of their strategies on marginalized and disenfranchised groups, with particular reference to the needs of women.

7.9. The following activities should be undertaken:

(a) As a first step towards the goal of providing adequate shelter for all, all countries should take immediate measures to provide

shelter to their homeless poor, while the international community and financial institutions should undertake actions to support the efforts of the developing countries to provide shelter to the poor;

(b) All countries should adopt and/or strengthen national shelter strategies, with targets based, as appropriate, on the principles and recommendations contained in the Global Strategy for Shelter to the Year 2000. People should be protected by law against unfair eviction from their homes or land;

7.41. All countries should, as appropriate, adopt the following principles for the provision of environmental infrastructure:

(a) Adopt policies that minimize if not altogether avoid environmental damage, whenever possible;

(b) Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences;

(c) Promote development in accordance with indigenous practices and adopt technologies appropriate to local conditions;

(d) Promote policies aimed at recovering the actual cost of infrastructure services, while at the same time recognizing the need to find suitable approaches (including subsidies) to extend basic services to all households;

(e) Seek joint solutions to environmental problems that affect several localities.

chapter 4 PRINCIPLE

4.8. In principle, countries should be guided by the following basic objectives in their efforts to address consumption and lifestyles in the context of environment and development:

(a) All countries should strive to promote sustainable consumption patterns;

(b) Developed countries should take the lead in achieving sustainable consumption patterns;

(c) Developing countries should seek to achieve sustainable consumption patterns in their development process, guaranteeing the

provision of basic needs for the poor, while avoiding those unsustainable patterns, particularly in industrialized countries, generally recognized as unduly hazardous to the environment, inefficient and wasteful, in their development processes. This requires enhanced technological and other assistance from industrialized countries.

(d) Exercising leadership through government purchasing

4.23. Governments themselves also play a role in consumption, particularly in countries where the public sector plays a large role in the economy and can have a considerable influence on both corporate decisions and public perceptions. 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.

NO MENTION IN CHAPTER 5

NO MENTION IN CHAPTER 6

8.14. While there is continuous need for law improvement in all countries, many developing countries have been affected by shortcomings of laws and regulations. To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted. Technical support may be needed for many countries to accomplish these goals. Technical cooperation requirements in this field include legal information, advisory services and specialized training and institutional capacity-building.

8.21 (a) Enforceable, effective laws, regulations and standards that are based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress and deter future violations;

8.28. During the past several years, many Governments, primarily in industrialized countries but also in Central and Eastern Europe and in developing countries, have been making increasing use of economic approaches, including those that are market-oriented. Examples include the polluter-pays principle and the more recent natural-resource-user-pays concept.

10.6

(e) Encourage the principle of delegating policy-making to the lowest level of public authority consistent with effective action and a locally driven approach.

11.3. (e) To facilitate and support the effective implementation of the non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests, adopted by the United Nations Conference on Environment and Development, and on the basis of the implementation of these principles to consider the need for and the feasibility of all kinds of appropriate internationally agreed arrangements to promote international cooperation on forest management, conservation and sustainable development of all types of forests including afforestation, reforestation, and rehabilitation.

***ADEQUATE**

2.2. Economic policies of individual countries and international economic relations both have great relevance to sustainable development. The reactivation and acceleration of development requires both a dynamic and a supportive international economic environment and determined policies at the national level. It will be frustrated in the absence of either of these requirements. A supportive external economic environment is crucial. The development process will not gather momentum if the global economy lacks dynamism and stability and is beset with uncertainties. Neither will it gather momentum if the 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 of developing countries remain depressed. The record of the 1980s was essentially negative on each of these counts and needs to be reversed. The policies and measures needed to create an international environment that is strongly supportive of national development efforts are thus vital. International cooperation in this area should be designed to complement and support - not to diminish or subsume - sound domestic economic policies, in both developed and developing countries, if global progress towards sustainable development is to be achieved.

2.3.(c) Providing adequate financial resources to developing countries and dealing with international debt;

2.22. Governments should encourage GATT, UNCTAD and other relevant international and regional economic institutions to examine, in

accordance with their respective mandates and competences, the following propositions and principles:

(a) Elaborate adequate studies for the better understanding of the relationship between trade and environment for the promotion of sustainable development;

2.22

(i) Avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country. Environmental measures addressing transborder or global environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, *inter alia*, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and developmental requirements of developing countries as they move towards internationally agreed environmental objectives

C. Providing adequate financial resources to developing countries

Basis for action

2.23. Investment is critical to the ability of developing countries to achieve needed economic growth to improve the welfare of their populations and to meet their basic needs in a sustainable manner, all without deteriorating or depleting the resource base that underpins development. Sustainable development requires increased investment, for which domestic and external financial resources are needed. Foreign private investment and the return of flight capital, which depend on a healthy investment climate, are an important source of financial resources. Many developing countries have experienced a decade-long situation of negative net transfer of financial resources, during which their financial receipts were exceeded by payments they had to make, in particular for debt-servicing. As a result, domestically mobilized resources had to be transferred abroad instead of being invested locally in order to promote sustainable economic development.

3.8. (b) 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 (Combating Poverty, Agenda 21, 3.8.b)

3.8. (c) Provide substantial increases in economically efficient resource productivity and measures to ensure that the local population benefits in adequate measure from resource use;

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);

5.55. Coordination should be improved at local and international levels. Working practices should be enhanced in order to make optimum use of resources, draw on collective experience and improve the implementation of programmes. UNFPA and other relevant agencies should strengthen the coordination of international cooperation activities with recipient and donor countries in order to ensure that adequate funding is available to respond to growing needs.

5.3. 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.

6.12. (ii) Monitoring systems of epidemiological data to ensure adequate forecasting of the introduction, spread or aggravation of communicable diseases;

6.13 (i) Strengthen prevention programmes, with particular emphasis on adequate and balanced nutrition;

6.17. The health sector should develop adequate data on the distribution of communicable diseases, as well as the institutional capacity to respond and collaborate with other sectors for prevention, mitigation and correction of communicable disease hazards through environmental protection. The advocacy at policy- and decision-making levels should be gained, professional and societal support mobilized, and communities organized in developing self-reliance.

6.21. Women. In developing countries, the health status of women remains relatively low, and during the 1980s poverty, malnutrition and general ill-health in women were even rising. Most women in developing countries still do not have adequate basic educational opportunities and they lack the means of promoting their health, responsibly controlling their reproductive life and improving their socioeconomic status. Particular attention should be given to the provision of prenatal care to ensure healthy babies.

6.27 (iii) Carry out baseline surveys and knowledge, attitude and practice studies on the health and nutrition of women throughout their life cycle, especially as related to the impact of environmental degradation and adequate resources;

.632. For hundreds of millions of people, the poor living conditions in urban and peri-urban areas are destroying lives, health, and social and moral values. Urban growth has outstripped society's capacity to meet human needs, leaving hundreds of millions of people with inadequate incomes, diets, housing and services. Urban growth exposes populations to serious environmental hazards and has outstripped the capacity of municipal and local governments to provide the environmental health services that the people need. All too often, urban development is associated with destructive effects on the physical environment and the resource base needed for sustainable development. Environmental pollution in urban areas is associated with excess morbidity and mortality. Overcrowding and inadequate housing contribute to respiratory diseases, tuberculosis, meningitis and other diseases. In urban environments, many factors that affect human health are outside the health sector. Improvements in urban health therefore will depend on coordinated action by all levels of government, health care providers, businesses, religious groups, social and educational institutions and citizens.

6.33. The health and well-being of all urban dwellers must be improved so that they can contribute to economic and social development. The global objective is to achieve a 10 to 40 per cent improvement in health indicators by the year 2000. The same rate of improvement should be achieved for environmental, housing and health service indicators. These include the development of quantitative objectives for infant mortality, maternal mortality, percentage of low birth weight newborns and specific indicators (e.g. tuberculosis as an indicator of crowded housing, diarrhoeal diseases as indicators of inadequate water and sanitation, rates of industrial and transportation accidents that indicate possible opportunities for prevention of injury, and social problems such as drug abuse, violence and crime that indicate underlying social disorders).

6.40 (b) By the year 2000, to establish, as appropriate, adequate national infrastructure and programmes for providing environmental injury, hazard surveillance and the basis for abatement in all countries;

6.41 (k) Monitoring and assessment:

Establish, as appropriate, adequate environmental monitoring capacities for the surveillance of environmental quality and the health status of populations;

7.45.(b) Developing a cadre of professionals with adequate skills in integrated infrastructural service planning and maintenance of resource-efficient, environmentally sound and socially acceptable systems;

(c) Strengthening the institutional capacity of local authorities and administrators in the integrated provision of adequate infrastructure services in partnership with local communities and the private sector;

(d) Adopting appropriate legal and regulatory instruments, including cross-subsidy arrangements, to extend the benefits of adequate and affordable environmental infrastructure to unserved population groups, especially the poor.

7.60 (a) Completing national and local studies on the nature and occurrence of natural disasters, their impact on people and economic activities, the effects of inadequate construction and land use in hazard-prone areas, and the social and economic advantages of adequate pre-disaster planning;

NO MENTION OF ADEQUATE IN CHAPTER 8 OTHER THAN ADEQUATELY

NO MENTION OF ADEQUATE IN CHAPTER 10 OTHER THAN ADEQUATELY

11.24 (e) Facilitating the provision of adequate technological information as a measure to promote better utilization of forest resources.

11.31

(b) To provide economists, planners, decision makers and local communities with sound and adequate updated information on forests and forest land resources.

***DEBT**

NO MENTION OF DEBT IN CHAPTER 1

2.2. Economic policies of individual countries and international economic relations both have great relevance to sustainable development. The reactivation and acceleration of development requires both a dynamic and a supportive international economic environment and determined policies at the national level. It will be frustrated in the absence of either of these requirements. A supportive external economic environment is crucial. The development process will not gather momentum if the global economy lacks dynamism and stability and is beset with uncertainties. Neither will it gather momentum if the 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 of developing countries remain depressed. The record of the 1980s was essentially negative on each of these counts and needs to be reversed. The policies and measures needed to create an international environment that is strongly supportive of national development efforts are thus vital. International cooperation in this area should be designed to complement and support - not to diminish or subsume - sound domestic economic policies, in both developed and developing countries, if global progress towards sustainable development is to be achieved.

2.3 (c) Providing adequate financial resources to developing countries and dealing with international debt;

2.23. Investment is critical to the ability of developing countries to achieve needed economic growth to improve the welfare of their populations and to meet their basic needs in a sustainable manner, all without deteriorating or depleting the resource base that underpins development. Sustainable development requires increased investment, for which domestic and external financial resources are needed. Foreign private investment and the return of flight capital, which depend on a healthy investment climate, are an important source of financial resources. Many developing countries have experienced a decade-long situation of negative net

transfer of financial resources, during which their financial receipts were exceeded by payments they had to make, in particular for debt-servicing. As a result, domestically mobilized resources had to be transferred abroad instead of being invested locally in order to promote sustainable economic development.

2.24. For many developing countries, the reactivation of development will not take place without an early and durable solution to the problems of external indebtedness, taking into account the fact that, for many developing countries, external debt burdens are a significant problem. The burden of debt-service payments on those countries has imposed severe constraints on their ability to accelerate growth and eradicate poverty and has led to a contraction in imports, investment and consumption. External indebtedness has emerged as a main factor in the economic stalemate in the developing countries. Continued vigorous implementation of the evolving international debt strategy is aimed at restoring debtor countries' external financial viability, and the resumption of their growth and development would assist in achieving sustainable growth and development. In this context, additional financial resources in favour of developing countries and the efficient utilization of such resources are essential.

2.26. As discussed in Chapter 33, new and additional resources should be provided to support Agenda 21 programmes.

(b) Addressing the debt issue

2.27. In regard to the external debt incurred with commercial banks, the progress being made under the strengthened debt strategy is recognized and a more rapid implementation of this strategy is encouraged. Some countries have already benefited from the combination of sound adjustment policies and commercial bank debt reduction or equivalent measures. The international community encourages:

(a) Other countries with heavy debts to banks to negotiate similar commercial bank debt reduction with their creditors;

(b) The parties to such a negotiation to take due account of both the medium-term debt reduction and new money requirements of the debtor country;

(c) Multilateral institutions actively engaged in the strengthened international debt strategy to continue to support debt-reduction packages related to commercial bank debt with a view to ensuring that the magnitude of such financing is consonant with the evolving debt strategy;

(d) Creditor banks to participate in debt and debt-service reduction;

(e) Strengthened policies to attract direct investment, avoid unsustainable levels of debt and foster the return of flight capital.

2.28. With regard to debt owed to official bilateral creditors, the recent measures taken by the Paris Club with regard to more generous terms of relief to the poorest most indebted countries are welcomed. Ongoing efforts to implement these "Trinidad terms" measures in a manner commensurate with the payment's capacity of those countries and in a way that gives additional support to their economic reform efforts are welcomed. The substantial bilateral debt reduction undertaken by some creditor countries is also welcomed, and others which are in a position to do so are encouraged to take similar action.

2.29. The actions of low-income countries with substantial debt burdens which continue, at great cost, to service their debt and safeguard their creditworthiness are commended. Particular attention should be paid to their resource needs. Other debt-distressed developing countries which are making great efforts to continue to service their debt and meet their external financial obligations also deserve due attention.

2.30. In connection with multilateral debt, it is urged that serious attention be given to continuing to work towards growth-oriented solutions to the problem of developing countries with serious debt-servicing problems, including those whose debt is mainly to official creditors or to multilateral financial institutions. Particularly in the case of low-income countries in the process of economic reform, the support of the multilateral financial institutions in the form of new disbursements and the use of their concessional funds is welcomed. The use of support groups should be continued in providing resources to clear arrears of countries embarking upon vigorous economic reform programmes supported by IMF and the World Bank. Measures by the multilateral financial institutions such as the refinancing of interest on non-concessional loans with IDA reflows - "fifth dimension" - are noted with appreciation.

2.34. Many indebted developing countries are undergoing structural adjustment programmes relating to debt rescheduling or new loans. While such programmes are necessary for improving the balance in fiscal budgets and balance-of-payments accounts, in some cases they have resulted in adverse social and environmental effects, such as cuts in allocations for health care, education and environmental protection. It is important to ensure that structural adjustment programmes do not have negative impacts on the environment and social development so that such

programmes can be more in line with the objectives of sustainable development.

(o) 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)

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);

**NO MENTION OF DEBT IN CHAPTER 4
NO MENTION OF DEBT IN CHAPTER 5
NO MENTION OF DEBT IN CHAPTER 6
NO MENTION OF DEBT IN CHAPTER 7
NO MENTION OF DEBT IN CHAPTER 8
NO MENTION OF DEBT IN CHAPTER 10
NO MENTION OF DEBT IN CHAPTER 11**

***STRUCTURAL ADJUSTMENT**

2.12. Therefore, all countries should implement previous commitments to halt and reverse protectionism and further expand market access, particularly in areas of interest to developing countries. This improvement of market access will be facilitated by appropriate structural adjustment in developed countries. Developing countries should continue the trade-policy reforms and structural adjustment they have undertaken. It is thus urgent to achieve an improvement in market access conditions for commodities, notably through the progressive removal of barriers that restrict imports, particularly from developing countries, of commodity products in primary and processed forms, as well as the substantial and progressive reduction of types of support that induce uncompetitive production, such as production and export subsidies.

2.34. Many indebted developing countries are undergoing structural adjustment programmes relating to debt rescheduling or new loans. While such programmes are necessary for improving the balance in fiscal

budgets and balance-of-payments accounts, in some cases they have resulted in adverse social and environmental effects, such as cuts in allocations for health care, education and environmental protection. It is important to ensure that structural adjustment programmes do not have negative impacts on the environment and social development so that such programmes can be more in line with the objectives of sustainable development.

(e) 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);

**NO MENTION OF SAPS IN CHAPTER 5
NO MENTION OF SAPS IN CHAPTER 6
NO MENTION OF SAPS IN CHAPTER 8
NO MENTION OF SAPS IN CHAPTER 10
NO MENTION OF SAPS IN CHAPTER 11**

*** APPROPRIATE TECHNOLOGY**

5.3. 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.

***BEST PRACTICES**

**NO MENTION IN 2
NO MENTION IN CHAPTER 5**

(c) 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 smallholders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (3.5. combating Poverty, Agenda 21)

NO MENTION IN 4

NO MENTION OF BEST

NO MENTION IN 7

NO MENTION OF BEST IN CHAPTER 8

10.5 (a) To review and develop policies to support the best possible use of land and the sustainable management of land resources, by not later than 1996;

10.6. Governments at the appropriate level, with the support of regional and international organizations, should ensure that policies and policy instruments support the best possible land use and sustainable management of land resources. Particular attention should be given to the role of agricultural land. To do this, they should:

(a) Develop integrated goal-setting and policy formulation at the national, regional and local levels that takes into account environmental, social, demographic and economic issues;

(b) Develop policies that encourage sustainable land use and management of land resources and take the land resource base, demographic issues and the interests of the local population into account;

(c) Review the regulatory framework, including laws, regulations and enforcement procedures, in order to identify improvements needed to support sustainable land use and management of land resources and restricts the transfer of productive arable land to other uses;

(d) Apply economic instruments and develop institutional mechanisms and incentives to encourage the best possible land use and sustainable management of land resources;

(e) Encourage the principle of delegating policy-making to the lowest level of public authority consistent with effective action and a locally driven approach.

NO MENTION OF BEST IN CHAPTER 11

*PRACTICES

5.55. Coordination should be improved at local and international levels. Working practices should be enhanced in order to make optimum use of resources, draw on collective experience and improve the implementation of programmes. UNFPA and other relevant agencies should strengthen the coordination of international cooperation activities with recipient and donor countries in order to ensure that adequate funding is available to respond to growing needs.

6.5. (ii) Conduct environmental health research, including behaviour research and research on ways to increase coverage and ensure greater utilization of services by peripheral, under-served and vulnerable populations, as appropriate to good prevention services and health care;

(iii) Conduct research into traditional knowledge of prevention and curative health practices.

6.13 (d) Control of environmental factors that influence the spread of communicable diseases:

Apply methods for the prevention and control of communicable diseases, including water supply and sanitation control, water pollution control, food quality control, integrated vector control, garbage collection and disposal and environmentally sound irrigation practices;

8.9. Governments, in collaboration with the national and international scientific community and in cooperation with international organizations, as appropriate, should intensify efforts to clarify the interactions between and within social, economic and environmental considerations. Research should be undertaken with the explicit objective of assisting policy decisions and providing recommendations on improving management practices.

8.14. While there is continuous need for law improvement in all countries, many developing countries have been affected by shortcomings of laws and regulations. To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted. Technical support may be needed for many countries to accomplish these goals. Technical cooperation requirements in this field

include legal information, advisory services and specialized training and institutional capacity-building.

8.22. Contracting parties to international agreements, in consultation with the appropriate secretariats of relevant international conventions as appropriate, should improve practices and procedures for collecting information on legal and regulatory measures taken. Contracting parties to international agreements could undertake sample surveys of domestic follow-up action subject to agreement by the sovereign States concerned.

8.42. The main objective is to expand existing systems of national economic accounts in order to integrate environment and social dimensions in the accounting framework, including at least satellite systems of accounts for natural resources in all member States. The resulting systems of integrated environmental and economic accounting (IEEA) to be established in all member States at the earliest date should be seen as a complement to, rather than a substitute for, traditional national accounting practices for the foreseeable future. IEEAs would be designed to play an integral part in the national development decision-making process. National accounting agencies should work in close collaboration with national environmental statistics as well as the geographic and natural resource departments. The definition of economically active could be expanded to include people performing productive but unpaid tasks in all countries. This would enable their contribution to be adequately measured and taken into account in decision-making.

8.44. The Department of Economic and Social Development of the United Nations Secretariat, in close collaboration with other relevant United Nations organizations, should:

(a) Support, in all member States, the utilization of sustainable development indicators in national economic and social planning and decision-making practices, with a view to ensuring that IEEAs are usefully integrated in economic development planning at the national level;

10.7 (d) Strengthen management systems for land and natural resources by including appropriate traditional and indigenous methods; examples of these practices include pastoralism, Hema reserves (traditional Islamic land reserves) and terraced agriculture;

11.23

(c) Improving environmentally sound methods and practices of forest harvesting, which are ecologically sound and economically viable, including planning and management, improved use of equipment, storage and transportation to reduce and, if possible, maximize the use of waste and improve value of both wood and non-wood forest products;

11.23 (c) Improving environmentally sound methods and practices of forest harvesting, which are ecologically sound and economically viable, including planning and management, improved use of equipment, storage and transportation to reduce and, if possible, maximize the use of waste and improve value of both wood and non-wood forest products;

11.23 (d) Promoting the better use and development of natural forests and woodlands, including planted forests, wherever possible, through appropriate and environmentally sound and economically viable activities, including silviculture practices and management of other plant and animal species;

***APPROPRIATE
NO MENTION IN CHAPTER 3**

***GRASSROOTS**

NO MENTION OF GRASSROOTS IN CHAPTER 1

3.7. (c) Promoting or establishing grass-roots mechanisms to allow for the sharing of experience and knowledge between communities;

NO MENTION OF GRASSROOTS IN CHAPTER 2

NO MENTION OF GRASSROOTS IN CHAPTER 4

NO MENTION OF GRASSROOTS IN CHAPTER 5

NO MENTION OF GRASSROOTS IN CHAPTER 6

NO MENTION OF GRASSROOTS IN CHAPTER 7

NO MENTION OF GRASSROOTS IN CHAPTER 8

NO MENTION OF GRASSROOTS IN CHAPTER 10

NO MENTION OF GRASSROOTS IN CHAPTER 11

***COMMUNITY**

3.5. Activities that will contribute to the integrated promotion of sustainable livelihoods and environmental protection cover a variety of sectoral interventions involving a range of actors, from local to global, and are essential at every level, especially the community and local levels. Enabling actions will be necessary at the national and international levels, taking full account of regional and sub-regional conditions to support a locally driven and country-specific approach. In general design, the programmes should:

(a) Focus on the empowerment of local and community groups through the principle of delegating authority, accountability and resources to the most appropriate level to ensure that the programme will be geographically and ecologically specific;

(b) Contain immediate measures to enable those groups to alleviate poverty and to develop sustainability;

(c) 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 smallholders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (3.5. combating Poverty, Agenda 21)

3.7. Sustainable development must be achieved at every level of society. Peoples' organizations, women's groups and non-governmental organizations are important sources of innovation and action at the local level and have a strong interest and proven ability to promote sustainable livelihoods. Governments, in cooperation with appropriate international and non-governmental organizations, should support a community-driven approach to sustainability, which would include, inter alia:

(a) Empowering women through full participation in decision-making;

(b) Respecting the cultural integrity and the rights of indigenous people and their communities;

(c) Promoting or establishing grass-roots mechanisms to allow for the sharing of experience and knowledge between communities;

(d) Giving communities a large measure of participation in the sustainable management and protection of the local natural resources in order to enhance their productive capacity;

(e) Establishing a network of community-based learning centres for capacity-building and sustainable development.

3.7. (e) Establishing a network of community-based learning centres for capacity-building and sustainable development.

3.8. Governments, with the assistance of and in cooperation with appropriate international, non-governmental and local community organizations, should establish measures that will directly or indirectly:

(a) Generate remunerative employment and productive occupational opportunities compatible with country-specific factor endowments, on a scale sufficient to take care of prospective increases in the labour force and to cover backlogs;

(b) 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 (Combating Poverty, Agenda 21, 3.8.b)

(c) Provide substantial increases in economically efficient resource productivity and measures to ensure that the local population benefits in adequate measure from resource use;

(d) Empower community organizations and people to enable them to achieve sustainable livelihoods;

(e) Set up an effective primary health care and maternal health care system accessible to all;

(f) 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. Combating Poverty, Agenda 21, UNCED;

(g) Rehabilitate degraded resources, to the extent practicable, and introduce policy measures to promote sustainable use of resources for basic human needs;

(h) Establish new community-based mechanisms and strengthen existing mechanisms to enable communities to gain sustained access to resources needed by the poor to overcome their poverty;

(i) Implement mechanisms for popular participation - particularly by poor people, especially women - in local community groups, to promote sustainable development;

(j) 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-partum. 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. Combating Poverty, Agenda 21, 1992)

(k) Adopt integrated policies aiming at sustainability in the management of urban centres;

(l) Undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture;

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

(n) Actively seek to recognize and integrate informal-sector activities into the economy by removing regulations and hindrances that discriminate against activities in those sectors;

(o) 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)

(p) Provide the poor with access to fresh water and sanitation;

(q) Provide the poor with access to primary education.

(b) Capacity-building

3.12. National capacity-building for implementation of the above activities is crucial and should be given high priority. It is particularly important to focus capacity-building at the local community level in order to support a community-driven approach to sustainability and to establish and strengthen mechanisms to allow sharing of experience and knowledge between community groups at national and international levels. Requirements for such activities are considerable and are related to the various relevant sectors of Agenda 21 calling for requisite international, financial and technological support.

***COMMUNITY**

NO MENTION OF COMMUNITY IN CHAPTER 1 (OTHER THAN INTERNATIONAL

NO MENTION OF COMMUNITY IN CHAPTER 2 (OTHER THAN INTERNATIONAL

5.5. c) To assess human vulnerability in ecologically sensitive areas and centres of population to determine the priorities for action at all levels, taking full account of community defined needs.

Activities

5.8. In order to integrate demographic analysis into a broader social science perspective on environment and development, interdisciplinary research should be increased. International institutions and networks of experts should enhance their scientific capacity, taking full account of community experience and knowledge, and should disseminate the experience gained in multidisciplinary approaches and in linking theory to action.

5.44. Governments and local communities, including community-based women's organizations and national non-governmental organizations, consistent with national plans, objectives, strategies and priorities, could, inter alia, undertake the activities set out below with the assistance and cooperation of international organizations, as appropriate. Governments could share their experience in the implementation of Agenda 21 at the International Conference on Population and Development, to be held in 1994, especially its committee on population and environment.

5.45. An effective consultative process should be established and implemented with concerned groups of society where the formulation and decision-making of all components of the programmes are based on a nationwide consultative process drawing on community meetings, regional workshops and national seminars, as appropriate. This process should ensure that views of women and men on needs, perspective and constraints are equally well reflected in the design of programmes, and that solutions are rooted in specific experience. The poor and underprivileged should be priority groups in this process.

NO MENTION OF COMMUNITY IN CHAPTER 4

6.1. 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. Action items under Agenda 21 must address the primary health needs of the world's population, since they are integral to the achievement of the goals of sustainable development and primary environmental care. The linkage of health, environmental and socioeconomic improvements requires inter-sectoral efforts. Such efforts, involving education, housing, public works and community groups, including businesses, schools and universities and religious, civic and cultural organizations, are aimed at enabling people in their communities to ensure sustainable development. Particularly relevant is the inclusion of prevention programmes rather than relying solely on remediation and treatment. Countries ought to develop plans for priority actions, drawing on the programme areas in this chapter, which are based on cooperative planning by the various levels of government, non-governmental organizations and local communities. An appropriate international organization, such as WHO, should coordinate these activities.

6.5. (i) Develop and strengthen primary health care systems that are practical, community-based, scientifically sound, socially acceptable and appropriate to their needs and that

meet basic health needs for clean water, safe food and sanitation;

6.5. (xi) Promote and strengthen community-based rehabilitation activities for the rural handicapped.

6.5. (i) Establish mechanisms for sustained community involvement in environmental health activities, including optimization of the appropriate use of community financial and human resources;

6.7. New approaches to planning and managing health care systems and facilities should be tested, and research on ways of integrating appropriate technologies into health infrastructures supported. The development of scientifically sound health technology should enhance adaptability to local needs and maintainability by community resources, including the maintenance and repair of equipment used in health care. Programmes to facilitate the transfer and sharing of information and expertise should be developed, including communication methods and educational materials.

Chapter 7 Community

7.4. The overall human settlement objective is to improve the social, economic and environmental quality of human settlements and the living and working environments of all people, in particular the urban and rural poor. Such improvement should be based on technical cooperation activities, partnerships among the public, private and community sectors and participation in the decision-making process by community groups and special interest groups such as women, indigenous people, the elderly and the disabled. These approaches should form the core principles of national settlement strategies. In developing these strategies, countries will need to set priorities among the eight programme areas in this chapter in accordance with their national plans and objectives, taking fully into account their social and cultural capabilities. Furthermore, countries should make appropriate provision to monitor the impact of their strategies on marginalized and disenfranchised groups, with particular reference to the needs of women.

6.8. Inter-sectoral approaches to the reform of health personnel development should be strengthened to ensure its relevance to the "Health for All" strategies. Efforts to enhance managerial skills at the district level should be supported, with the aim of ensuring the systematic development and efficient operation of the basic health system. Intensive, short, practical training programmes with emphasis on skills in effective communication, community organization and facilitation of behaviour change should be developed in order to prepare the local personnel of all

sectors involved in social development for carrying out their respective roles. In cooperation with the education sector, special health education programmes should be developed focusing on the role of women in the health-care system.

6.9. Governments should consider adopting enabling and facilitating strategies to promote the participation of communities in meeting their own needs, in addition to providing direct support to the provision of health-care services. A major focus should be the preparation of community-based health and health-related workers to assume an active role in community health education, with emphasis on team work, social mobilization and the support of other development workers. National programmes should cover district health systems in urban, peri-urban and rural areas, the delivery of health programmes at the district level, and the development and support of referral services.

6.12. (g) By the year 2000, to provide 95 per cent of the world's child population with access to appropriate care for acute respiratory infections within the community and at first referral level;

6.16. National and regional training institutions should promote broad inter-sectoral approaches to prevention and control of communicable diseases, including training in epidemiology and community prevention and control, immunology, molecular biology and the application of new vaccines. Health education materials should be developed for use by community workers and for the education of mothers for the prevention and treatment of diarrhoeal diseases in the home.

6.27.(i) Involve women's groups in decision-making at the national and community levels to identify health risks and incorporate health issues in national action programmes on women and development;

6.30. The development of human resources for the health of children, youth and women should include reinforcement of educational institutions, promotion of interactive methods of education for health and increased use of mass media in disseminating information to the target groups. This requires the training of more community health workers, nurses, midwives, physicians, social scientists and educators, the education of mothers, families and communities and the strengthening of ministries of education, health, population etc.

6.34. (v) Promote and strengthen community-based rehabilitation activities for the urban and peri-urban disabled and the elderly;

6.46. Each country should develop the knowledge and practical skills to foresee and identify environmental health hazards, and the capacity to reduce the risks. Basic capacity requirements must include knowledge about environmental health problems and awareness on the part of leaders, citizens and specialists; operational mechanisms for inter-sectoral and intergovernmental cooperation in development planning and management and in combating pollution; arrangements for involving private and community interests in dealing with social issues; delegation of authority and distribution of resources to intermediate and local levels of government to provide front-line capabilities to meet environmental health needs.

7.9 (e) All countries should support and develop environmentally compatible shelter strategies at national, state/provincial and municipal levels through partnerships among the private, public and community sectors and with the support of community-based organizations;

7.16 (ii) Providing specific assistance to the poorest of the urban poor through, inter alia, the creation of social infrastructure in order to reduce hunger and homelessness, and the provision of adequate community services;

7.16. (iii) Encouraging the establishment of indigenous community-based organizations, private voluntary organizations and other forms of non-governmental entities that can contribute to the efforts to reduce poverty and improve the quality of life for low-income families;

7.20(g) Empower community groups, non-governmental organizations and individuals to assume the authority and responsibility for managing and enhancing their immediate environment through participatory tools, techniques and approaches embodied in the concept of environmental care

7.30 (b) Create, where appropriate, efficient and accessible land markets that meet community development needs by, inter alia, improving land registry systems and streamlining procedures in land transactions;

(d) Encourage partnerships among the public, private and community sectors in managing land resources for human settlements development;

(e) Strengthen community-based land-resource protection practices in existing urban and rural settlements;

7.39. All countries should assess the environmental suitability of infrastructure in human settlements, develop national goals for sustainable management of waste, and implement environmentally sound technology to ensure that the environment, human health and quality of life are protected. Settlement infrastructure and environmental programmes designed to promote an integrated human settlements approach to the planning, development, maintenance and management of environmental infrastructure (water supply, sanitation, drainage, solid-waste management) should be strengthened with the assistance of bilateral and multilateral agencies. Coordination among these agencies and with collaboration from international and national representatives of local authorities, the private sector and community groups should also be strengthened. The activities of all agencies engaged in providing environmental infrastructure should, where possible, reflect an ecosystem or metropolitan area approach to settlements and should include monitoring, applied research, capacity-building, transfer of appropriate technology and technical cooperation among the range of programme activities.

7.54 (b) Raise public awareness of the environmental impacts of transport and travel behaviour through mass media campaigns and support for non-governmental and community initiatives promoting the use of non-motorized transport, shared driving and improved traffic safety measures;

7.61 (h) Developing training programmes for emergency site managers, non-governmental organizations and community groups which cover all aspects of disaster mitigation, including urban search and rescue, emergency communications, early warning techniques, and pre-disaster planning;

7.61 (j) Preparing action plans for the reconstruction of settlements, especially the reconstruction of community life-lines.

7.65. Developing countries should conduct training programmes on disaster-resistant construction methods for contractors and builders, who build the majority of housing in the developing countries. This should focus on the small business enterprises, which build the majority of housing in the developing countries. 7.66. Training programmes should be extended to government officials and planners and community and non-governmental organizations to cover all aspects of disaster mitigation, such as early warning techniques, pre-disaster planning and construction, post-disaster construction and rehabilitation.

7.75. Most countries, in addition to shortcomings in the availability of specialized expertise in the areas of housing, settlement management, land management, infrastructure, construction, energy, transport, and pre-

disaster planning and reconstruction, face three cross-sectoral human resource development and capacity-building shortfalls. First is the absence of an enabling policy environment capable of integrating the resources and activities of the public sector, the private sector and the community, or social sector; second is the weakness of specialized training and research institutions; and third is the insufficient capacity for technical training and assistance for low-income communities, both urban and rural.

7.77

(b) Creating an enabling policy environment supportive of the partnership between the public, private and community sectors;

777(d) Providing direct assistance for human settlement development at the community level, *inter alia*, by:

7.77 (ii) Facilitating coordination of the activities of women, youth, community groups and non-governmental organizations in human settlements development;

8.9. Governments, in collaboration with the national and international scientific community and in cooperation with international organizations, as appropriate, should intensify efforts to clarify the interactions between and within social, economic and environmental considerations. Research should be undertaken with the explicit objective of assisting policy decisions and providing recommendations on improving management practices.

10.11(d) Support low-cost, community-managed systems for the collection of comparable information on the status and processes of change of land resources, including soils, forest cover, wildlife, climate and other elements.

10.14. Governments at the appropriate level, in collaboration with the national and international scientific community and with the support of appropriate national and international organizations, should promote and support research, tailored to local environments, on the land resources system and the implications for sustainable development and management practices. Priority should be given, as appropriate, to:

(a) Assessment of land potential capability and ecosystem functions;

(b) Eco-systemic interactions and interactions between land resources and social, economic and environmental systems;

(c) Developing indicators of sustainability for land resources, taking into account environmental, economic, social, demographic, cultural and political factors.

10.15. Governments at the appropriate level, in collaboration with the national and international scientific community and with the support of the relevant international organizations, should research and test, through pilot projects, the applicability of improved approaches to the integrated planning and management of land resources, including technical, social and institutional factors.

10.16

(c) Training communities, relevant extension services, community-based groups and non-governmental organizations on land management techniques and approaches applied successfully elsewhere.

11.31 (b) To provide economists, planners, decision makers and local communities with sound and adequate updated information on forests and forest land resources.

INDIGENOUS

5.24. The impact of national demographic trends and factors on the traditional livelihoods of indigenous groups and local communities, including changes in traditional land use because of internal population pressures, should be studied.

5.53. Constituencies and institutional conditions to facilitate the implementation of demographic activities should, as appropriate, be fostered. This requires support and commitment from political, indigenous, religious and traditional authorities, the private sector and the national scientific community. In developing these appropriate institutional conditions, countries should closely involve established national machinery for women.

7.16 (iii) Encouraging the establishment of indigenous community-based organizations, private voluntary organizations and other forms of non-governmental entities that can contribute to the efforts to reduce poverty and improve the quality of life for low-income families;

7.20(g) Empower community groups, non-governmental organizations and individuals to assume the authority and responsibility for managing and enhancing their immediate environment through participatory tools, techniques and approaches embodied in the concept of environmental care

8.5.(d) Adopting integrated management systems, particularly for the management of natural resources; traditional or indigenous methods

should be studied and considered wherever they have proved effective; women's traditional roles should not be marginalized as a result of the introduction of new management systems;

11.2. There are major weaknesses in the policies, methods and mechanisms adopted to support and develop the multiple ecological, economic, social and cultural roles of trees, forests and forest lands. Many developed countries are confronted with the effects of air pollution and fire damage on their forests. More effective measures and approaches are often required at the national level to improve and harmonize policy formulation, planning and programming; legislative measures and instruments; development patterns; participation of the general public, especially women and indigenous people; involvement of youth; roles of the private sector, local organizations, non-governmental organizations and cooperatives; development of technical and multidisciplinary skills and quality of human resources; forestry extension and public education; research capability and support; administrative structures and mechanisms, including inter-sectoral coordination, decentralization and responsibility and incentive systems; and dissemination of information and public relations. This is especially important to ensure a rational and holistic approach to the sustainable and environmentally sound development of forests. The need for securing the multiple roles of forests and forest lands through adequate and appropriate institutional strengthening has been repeatedly emphasized in many of the reports, decisions and recommendations of FAO, ITTO, UNEP, the World Bank, IUCN and other organizations.

***PARTNERSHIPS**

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 ecosystems on which we depend for our well-being. However, integration of environment and development concerns and greater attention to them will lead to the fulfillment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future. No nation can achieve this on its own; but together we can - in a global partnership for sustainable development.

1.2. This global partnership must build on the premises of General Assembly resolution 44/228 of 22 December 1989, which was adopted when the nations of the world called for the United Nations Conference on Environment and Development, and on the acceptance of the need to take a balanced and integrated approach to environment and development questions.

1.6. The programme areas that constitute Agenda 21 are described in terms of the basis for action, objectives, activities and means of implementation. Agenda 21 is a dynamic programme. It will be carried out by the various actors according to the different situations, capacities and priorities of countries and in full respect of all the principles contained in the Rio Declaration on Environment and Development. It could evolve over time in the light of changing needs and circumstances. This process marks the beginning of a new global partnership for sustainable development.

*PARTNER

2.1. In order to meet the challenges of environment and development, States decided to establish a new global partnership. This partnership commits all States to engage in a continuous and constructive dialogue, inspired by the need to achieve a more efficient and equitable world economy, keeping in view the increasing interdependence of the community of nations, and that sustainable development should become a priority item on the agenda of the international community. It is recognized that, for the success of this new partnership, it is important to overcome confrontation and to foster a climate of genuine cooperation and solidarity. It is equally important to strengthen national and international policies and multinational cooperation to adapt to the new realities.

2.5. An open, equitable, secure, non-discriminatory and predictable multilateral trading system that is consistent with the goals of sustainable development and leads to the optimal distribution of global production in accordance with comparative advantage is of benefit to all trading partners. Moreover, improved market access for developing countries' exports in conjunction with sound macroeconomic and environmental policies would have a positive environmental impact and therefore make an important contribution towards sustainable development.

NO MENTION OF PARTNER IN CHAPTER 3

NO MENTION OF PARTNER IN CHAPTER 4

NO MENTION OF PARTNER IN CHAPTER 5

6.38. The programme is aimed towards improved planning and management capabilities in the municipal and local government and its partners in central Government, the private sector and universities. Capacity development should be focused on obtaining sufficient information, improving coordination mechanisms linking all the key actors, and making better use of available instruments and resources for implementation.

*man, men mankind

2.4. Governments recognize that there is a new global effort to relate the elements of the international economic system and mankind's need for a safe and stable natural environment. Therefore, it is the intent of Governments that consensus-building at the intersection of the environmental and trade and development areas will be ongoing in existing international forums, as well as in the domestic policy of each country.

NO MENTION MANKIND IN CHAPTER 3

NO MENTION OF MANKIND IN CHAPTER 5

NO MENTION OF MANKIND IN CHAPTER 6

8.2. Prevailing systems for decision-making in many countries tend to separate economic, social and environmental factors at the policy, planning and management levels. This influences the actions of all groups in society, including Governments, industry and individuals, and has important implications for the efficiency and sustainability of development. An adjustment or even a fundamental reshaping of decision-making, in the light of country-specific conditions, may be necessary if environment and development is to be put at the centre of economic and political decision-making, in effect achieving a full integration of these factors. In recent years, some Governments have also begun to make significant changes in the institutional structures of government in order to enable more systematic consideration of the environment when decisions are made on economic, social, fiscal, energy, agricultural, transportation, trade and other policies, as well as the implications of policies in these areas for the environment. New forms of dialogue are also being developed for achieving better integration among national and local government, industry, science, environmental groups and the public in the process of developing effective approaches to environment and development. The responsibility for bringing about changes lies with Governments in partnership with the private sector and local authorities, and in collaboration with national, regional and international organizations, including in particular UNEP, UNDP and the World Bank. Exchange of experience between countries can also be significant. National plans, goals and objectives, national rules, regulations and law, and the specific situation in which different countries are placed are the overall framework in which such integration takes place. In this context, it must be borne in mind that environmental standards may pose severe economic and social costs if they are uniformly applied in developing countries.

NO MENTION OF PARTNER OR PARTNERSHIP IN CHAPTER 10

NO MENTION OF PARTNER OR PARTNERSHIP IN CHAPTER 11

*CONSENSUS

1.3. Agenda 21 addresses the pressing problems of today and also aims at preparing the world for the challenges of the next century. It reflects a global consensus and political commitment at the highest level on development and environment cooperation. Its successful implementation is first and foremost the responsibility of Governments. ^{1/} National strategies, plans, policies and processes are crucial in achieving this. International cooperation should support and supplement such national efforts. In this context, the United Nations system has a key role to play. Other international, regional and sub-regional organizations are also called upon to contribute to this effort. The broadest public participation and the active involvement of the non-governmental organizations and other groups should also be encouraged.

2.4. Governments recognize that there is a new global effort to relate the elements of the international economic system and mankind's need for a safe and stable natural environment. Therefore, it is the intent of Governments that consensus-building at the intersection of the environmental and trade and development areas will be ongoing in existing international forums, as well as in the domestic policy of each country.

2.22 (i) Avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country. Environmental measures addressing trans-border or global environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, *inter alia*, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and developmental requirements of developing countries as they move towards internationally agreed environmental objectives;

NO MENTION OF CONSENSUS IN CHAPTER 3
NO MENTION OF CONSENSUS IN CHAPTER 5
NO MENTION OF CONSENSUS IN CHAPTER 6
NO MENTION OF CONSENSUS IN CHAPTER 8
NO MENTION OF CONSENSUS IN CHAPTER 10

11.13(e) To facilitate and support the effective implementation of the non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests, adopted by the United Nations Conference on Environment and Development, and on the basis of the implementation of these principles to consider the need for and the feasibility of all kinds of appropriate internationally agreed arrangements to promote international cooperation on forest management, conservation and sustainable development of all types of forests including afforestation, reforestation, and rehabilitation.

*STAKEHOLDER

NO MENTION IN CHAPTER 2

NO MENTION OF STAKEHOLDER IN CHAPTER 5

NO STAKEHOLDER IN CHAPTER 8

NO STAKEHOLDER IN CHAPTER 10

NO STAKEHOLDER IN CHAPTER 11

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site

external research program

peter spurr4777678

() THAT in 1996, I circulated a statement about Canada's international obligations

EXHIBIT

BACKGROUND: CANADA'S INTERNATIONAL OBLIGATIONS INCLUDE COMPLIANCE AT ALL GOVERNMENT LEVELS.

1996

Joan Russow (PhD) Global Compliance Research Project

The Canadian government has incurred obligations through the Charter of the United Nations, and through Conventions and Treaties; and the Canadian government has created expectations through its endorsement of Conference action plans, Declarations and General Assembly resolutions.

The Canadian government, as a signatory to various international conventions, is bound to perform any treaty in good faith by ensuring the necessary conditions are in place for the performance of the treaty.

1 Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada in 1970, and in force, 1980, Canada, as a

signatory to this Convention has been obliged to ensure the performance of treaties in the following ways:

- (i) “to establish condition under which justice and respect for obligations arising from treaties can be maintained” (Preamble)
 - (ii) “to demonstrate, through the process of ratification (accession) of a Treaty, that the State has “established on the international plane its consent to be bound by a treaty” (Article 2)
 - (iii) to not defeat the purpose of the convention prior to its coming into forces (Art 18)
 - (iv) to observe that “every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)
 - (v) to prohibit the instituting of internal laws that would prevent the discharging of obligations under conventions (Art 27)
 - (vi) to interpret a treaty by agreeing 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. (Article 31).
 - (vii) to not create a situation that would make it impossible to discharge its obligations under the convention (Art 60).
- (2) The Federal government after ratifying international agreements has undertaken to enact the necessary legislation to ensure compliance (as stated in the 1981, document on Canadian reply to Questionnaire on Parliament and the Treaty-making Power”).

Since 1982, Canada through an internationally distributed policy paper on “Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power”, has undertaken to ensure that the necessary legislation is enacted to ensure compliance.

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

or by-passing implementing legislation:

The point we wish to make here is that in Canada implementing legislation is only necessary if the performance of treaty obligations cannot be done under existing law or thorough executive action.

If the existing laws of Canada (including Provincial and Federal Statutes, as well as the general rules of common law and the civil code of the Province of Quebec) do not confer upon the Government of Canada the

capacity to discharge the obligations it proposes to undertake in a treaty, then it will be necessary for the appropriate legislative body, federal or provincial, to enact legislation to enable Canada to discharge its treaty obligations.

2 The provincial government has endorsed the Biodiversity Convention and the Framework Convention on Climate Change at the Cabinet level (see Cabinet Submission- "UNCED Follow-up: Endorsement of International Conventions on Climate Change and biological Diversity, November 4, 1992) As a result of this endorsement and as a result of the continual consultation process with the B.C. Government, and as both biodiversity and Climate change are matters of "national concern", the province of B.C. is bound by the two Conventions. Similarly, B.C. government has the constitutional authority over regional and municipal governments (Section 92), and consequently would be bound not to (a) "defeat the purpose of the Conventions", (b) permit "internal laws that would prevent the discharging of obligations under the conventions" and (c) create a situation that would make it impossible to discharge its obligations under the convention"

Not only is the government of British Columbia bound by Conventions and Treaties, but it is also responsible under the Doctrine of Legitimate expectations for the fulfilling of expectations created through globally adopted Conference Action plans, and through statements publicly distributed. The doctrine of legitimate expectation justifies the considering of what is usually deemed to be only of moral suasion in a legal context. the Doctrine of Legitimate Expectation has been recognized in Common Law and has been described in the following way:

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)

The government of B.C. would thus be responsible for fulfilling the expectations created in conferences such as the United Nations Conference on Environment and Development (1992); the United Nations Conference on Women (1995) and the Habitat II Conference (1996). In addition, through a letter (March 1992) distributed by the B.C. Ministry of Forests and Environment the government has created an expectation to fulfill the recommendations under the Caracas Declaration on Parks.

At recent United Nations Conferences, the United Nations Conference on Women, and the Habitat II Conference, the Canadian government has undertaken "to ensure that corporations including transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws (Art 167). Underlying this undertaking is the assumption that each state government would itself comply with its own national codes and would discharge its own international obligations. The Canadian government,

through ratifying the Convention on the Law of Treaties, has undertaken to not invoke internal laws which would prevent the discharging of its obligations. Internal laws such as those reflected in provincial, regional and decisions would be included in the designation of "internal laws Topic

A Conversation with Graham Saul and Linda Solomon Wood

Description

Executive Director of Nature Canada, Graham Saul joins Linda Solomon Wood to talk about environmental justice, a green recovery deal and how we can build better cities. Saul leads one of the oldest national nature conservation charities in Canada, Nature Canada. For 80 years, the organization has helped protect over 110 million acres of parks and wildlife areas in Canada and countless species.

Time

As a result of these undertakings, government actions at the local and regional level must be in compliance with international obligations and expectations, and governments at the local and regional level must ensure that international obligations are discharged and internationally created expectations fulfilled. By ratifying the Biodiversity Convention, the Canadian government, has undertaken to invoke the precautionary principle to (a) prevent the loss or reduction of biodiversity, (b) identify biodiversity; (c) carry out and environmental assessment review of any practices or actions that could contribute to the loss or reduction of biodiversity. Through the Climate Change Convention, the Canadian government has undertaken to conserve carbon sinks, and reduce CO2 emission. Through adopting the conference action plans such conservation, in particular water conservation, and through adopting the Habitat II Agenda, the Canadian government has agreed to reduce the "ecological footprint", preserve Greenbelts, understand Eco-cycles, and prevent disasters.

() THAT in 1996, I wrote an UPDATE OF GLOBAL COMPLIANCE PROJECT (GCRP) EXHIBIT

The essence of the GCRP project has been to call upon states to translate the words of rhetoric into the action of compliance, implementation and enforcement.

In June, 1995, at the "We the Peoples." Conference in San Francisco, the GCR Project initiated a workshop on the Global Compliance resolution, and circulated the Global Compliance Resolution; the Global Compliance resolution was, adopted by the plenary and forwarded to The Secretary General of the United Nations, Dr. Boutros Boutros Ghali who subsequently sent a letter of support for the resolution. The Global Compliance resolution called upon states to demonstrate the political will on the 50th Anniversary to the United Nations to discharge 50 years of obligations and fulfill 50 years of expectations by signing what they have not yet signed, by ratifying what they had not yet ratified, by enacting the necessary legislation to ensure compliance and implementation, and by undertaking to enforce and monitor the enforcement of the legislation. Letters with a Global Compliance Resolution were sent to all the state contacts for the UN 50th Anniversary. The Compliance resolution was also circulated in Beijing, and a subsequent meetings and conferences.

The GCR project also did a content analysis of the Platform of Action and in particular an analysis of specific language related to action such as “implementation”: A “Covenant of Implementation” (12 page scroll on single space 9-point type), was prepared and presented at a community meeting in Victoria, at the Praxis Women’s conference at the University of Victoria, and then circulated it internationally.

The GCR project also participated at the follow-up meeting of UN Commission on the Status of Women in New York in March 1996. The GCR project proposed, at one of the plenaries discussing optional protocols, a call for an International Court of Compliance where citizens could take evidence of state non-compliance. The GCR Project organized a workshop on the International Court of Compliance, presented the proposal to the NGO in the NGO briefing session, and then circulated a petition to state delegations.,

The GCR Project also participated in the Habitat II Conference, and prepared a 150-page book, “A comment on the Habitat II Agenda: “Moving Beyond Habitat I to discharging obligations and fulfilling expectations.

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This book included the articles of the Habitat II Agenda in sequence, placing each of the bracketed sections of the draft Habitat II Agenda in the context of Habitat I and in the context of previous obligations and expectations. This document was distributed to state delegations at the Habitat II Conference in Istanbul. At this conference, the GCR Project initiated a Global Compliance Caucus where the Global Compliance resolution and the petition for an International Court of Compliance were reviewed, revised and distributed, chaired the urbanization caucus, and was on the editorial committee for preparing the NGO submission to Committee II. The GCR Project also made several interventions to Committee II on the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) Practices, and on the need to substantially reduce the military budget and transfer the funds ,as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

At the end of the of the Beijing and Habitat conferences, the GCR Project had a network of over 100 representatives from over 70 states worldwide. It is undertaking to increase this representation to over 150 states. There is a network of over 20 women in Canada, involving representatives from Universities and research institutions from a wide range of disciplines, and activists. The GCR Project is currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II, and adding additional international obligations and expectations omitted in the previous publication or incurred or created through

recent International agreements. In addition, the project is (a) extracting international principles and delineating proposals on what would constitute compliance with these international obligations, and expectations; and (b) undertaking to do a comparative analysis among states of the systemic constraints that are preventing states from the discharging of obligations and from the fulfilling of expectations.

TITLE OF THE PROJECT

Synthesis of **Obligations Incurred and Expectations Created.: Knowledge of International Agreements as an Instrument of Change**

GOALS AND OBJECTIVES OF THE PROJECT

The overall goal of the Global Compliance Research Project is to carry out extensive and continuing research into significant obligations incurred and expectations created through international agreements, and to disseminate this information to a global wide network of academics/researchers/activists. Through the publication and distribution of the "Charter of Obligations" and the "Habitat II" document, the Global Compliance research project has attempted to disseminate information about the nature and substance of the international principles extant in international agreements. What is needed now is a synthesis of the principles with an accompanying delineation about what would constitute compliance or non-compliance with these principles.

Since the Beijing and Habitat conferences numerous requests have been made for the CIDA funded material, the "Charter of Obligations"
929 3916 0563

Because both the Charter of Obligations and the Habitat Agenda Comment were designed specifically for those conferences, they have become somewhat dated. What is needed now for distribution is a synthesis of the international agreements drawing upon and expanding on the original research.

A synthesis of principles will be prepared from international agreements drawing upon obligations incurred through the Charter of the United Nations, the UN Conventions, treaties, and covenants, and the expectations created through declarations, conference action plans, and General Assembly resolutions. In addition to synthesizing the international obligations and expectations an analysis will be done on This synthesis will draw on previous work done by the Global Compliance Research project in consultation with the international advisory committee. A survey will be carried out to determine key principles to be examined in this phase of the project.

A content analysis of the systemic constraints will be carried out including a comparative analysis of systemic constraints that are peculiar to a particular state, region etc. A synthesis of these systemic constraints will be carried out and integrated with the systemic constraints delineated in the Global Compliance Research of Obligations

Topic A comparative analysis will be carried out to determine what actions need to be taken to overcome these constraints; in addition, an analysis of what systemic constraints might be in place to prevent the actions from being carried out.

The actions in this phase of the project will be linked to significant international events such as the 5-year review of UNCED in 1997, the 50th Anniversary of the Universal Declaration of Human Rights, the culmination of the decade devoted to the furtherance of international law, 1999 (Global Compliance Resolution). and the year 2000 the beginning of a decade devoted to promoting and fully guaranteeing respect for human rights, including equality between women and men; to preventing environmental degradation and to ensuring the preservation and protection of the environment; to creating a global structure that respects the rule of law, to achieving a state of peace, justice and disarmament, and to enabling socially equitable and environmentally sound development.

RESULTS

If there is to be global change, it is essential for civil society to become aware of the principles established through international agreements. This project, through the new synthesis of international principles, will provide civil society with a knowledge base from which to propose change through international instruments. In addition, the expansion of the principles to include what would constitute compliance or non-compliance will be essential for policy makers.

The international advisory committee of the Global Compliance Research project is composed primarily of women academic/activists throughout the different regions of the world. The women involved in the project have realized the importance of disseminating information about the obligations incurred and expectations created as instruments of change.

BUDGET

A. Salaries

Name	Position	Rate of Pay	Total
Dr. Joan Russow	Coordinator	\$18/hours	5400
Sub-total			5400

B. Equipment and supplies (in-kind contribution)

Item	
postage	500
xeroxing of drafts	500

in kind contribution
use of office
computer, Fax, printer

Sub-total	1000
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C. Travel and expenses:

workshops on project	3000
Sub-total	3000

D. Printing of book of synthesis of documents (250 pages)	5000
Sub-total	5000

E. Other Expenses

Computer costs printer replacement	100
------------------------------------	-----

Telephone/ Fax	500
----------------	-----

Secretarial Services	in kind contribution
Sub-total	600

F. Budget (total)	15000
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TRANSLATION IN FRENCH	2000
Funding sought from other source	

() THAT in **1996**, I GAVE A PRESENTATION OF CULTURAL RELATIVISM

EXHIBIT
1996 CULTURAL RELATIVISM

We reaffirm and are guided by the purposes and principles of the Charter of the United Nations and we reaffirm our commitment to ensure the full realization of the human rights set out in international instruments and in particular, in this context the right to adequate housing as set forth in the Universal Declaration of Human Rights, and provided for in the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Form 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 that the right to adequate housing as included in the above mentioned international instruments shall be realized progressively. We reaffirm that all human rights -civil, cultural, economic, political and social - are universal indivisible interdependent and interrelated. We subscribe to the following principles and goals to guides us in our actions.

Habitat II The objectives of the Habitat Agenda are in full conformity with the purposes and principles of the Charter of the United Nations and international law. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of all states to promote and protect all human rights and fundamental freedoms... the implementation of the Habitat Agenda including through national laws and development priorities, programmes and policies is the sovereign right and responsibility of each State in conformity with all human rights and fundamental freedoms, including the right to development, and with the significance of and full respect for various religious and ethical values, cultural backgrounds, and philosophical convictions of individuals and their communities, contributing to the full enjoyment by all of their human rights in order to achieve the objectives of adequate shelter for all and sustainable human settlements development.

CULTURAL RELATIVISM (Customs, Religion, sovereignty)

FINAL

9. The objective of the Platform for Action, which is in full conformity with the purposes and principles of the Charter of the United Nations and international law, is the empowerment of all women. The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women. *While the significance of national and regional particularities and various historical,*

cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. The implementation of this Platform, including through national laws and the formulation of strategies, policies, programmes and development priorities, is the sovereign responsibility of each State, *in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of individuals and their communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development and peace.*

BEFORE BEIJING

9... [The Platform of Action is drawn up in full conformity with the purposes and principles of the Charter of the United Nations and international law. It is recognized that the formulation and implementation of strategies, policies and programmes and actions in all areas of concern are the responsibility of each country *with full respect for the various religious ethical values, cultural background and philosophical convictions of all its people and in conformity with all universal] human rights and fundamental freedoms.* (Deletions advocated by the linkage caucus)

82 (f) Increase enrolment and retention rates of girls by allocating appropriate budgetary resources and by enlisting the support of parents and the community, as well as through campaigns, flexible school schedules, incentives, scholarships and other means to minimize the costs of girls' education to their families and to facilitate parents' ability to choose education for the girl child; by ensuring that the rights of women and girls to freedom of conscience and religion are respected in educational institutions through repealing any discriminatory laws or legislation based on religion, race or culture;

SECTIONS FOR WHICH THERE WERE RESERVATIONS

Empowerment of women:

- Note Islamic piece on empowerment. No gender shall have power over the other; only Allah has power

95. Discrimination against girls, often resulting from son preference, in access to nutrition and health-care services endangers their current and future health and well-being. Conditions that force girls into early marriage, pregnancy and child-bearing and subject them to harmful practices, such as female genital mutilation, pose grave health risks. Adolescent girls need, but too often do not have, access to necessary health and nutrition services as they mature. Counseling and access to sexual and reproductive health information and services for adolescents are still inadequate or lacking completely, and a young woman's right to privacy, confidentiality, respect and informed consent is often not considered. Adolescent girls are both biologically and psycho-socially

more vulnerable than boys to sexual abuse, violence and prostitution, and to the consequences of unprotected and premature sexual relations. The trend towards early sexual experience, combined with a lack of information and services, increases the risk of unwanted and too early pregnancy, HIV infection and other sexually transmitted diseases, as well as unsafe abortions. Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall, for young women early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term, adverse impact on the quality of their lives and the lives of their children. Young men are often not educated to respect women's self-determination and to share responsibility with women in matters of sexuality and reproduction.

96. Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counseling and care related to reproduction and sexually transmitted diseases.

96 bis. Bearing in mind the above definition, reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community. The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually

respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality. Reproductive health eludes many of the world's people because of such factors as: inadequate levels of knowledge about human sexuality and inappropriate or poor-quality reproductive health information and services; the prevalence of high-risk sexual behaviour; discriminatory social practices; negative attitudes towards women and girls; and the limited power many women and girls have over their sexual and reproductive lives. Adolescents are particularly vulnerable because of their lack of information and access to relevant services in most countries. Older women and men have distinct reproductive and sexual health issues which are often inadequately addressed.

97. The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.

107 (k) BRACKETED SECTION

[Consider reviewing laws containing punitive measures against women who have undergone illegal abortions]

in view of the high incidence of morbidity and mortality due to unsafe abortions consider and reform laws and policies to reflect a commitment to women's health and well-being, including those containing punitive measures against women who have undergone illegal abortions;]

107 (k) Paragraph 8.25 of the Programme of Action of the International Conference on Population and Development states: "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 strengthen their commitment to women's health, to deal with the health impact of unsafe abortion 15/ 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 every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should 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." Consider reviewing laws containing punitive measures against women who have undergone illegal abortions;

223 still in brackets September 13

..women's reproductive rights as defined in the Programme of Action of the International Conference on Population and Development...reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. ...

223. Bearing in mind the Programme of Action of the International Conference on Population and Development and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, as stated in their respective reports, the Fourth World Conference on Women reaffirms that reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.

225 Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. Taking into account the Declaration on the Elimination of violence against Women and the work of Special Rapporteurs, gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, and international trafficking in women and children, forced prostitution and sexual harassment, as well as violence against women, resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious extremism and terrorism are incompatible with the dignity and the worth of the human person and ;must be combated and eliminated. Any harmful aspect of certain traditional, customary or modern practices that violated the rights of women should be prohibited and eliminated, Governments should take urgent action to combat and eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons.

232 (f)

As of September 13, still in brackets

[Take action to ensure that women's [sexual and] reproductive rights are fully recognized and respected]

232 (f) Take action to ensure that the human rights of women,

including the rights referred to in paragraphs 96 and 97 in section IV.C are fully respected and protected;

274 d

(d) Eliminate the injustice and obstacles in relation to inheritance faced by the girl child so that all children may enjoy their rights without discrimination, by, inter alia, enacting, as appropriate, and enforcing legislation that guarantees equal right to succession and ensures equal right to inherit, regardless of the sex of the child;

CULTURE

82 (f) Increase enrolment and retention rates of girls by allocating appropriate budgetary resources and by enlisting the support of parents and the community, as well as through campaigns, flexible school schedules, incentives, scholarships and other means to minimize the costs of girls' education to their families and to facilitate parents' ability to choose education for the girl child; by ensuring that the rights of women and girls to freedom of conscience and religion are respected in educational institutions through repealing any discriminatory laws or legislation based on religion, race or culture;

119. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and to enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, factors contributing to the continued prevalence of such violence,

adversely influencing the community at large, in particular children and young people.

109(b) Review and amend laws and combat practices, as appropriate, that may contribute to women's susceptibility to HIV infection and other sexually transmitted diseases, including enacting legislation against those sociocultural practices that contribute to it, and implement legislation, policies and practices to protect women, adolescents and young girls from discrimination related to HIV/AIDS;

125 (k) 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;

Gopher://gopher.nserc.ca:70/

ANNEX I

Example of submission to the NGO drafting committee for the NGO submission to the Habitat II Committee 2

GUARANTEEING OF HUMAN RIGHTS

Mindful that states have agreed to guaranteeing the following rights through various human rights instruments:

DOCUMENT OF PRECEDENTS: ENUNCIATION OF RIGHTS

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:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) 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;

- (d) 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;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of **meaningful** 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;
- (f) 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.
(Elimination of all forms of discrimination, 1965)

We call upon the member states of the United Nations:

- To sign, and ratify all international human rights instruments, and to enact and enforce the necessary legislation for compliance
- To ensure of the rights of all members of the global community are recognized through human rights instruments, including the international covenant of social, cultural, economic rights.
- To ensure that the protection from discrimination should be inclusive of additional grounds that have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration, there were listed a series of grounds concluding with the expression "Other status" which indicated the intention to include other grounds as they arose. Through various human rights instruments, states have

recognized the following grounds of discrimination: race, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents “sexual orientation” has also been included, but remained bracketed. In keeping with the intention of ‘other status’, the UN should include this ground.

September 26 1996

SUMMARY OF PROJECT

A Revisiting of “sustainable development” in context of “sustainable human settlements development” from principle to policy: Community based decision making within a framework of overarching principles

For years, member states of the United Nations have been incurring obligations, making commitments and creating expectations through international law. These obligations have incurred through the Charter of the United Nations and through conventions, treaties and covenants; these commitments have been made through Conference Action plans; and these expectations have been created through the passing of General Assembly Resolutions. At the Habitat II Conference, member states of the United Nations formulated and adopted Article 22 which affirmed that “the objectives of the Habitat II Agenda are in full conformity with the purposes and principles of the Charter of the United Nations and international law.”

In article 2 of the Habitat II Agenda the objective of the Habitat II Agenda is stated as being to “address two themes of equal global importance: Adequate shelter for all and sustainable human settlements development in an urbanizing world law.” It would appear in keeping with article 22” that the objective “adequate shelter for all and sustainable human settlements development, “will therefore be in full conformity with the purposes and principles of the Charter of the United Nations and with international law.

The problem that will be addressed in this research project is that states fail to enact the necessary legislation to ensure the discharging of obligations, and that states fail to ensure that the necessary measures are in place to fulfill expectations created through international agreements. One reason for the failure to discharge obligations and fulfill expectation may be that citizens are not aware of the obligations and expectations, and another reason may be that there has not been sufficient work done to determine what would constitute conformance with these obligations. For example, in article 16 member states of the United Nations affirmed that

“Human settlements shall be planned, developed and improved in a manner that takes full account of sustainable development principles and all its components, as set out in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development.

Little work has been done to carry out a thorough content analysis of Agenda 21 and other UNCED documents to determine what are the sustainable development principles advocated in a wide range of areas within agenda 21 and other UNCED documents, in particular in the chapter entitled "Sustainable human settlement development" The components in this chapter along with the chapters on Combating poverty (Chapter 3), Changing Consumption Patterns (Chapter 4), Demographic Dynamics and Sustainability (Chapter 5), Protecting and promoting human health conditions (Chapter 6); Promoting sustainable human settlement development (Chapter 7); Integrating environment and development in decision-making (Chapter 8); Promoting sustainable agriculture and rural development (Chapter 14); Conservation of biological diversity (Chapter 15) have a quite a different view of what would constitute sustainable development. than would be found in Social and Economic Dimensions, and in some parts of the Chapters dealing with hazardous, toxic and atomic wastes. While the former set of chapters criticize unsustainable pattern of development the latter chapter decries "unsustainable debt law."

A second problem that will be address is throughout the recent conference agendas and actions plans there has been a call at one level to leave decision making to the local communities, and there has been a concomitant call to recognize the interdependence of communities and issues. Often these two demands are irreconcilable. This problem will be addressed through the proposal for a collaborative principle-based decision-making process.

One of the objectives of the research project is to clarify the meaning of the concept "sustainable human settlements development" which was introduced as the title of chapter 7 in Agenda 21, and which became a significant concept in the Habitat Agenda. A second objective will be to set up a conceptual framework of principles within which collaborative principle-based decision making can occur. A third objective is to carry out with the assistance of Together against poverty (TAPS) and Tenants Action Group (TAG) an in-depth collaborative analysis of what would constitute adherence and fulfillment of these principles and of what the members of these groups and other community based groups and ENGO groups would conceive to be actions for ensuring the adherence to the principles delineated within the conceptual framework of principles.

The outcome of the research project will be an extensive data base of research that will be available on computer disk; a diagram with blueprints delineating the interdependence of principles of international law and of sustainable development; and a report expanding on the principles and in particular an application of the principles within a community context..

This research project will be of use across Canada in various communities as a foundation for collaborative principle-based decision making. The final phase of the project will be the presentation of the report and findings at a meeting with Canadian Mortgage Housing corporation and interested members of the community.

A Revisiting of "sustainable development" in the context of "sustainable human settlements development" from principle to policy (Community based decision making within a framework of overarching principles).

PART I
 SETTING UP A CONCEPTUAL FRAMEWORK OF PRINCIPLES OF INTERNATIONAL
 LAW WITHIN WHICH TO PROVIDE “SUSTAINABLE HUMAN SETTLEMENTS
 DEVELOPMENT” AND COOPERATIVE COMMUNITY PRINCIPLE-BASED DECISION-
 MAKING

On the September 13 1996, the last day of the Habitat II Conference, states formulated and adopted a statement entitled “pre 13”—a statement that preceded a strongly debated Article 13. Through this statement the states affirmed that “the objectives of the Habitat II Agenda are in full conformity with the purposes and principles of the Charter of the United Nations and international law” This statement appears to have been relocated as Article 22 in the “Advanced and unedited version” dated July 3rd.

In article 2 of the Habitat II Agenda the objective of the Habitat II Agenda is to “address two themes of equal global importance: Adequate shelter for all and Sustainable human settlements development in an urbanizing world TeamDimitri.ca.It would appear that the objective of adequate shelter for all and sustainable human settlements development will thus be in full conformity with the purposes and principles of the Charter of the United Nations and with international law.

In Article 4 of the Charter of the United Nations, the accepting of obligations contained in the Charter and the demonstrating the ability and willingness to carry out these obligations are conditions for membership in the United Nations. One of the obligations that member states of the United Nations have undertaken is “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (Preamble of the Charter of the United Nations, 1945). Presumably it would appear that “sustainable human settlements development” would be in conformity not only with the body of international law but also with the principle affirmed in the Charter of the United Nations for the establishing of conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained

Two problems will be addressed in the proposed research project: one, related to discharging of obligations and fulfilling of expectations and the other related to creating a collaborative principle-based decision-making process. The first problem is that states fail to enact the necessary legislation to ensure the discharging of obligations, and that they fail to ensure that the necessary measures are in place to fulfill expectations created through international agreements. One reason for the failure to discharge obligations and fulfill expectation may be that citizens are not aware of the obligations and expectations, and another reason may be that there has not been sufficient work done to determine what would constitute conformance with these obligations. This problem of compliance was recognized in Chapter *8 of Agenda 21, Integrating Environment and Development in Decision Making:

The enactment and enforcement of laws and regulations (at the regional, national, state/provincial or local/municipal level) are also essential for the implementation of most international agreements in the field of environment and development, as illustrated by the frequent treaty obligation to report on legislative measures. The survey of existing agreements undertaken in the context of conference

preparations has indicated problems of compliance in this respect, and the need for improved national implementation and, where appropriate, related technical assistance. In developing their national priorities, countries should take account of their international obligations (Chapter 8, Agenda 21, Integrating Environment and Development in Decision Making, Agenda 21, UNCED)

The second problem that will be addressed in this research project is that throughout the recent conference agendas and actions plans, there has been a call on one level to leave decision making to the local communities, but there has been a concomitant call to recognize the interdependence of communities and issues. Often these two demands are irreconcilable. In this project what is being proposed is a conceptual framework of overarching principles drawing upon the purposes and principles of the Charter of the United Nations and international law. These principles will also draw upon the sustainable development principles emanating from the UNCED documents. The project researchers will be able to offer to the community-based groups (Cobs) and to Non-Governmental Organizations (NGOs) the opportunity of collaboratively participating within principle-based decision making.

In this research project, relevant principles derived from international law will be examined and presented in a “Conceptual Framework of Principles.” (See Annex 1 for preliminary research in this area)

The first objectives of the research project will be to clarify the meaning of the concept “sustainable human settlements development” which was introduced as the title of chapter 7 in Agenda 21, and which became a significant concept in the Habitat Agenda. The second objective will be to set up a conceptual framework of principles within which community-based decision making can occur. The third objective is to carry out with the assistance of Together against poverty (TAPS) and Tenants Action Group (TAG) an in-depth analysis of what the members of these groups and other community based groups and NGO groups would perceive to constitute adherence or fulfillment of these principles and what they would conceive to be actions for ensuring the adherence to these principles.

OBJECTIVE 1. EXAMINING THE COMPONENTS OF “SUSTAINABLE DEVELOPMENT PRINCIPLES” AS A MEANS OF UNDERSTANDING THE CONCEPT OF “SUSTAINABLE HUMAN SETTLEMENTS DEVELOPMENT.

In Article 16 of the Habitat II Agenda, member states of the United Nations affirmed that

“Human settlements shall be planned, developed and improved in a manner that takes full account of sustainable development principles and all its components, as set out in Agenda 21 and other related outcomes of the United Nations Conference on Environment and Development.

In this research project , a full content analysis of Agenda 21, the Rio Declaration, the Convention of Biological Diversity, and the Framework Convention on Climate Change will be carried out to determine what are the components of “sustainable

development” that should be taken into account to ensure “sustainable human settlements development.”

In Agenda 21, the entailment of “unsustainable” as well as “sustainable” are interdependent aspects of the concept of “sustainable development” because throughout the UNCED documents there are statements related to (a) the current global state of unsustainability, (b) a criticism of unsustainable practices, and (c) a delineating of components of what would constitute “sustainable development”. For the sake of brevity only one or two statements related to the recognition of the current state of unsustainability and to the condemnation of unsustainable practices will be mentioned. Several components of sustainable development will however be listed:

(a) Recognition of the current state of unsustainability

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 (Chapter 5, Article 3, UNCED).

(b) . Criticism of unsustainable practices and growth

In Agenda 21 particularly in Chapter 4, Changing Patterns of Consumption and in Chapter 6, Promoting Human Health Conditions, there is criticism of unsustainable patterns:

In the follow-up of the implementation of Agenda 21, reviewing the role and impact of unsustainable production and consumption patterns and lifestyles and their relation to sustainable development should be given high priority (Chapter 4.3 Article, UNCED)

Developing countries should seek to achieve sustainable consumption patterns in their development process, guaranteeing the provision of basic needs for the poor, while avoiding those unsustainable patterns, particularly in industrialized countries, generally recognized as unduly hazardous to the environment, inefficient and wasteful, in their development processes. This requires enhanced technological and other assistance from industrialized countries. (Chapter 4. Article 8.c, UNCED)

For hundreds of millions of people, the poor living conditions in urban and peri-urban areas are destroying lives, health, and social and moral values. Urban growth has outstripped society's capacity to meet human needs, leaving hundreds of millions of people with inadequate incomes, diets, housing and services. Urban growth exposes populations to serious environmental hazards and has outstripped the capacity of municipal and local governments to provide the environmental health services that the people need. All too often, urban development is associated with destructive effects on the physical environment and the resource base needed for sustainable development. Environmental pollution in urban areas is associated with excess morbidity and mortality.

Overcrowding and inadequate housing contribute to respiratory diseases, tuberculosis, meningitis and other diseases... (Chapter 6, Article 32, UNCED)
 (c) . Delineating of component of what would constitute “sustainable development”

After a preliminary analysis of several key Chapters of Agenda 21, the Rio Declaration and the two Conventions a series of components to be further investigated have been discerned:

Component 1 (i). invoking of the precautionary principle and its associated measures:

The precautionary principle has been one of the key principles of sustainable development, and has been enunciated in the Convention on Biological Diversity in the following way

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

The precautionary principle has been associated with various key measures and elements of the anticipatory principle such as “Ensuring preventive measures”(18.45); Embodying environmental care (6.1); Taking into account cradle to grave approach (20.21); Taking account of “live cycles of products” (19.15e); “Promoting a culture of safety” (7.60); “Developing responsible care” (19.51,b) etc.

Component 1 (ii) Including prevention programmes rather than relying ...on remediation

Particularly relevant is the inclusion of prevention programmes rather than relying solely on remediation and treatment. Countries ought to develop plans for priority actions, drawing on the programme areas in this chapter, which are based on cooperative planning by the various levels of government, non-governmental organizations and local communities. An appropriate international organization, such as WHO, should coordinate these activities. (Article 32, Chapter 6. Promoting Human Health Conditions, Agenda 21, UNCED)

Component 2: Respecting of the rights of future generations.

Undertaking to respect the rights of future generations has been evident in previous documents such as the UN Convention for the Protection of Cultural and Natural Heritage (1972), the UN Conventions on Humans and the Environment (1972), and in the General Assembly Resolution the World Charter for Nature (37/7 1982) where it appeared in the following form:

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)

The rights of future generations are affirmed in the following way in Agenda 21 in Chapter 8

...Its goals [sustainable development strategy] should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situation and initiatives (Article 7, Chapter 8. Integrating of Environment and Development, Agenda 21)

Component 3. Reducing inequalities

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 smallholders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (Article 5, Chapter 3. Combating Poverty, Agenda 21 UNCED)

Component 4. Pursuing development that is socially equitable and responsible and environmentally sound

The primary need is to integrate environmental and developmental decision-making processes. To do this, Governments should conduct a national review and, where appropriate, improve the processes of decision-making so as to achieve the progressive integration of economic, social and environmental issues in the pursuit of development that is economically efficient, socially equitable and responsible and environmentally sound. (Article 4, Chapter 8. Integrating Environment and Development, Agenda 21, UNCED)

Component 5. Linking of environment and health: (Environmental health and environmental health activities).

This component is linked with shelter in Article 32 of Chapter 6, The Promotion of Human Health:

Health and development are intimately interconnected. Both insufficient developments 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. (Article 32, Chapter 6. Promoting Human Health Conditions, Agenda 21, UNCED)

Component: 6. Emphasizing multiple objectives

Special emphasis should be placed on those programmes that achieve multiple objectives Food security, access to secure tenure, basic shelter, and essential infrastructure, education, family welfare, women's reproductive health, family credit schemes, reforestation programmes, primary environmental care, women's employment should, as appropriate, be included among other factors. (Article 46, Chapter 5 Demographic Dynamic and Sustainability., Agenda 21, UNCED)

Component 7. Supporting community-driven approach to sustainability:

Sustainable development must be achieved at every level of society. Peoples' organizations, women's groups and non-governmental organizations are important sources of innovation and action at the local level and have a strong interest and proven ability to promote sustainable livelihoods. Governments, in cooperation with appropriate international and non-governmental organizations, should support a community-driven approach to sustainability... (Article 7, Chapter 3. Combating Poverty, Agenda 21, UNCED).

Component 8. Establishing an effective consultative process and implements process with concerned groups of society

An effective consultative process should be established and implemented with concerned groups of society where the formulation and decision-making of all components of the programmes are based on a nationwide consultative process drawing on community meetings, regional workshops and national seminars, as appropriate. This process should ensure The poor and underprivileged should be priority groups in this process. (Article 45, Chapter 5. Demographic Dynamic and Sustainability, Agenda 21, UNCED)

Component 9. Adopting appropriate legal and regulatory instruments:

Adopting appropriate legal and regulatory instruments, including cross-subsidy arrangements, to extend the benefits of adequate and affordable environmental infrastructure to unserved population groups, especially the poor (Article 45, Chapter 7. Promoting Sustainable Human Settlements Development, Agenda 21 d, UNCED).

Component 10. Developing and integrating enforceable and effective laws and regulations

While there is continuous need for law improvement in all countries, many developing countries have been affected by shortcomings of laws and regulations. To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws,

regulations and standards that are adopted. (Article 14, Chapter 8 Integration Environment and Development in Decision Making, Agenda 21, UNCED)

Component 11. Basing laws, regulation and standards on sound principles:

(enforceable, effective laws, regulations and standards that are based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress and deter future violations (Article 21 a, Chapter 8 Integration Environment and Development in Decision Making. Agenda 21, UNCED).

Compound 12. Ensuring environmental soundness:

Throughout Agenda 21 the term "environmentally sound" means "environmentally safe and sound", in particular when applied to the terms "energy sources", "energy supplies", "energy systems", or "technology/technologies." (Article .7., Chapter 1, Preamble, Agenda 21, UNCED)

ADDITIONAL COMPONENTS OF SUSTAINABLE HUMAN SETTLEMENTS DEVELOPMENT DERIVED FROM THE HABITAT II AGENDA

(The references in this section are from the June 12 and 13 versions of the Habitat II Agenda, along with changes made on the last night of the negotiation; it was brought to my attention today, September 26, that many of the sections agreed upon during the last days have been placed in different sections.

Component 1. Ensuring compliance of corporations, transnationals and private sector to national law and codes and to international law

At the United Nations Conference on Women, and the Habitat II Conference, members states have undertaken "to ensure that corporations including transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws" (Art 167). In Habitat II this undertaking was reaffirmed and then extended to include the "private sector" (Article 148). Underlying this undertaking is the assumption that each state government would itself comply with its own national codes and would discharge its own international obligations.

Component 2. Promoting "sustainable human settlements development" through the use of BEST Practices.

In Habitat II the promotion of BEST Practices has been advocated "through exchanging of regional and international experience of best practices and facilitate[ing] the transfer of planning, design and construction techniques (69c); Through setting up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field (142b); Through promoting best practices for community-based land management inhuman settlements (84(j)); Through cooperating in south-south, north-south and south-north exchanges of best practices (145); Through exchanging experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human

settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements; (152c). The component of BEST Practices was most clearly articulated in Article 153

To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. the United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

Component: 3. Qualifying Best practices as a component of “sustainable human settlements:

Employment opportunities and social progress in harmony with the environment (Article 16, Habitat II Agenda); Establishing policies laws and regulation for both public and private activities (Article 19, Habitat II Agenda); Encouraging responsible private activities in all fields (Article 19, Habitat II Agenda); Promoting and attaining the goals of universal and equal access to education highest attainable standards of physical , mental and environmental health (Article 22 ter, Habitat II Agenda. June 12); Making efforts to rectify inequalities (Article 22 ter, Habitat II Agenda, June 12) human health and quality of life are at the center of the effort to develop sustainable human settlements (Article 22 ter, Habitat II Agenda, June 12); Creating safe place to work and live, and to protect the environment (Article 22 ter, Habitat II Agenda, June 12); Accessing appropriate technology (Article 25 b, Habitat II Agenda); Providing sustainable livelihoods (Article 27 b, Habitat II Agenda); Promoting education in environmentally sound technologies (Article 27 f quart), Habitat II Agenda; Adopting...performance based mechanisms (Article 1 f, Habitat II Agenda); Promoting socially and environmentally responsible corporate investment (Article 31 d, Habitat II Agenda).

Component 4. Promoting environmental measures

In the Habitat II Agenda new environmental measures associated with sustainable human settlements development were endorsed: Preserving of peri urban and urban biodiversity (Article 98 bis a, Habitat II Agenda); Providing “green spaces (Article 27 f, Habitat II Agenda); ” Protecting Fragile ecosystems and environmentally vulnerable areas (Article 27e, Habitat II Agenda); Reducing the ecological footprint (Article 27b, Habitat II Agenda); Ensuring Green spaces (Article 83 bis, Habitat II Agenda); Knowing ecocycles (Article 134h, Habitat II Agenda) preventing environmental damage (Article 135, Habitat II Agenda); Preventing anthropogenic disasters (Article 27 i, Habitat II Agenda).

Component: 5. Moving away from car-dependency, by instituting appropriate regulations and the adopting of environmentally sound transportation such as bicycle paths

Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures (Article 104 c, Habitat II Agenda)

Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing

Component 6. Contributing to the common good

all people have rights and must accept their responsibility to respect and protect the rights of others including future generations and contribute actively to the common good (Article 19, Habitat II Agenda).

OBJECTIVE 2: SETTING UP A CONCEPTUAL FRAMEWORK OF PRINCIPLES

A second objective will be to set up a conceptual framework of principles within which collaborative community principle-based decision making can occur. This framework will draw upon the research into international principles from international law as well as from sustainable development principles from UNCED documents. This Conceptual Framework of Principles will be presented in various forms: through a diagram, through discs and through the first part of the research project report.

PART II.

OBJECTIVE 3: CONSULTATION WITH COMMUNITY GROUPS ABOUT WHAT WOULD CONSTITUTE ADHERENCE TO THE PRINCIPLES IN THE CONCEPTUAL FRAMEWORK OF PRINCIPLES; AND ABOUT WHAT ACTIONS ARE NECESSARY TO ENSURE ADHERENCE TO PRINCIPLES.

A third objective is to carry out, with the assistance of Together Against Poverty (TAPS) and Tenants Action Group (TAG). an in-depth analysis of what would constitute adherence and fulfillment of these principles and of what the members of these groups and other community-based groups and NGO groups conceive to be actions for ensuring the adherence to the principles delineated within the conceptual framework of principles. The Conceptual Framework of Principles will be prepared and a number of focus meeting will be arranged through Together against Poverty (TAPS) and the Tenants

Action Group (TAG). At these focus meeting, the Conceptual Framework of Principles of Sustainable Human Settlement Development will be presented, and the participants will be asked about what would constitute adherence to these principles and about what actions at the local level, and national level should occur to ensure the fulfilling, adhering and realizing of these principle.

ANNEX: 1

Documents examined for human rights, peace, environment and social justice issues

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 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

Universal 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 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 the World cultural and Natural Heritage, preamble, 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 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
 Universal Declaration on the Eradication of hunger and malnutrition, 1974
 Habitat I
 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
 Habitat II

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 "Over-consumption", 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
 WORK ALLOCATION;

Russow will draw upon over 10 year's experience in analyzing policy and in carrying out
 content analyses of regional, provincial, national, and international policy documents She
 attended the UNCED conference and has carried out several content analyses related to
 different aspects of the UNCED documents see enclosed biography. Also, she has
 lectured in the Global Issues course and presented papers and workshops on Agenda

21. She will extract the components of “sustainable development” from the UNCED documents. Also, as a result of the CIDA funded research work for a phase of the Global Compliance Research Project she has surveyed a wide range of United Nations documents including treaties, conventions, and covenants related to in human rights, peace, environment and social justice issues. For this project her task will be to carry out a content analysis of more of the UN documents, to synthesis the statements, and to extract an extensive list of principles. For the Habitat II conference Russow prepared a book *Comment on Habitat II Agenda: moving beyond Habitat I to discharging obligations and fulfilling expectations* that was distributed to most of the state delegations, and international agencies. She will continue to extract components related to “sustainable human settlements development” from the final version of Habitat II. She has submitted a preliminary report to the Ministry of Environment on the Environmental implications of Habitat II, she will be re-examining the documents for further principles. She will prepare the Conceptual Framework of Principles in graphic and text form in collaboration with Knelman. She will also prepare a set of systemic constraints preventing change, and assist in drafting some suggestions for what might constitute fulfilling and adhering to the extracted principles. She will work with Livingston in introducing the Conceptual Framework of principles to the focus groups, will be the principle writer of the report, and will co-present the Conceptual Framework of Principles at the workshop to be organized in Ottawa.

Knelman was at the forefront of the discussion on the relationship between sustainability, environment and development when he was one of 40 leading scientists and humanists participating at the Dai Dong parallel conference to the UN Conference on Humans and the Environment (Stockholm, 1972). He also was a leading researcher on “conservation of energy” when he published his 1975 Science Council book on “Energy Conservation: Background Study#33. He was also at the forefront of the discussion of “sustainability” when he published his book *Anti-nation: “Transition to sustainability”* in 1978. His 1978 text on sustainability was reviewed by Ezra Mishna in one of the prime ecological journals *Manas*, and it was acknowledged as making a significant contribution: “I highly recommend Dr Fred Kennelman’s book *Anti nation Transition to Sustainability*. as a significant and often brilliant contribution to the literature on alternative on societies which reject traditional notions asserting the intrinsic value of economic growth (Professor Ezra Mishan, London School of Economics). As can be seen from his enclosed biography Knelman has continued to make significant contributions in the area of peace, equity and ecology. He has undertaken in this project to write a substantial introduction for the Report on the findings of the research project, to assist in the development of the Conceptual Framework of Principles, and to assist in the editing of the report. Knelman will be examining the interaction of equity and ecology and applying ecological principles to the redesigning of a city to achieve sustainability. He will also examine in particular the varying aspects of one component of “sustainable development” and “sustainable human settlements development” based on the concept of the carrying capacity of the ecosystem: what would constitute respecting the carrying capacity of the ecosystem within large urban areas, in particular transportation and energy issues. He will also participate in the workshop to be organized in Ottawa.

Livingston is a social worker, retired from working as the Acting administrator in mental Health Branch, of the B.C. Ministry of Health. She is a well-respected community activist particularly in the areas of social justice working with the marginalized in society. She is on the board of directors of many local organizations including two key organizations related to housing issues: Together Against Poverty (TAPS) and Tenants Action Group (TAG). She was formerly on the Capital regional housing corporation which was responsible for building social housing and managing social housing. She has been involved with community development, and will be able to draw on her community contacts to set up focus groups to discuss what would constitute fulfillment of the principles in the Conceptual Framework of Principles, and what actions would be necessary to ensure fulfillment of principles emerging from obligations and

OTHER

Grossman, R. Taking Care of Business: Citizenship and the Charter of Incorporation

Peace workers Brochure, 1995.

Responsibility. a Statement of Principles for Canadian daily newspapers, 1977

7.20(g) Empower community groups, non-governmental organizations and individuals to assume the authority and responsibility for managing and enhancing their immediate environment through participatory tools, techniques and approaches embodied in the concept of environmental care

The Canadian government, through ratifying the Convention on the Law of Treaties, has undertaken to not invoke internal laws which would prevent the discharging of its obligations. Internal laws such as those reflected in provincial, regional and decisions would be included in the designation of “internal laws.”

As a result of these undertakings, government actions at the local and regional level must be in compliance with international obligations and expectations, and governments at the local and regional level must ensure that international obligations are discharged and internationally created expectations fulfilled. By ratifying the Biodiversity Convention, the Canadian government, has undertaken to invoke the precautionary principle to (a) prevent the loss or reduction of biodiversity, (b) identify biodiversity; (c) carry out and environmental assessment review of any practices or actions that could contribute to the loss or reduction of biodiversity. Through the Climate Change Convention, the Canadian government has undertaken to conserve carbon sinks, and reduce CO₂ emission. Through adopting the conference action plans such as Agenda 21 from UNCED, the Canadian government undertook to engage in conservation, in particular water conservation, and through adopting the Habitat II Agenda, the Canadian government has agreed to reduce the “ecological footprint”, preserve Greenbelts, understand Eco-cycles, and prevent disasters.

The problem to be address in this research project is

Component Promoting “sustainable human settlements development” through the use of BEST Practices.

In Habitat II the promotion of BEST Practices has been through encouraging

*(c) encourage the exchange of regional and international experience of best practices and facilitate the transfer of planning, design and construction techniques 69

(b) Set up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field;
(142)

(j) Promote best practices for community-based land management inhuman settlements 84

ARTICLE 145

145. [In recent years disparities in economic growth, environmental degradation, and labour-market asymmetries have increased international migration, and have impacted on spatial distribution of cities' population entailing the imbalances of human resources among countries of origin and countries of destination.] Innovative approaches and frameworks for international cooperation in human settlements development and management must be sought and developed to include the active participation of all levels of Government, the **segment of private sector which is driven by high global mandatory regulations and standards** and cooperative sectors, non-governmental organizations and community-based organizations, in decision-making, policy formulation and resource allocation, implementation and evaluation. These approaches and frameworks should also include new and improved forms of cooperation and coordination between and among multilateral financial institutions, international organizations and various organs and bodies of the United Nations system, including south-south, north-south and south-north exchanges of best practices, the continuous development of policy, **and planning and management tools and instruments** such as the application of shelter and urban indicators, human resources development and institutional capacity-building. **In this new global partnership at all levels decisions will be guided by principles reflected in International instruments endorsed by the states within the global system.**

(c) [Facilitate] [Develop and intensify] technical cooperation with and among all regions including south-south cooperation in order to exchange experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements;
152

153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. the United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

1. Discussion of the derivation of the concept of Sustainable human settlements development” from the title in Chapter 7 of Agenda 21 to being mentioned throughout the Habitat II Agenda, often replacing “sustained economic growth” that had been in sections of the pre-Istanbul document

2. Examination of the various concepts of development that have occurred in various conferences such as “sustained economic growth”, human settlements development”, Human centered development, social development, socially equitable and environmentally sound development. and sustainable human settlement(s) development (Habitat II).

Conduct research into traditional knowledge of prevention and curative health practices.

Analysis of components of sustainable development principles in Agenda 21
Human settlements shall be planned and developed and improved in a manner that takes full account of sustainable development principles and all their component

equal access to housing, infrastructure health services, adequate food and water, education and open spaces (habitat II Agenda,14)
we reaffirm that all human rights civil, cultural economic political and social are universal indivisible interdependent and interrelated

in con regardless of their political, economic and cultural system to promote and protect all human rights and fundamental freedoms (habitat II Agenda,2)

crime prevention through social development (habitat II Agenda,13)

OCTOBER OCTOBER

() THAT in **1996**, I participated with an initial Grant proposal to SSHRC on Applied Ethics

SSHRC STRATEGIC GRANT PROPOSAL

The consequences of human intrusion in the biosphere. environmental ethics:
from principle to policy and action

October 6 1996

Joan E. Russow
Fred Knelman
Bruce Cumming

Multi-disciplinary collaborative research among investigators with background in
interdisciplinary thought

PROJECT: Applied Ethics.

The consequences of human intrusion in the biosphere. environmental ethics:
from principle to policy and action

In 1971, prior to the UN Conference on Humans and the Environment, an OECD
report expressed concern not about the cost to the environment of continued
environmental degradation but the cost of the environmental measures that might
be instituted to prevent the environmental degradation.

This contrast is also evident in the interpretation of the precautionary principle

This contrast is also evident in the use of the term “principle” within documents
and publications related to the environment.

From the principles related to the “principle of competitiveness” through principles
negotiated in international documents such as the “inherent worth of nature
principle”

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

It is also evident in the enunciation of the inter-generational rights principle. also
evident in the definitions of the same principle. What would constitute adherence
to this principle: one side would call for the preservation of natural resources
for future generations the other would call for the protection of nature for future
generations:

In 1982 through the General Assembly resolution, UN 37/7, World Charter of
Nature, the majority of member states of the United Nations agreed to recognized

the inherent worth of nature beyond its worth to man [humanity], and to be guided by a moral code of action:

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

This undertaking would appear to support an endorsement of policy of environmental ethics

1. OBJECTIVES

- to clarify what is a “principle”
- to establish a framework of principles related to environmental ethics
- to determine what would constitute adherence to and compliance with principles
- to delineate the significant dilemmas within the complexity of environmental ethics and policy
- to discern the systemic constraints preventing the adherence to and compliance with these principles, and obfuscating the resolution of dilemmas
- to draft policy to overcome the individual, institutional and governmental constraints, and to grapple with dilemmas
- to create and set up a structure for principle-based decision making
- to develop principle-based educational material for exposing students to the complexity and interdependence of issues within a principle-based conceptual framework

2. RESEARCH DESIGNED TO ACHIEVE OBJECTIVE

2.1. Establishing an interdisciplinary framework of principles related to environmental ethics and policy; this framework will also be developed on a computer graphic program and will thus evolve, and accommodate changes during the project.

- Review the interdisciplinary literature related to Environmental Ethics and Policy
- Carry out a content analysis of the interdisciplinary literature and extract a body of principles from
 - (i) a wide range of disciplines including ecology, biology, physics, chemistry, philosophy, literature, law, socio-genetics and political science,
 - (ii) obligations incurred through the Charter of the United Nations, and through Conventions, Treaties, and Covenants; and drawn from expectations created through Conference action plans, platforms of action and through General Assembly resolutions
 - (iii) international agencies such as the IUCN (World Conservation Union); in particular from the IUCN Commission on Environmental law (Earth Covenant, 1994-) and the IUCN

Commission on Education and Communication research (1996 Annual
General meeting)
(iv) ENGO Alternative treaties from UNCED (1992)

2.2. Determining what would constitute adherence and compliance with these principles

- Review policy recommendations from a wide range of sources, and examine in particular inconsistencies related to the enunciation of the principle, policy and the actions that are deemed to constitute adherence and compliance. For example, states have endorsed the precautionary principle yet often the argument that there is not scientific certainty that harm will occur is used to justify inaction to prevent environmental degradation

2.3. Delineating dilemmas.

- Many dilemmas have emerged as a result of previous research by project investigators., and other dilemmas will emerge as a result of the project research.

2.4. Discerning systemic constraints.

- Review criticism of policy and actions that contribute to systemic constraints. An initial set of systemic constraints related to individual, and institutional action and inaction has been prepared. This set of constraints will be reassessed and expanded and synthesized. For example, it is a systemic constraint that states sign and ratify conventions yet they fail to enact the necessary legislation to ensure compliance

2.5. Drafting policy and recommending actions

- Policy and recommended actions will emerge from the research

2.6. Advocating collaborative principle-based decision making

- The concept of collaborative principle-based decision making has been contrasted with vested interest-based decision making. The interdisciplinary framework of principles established during the project will form the basis of collaborative principle-based decision making

2.7. Developing collaborative principle-based education in the schools and for the public

- Collaborative principle-based education has been developed and will be further expanded in the light of the research in the Environmental Ethics project. Examination of the media and of industry's involvement in education.

Throughout the existence of the United Nations, the member states have incurred obligations the Charter of the United Nations, through Conventions and treaties and through covenants, and states have created expectations through General Assembly resolutions and through Conference Action Plans, platforms of Actions and Agendas.

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() **THAT** in. October, 1996 I applied for a grant with SSHRC on Environmental Ethics; In this project I was coordinating retired professors with graduate students. One of the purposes of this grant was to establish a model of drawing upon the extensive and credible background of retired professors to mentor graduate students on major projects. For a SSHRC grant, it also needed to be grounded in an existing department. I realized that there was a conundrum at the University many of the professors who were currently teaching did not feel they had the time to house the project, while the retired professors had time to draft funding proposals but no longer were functionally associated with the university. This was to be an extensive project asking for over \$200,000. Through researching for the project, I found out that “environmental ethics” had been co-opted by industry to include “the way an institution or a business conducts its affairs related to the environment.” I was able to find a Department that would house the project but only if the project advanced the co-opted version of environmental ethics. I felt that I could not under those circumstances proceed with the project that had defined environmental ethics in the context of the World Charter of Nature – the inherent worth of nature beyond human purpose.

EXHIBIT: CORPORATIONS HAVE ENVIRONMENTAL ETHICS ??? [I was told]

1996 October 9

SUMMARY PROJECT: SSHRC Grant, Applied Ethics (Environmental Ethics)

There is a need to extend a primarily anthropocentric outlook to comprehend and address, more fully, an outlook of eco-centrism, that recognizes and protects the intrinsic nature and worth of all species (as far as possible) independently of human needs within nature. This normative principle has received support in the deliberations of the United Nations through the following General Assembly resolution:

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

Formation of policy in Canada is often related to an “environmental ethic” present as the discretionary satisfying of competing interests, rather than the adherence to principles arising from obligations incurred or expectations created by Canadian governments.

For over 50 years, member states of the United Nations have incurred obligations through the Charter of the United Nations, through treaties, conventions and covenants. Member states of the United Nations have also created expectations through declarations, conference action plans and General Assembly Resolutions.

The researchers in the proposed project on environmental ethics will prepare a comprehensive interdisciplinary framework of principles to guide the formulation of coherent ecological values. This formulation, in turn, will lead to policies ensuring the respect for “every form of life regardless of its worth to humans.” These principles will be drawn from an analysis of discourse in different disciplines, from the content of international agreements, and from codes of ethical action governing the relation between cultural and natural systems.

This research on a comprehensive interdisciplinary framework of principles will have the following objectives:

- to determine what would constitute adherence to and fulfillment of the principles contained within the comprehensive interdisciplinary framework.
- to delineate the significant dilemmas found within the complexity of environmental ethics and policy formation and implementation
- to discern, and clarify the systemic constraints¹ preventing the adherence to and fulfillment of these principles, and contributing to the non-compliance with obligations and expectations
- to recommend the formation and implementation of policy to overcome the individual, institutional and governmental systemic constraints
- to place collaborative principle-based decision making within the comprehensive interdisciplinary framework of principles
- to broaden and foster the understanding, and the appreciation of the complexity and interdependence of environmental ethics and values within a comprehensive interdisciplinary framework of principles

The outcomes of this research will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand the components of, and extend the domain of, environmental ethics, and within which to critically examine policy. The researchers will also synthesize the existing principles established internationally (through statements in international documents) with principles of ethical action governing the relation between cultural and natural systems, to provide a baseline of operative principles of action. This research will provide a critical mass of data related to the pervasiveness, the historical relevance, and the applicability of these operative principles to environmental ethics and to policy formation and implementation related to environmental ethics. Consultation with non-governmental environmental organizations (ENGOS) and with community-based organizations (CBOs) will take place in (i) determining what would constitute adherence; (ii) discerning and clarifying systemic constraints, and (iii) recommending policy.

The outcomes of the research project will be disseminated through papers submitted to refereed journal and to conferences such as the Learned Societies conference. In addition, workshops will be organized in different provinces with various government ministries, and with non-governmental environmental organizations (ENGOS),

¹ Entrenched structural and procedural obstacles preventing the policy formation and implementation necessary for change

and community-based organizations (CBOs) across Canada. In addition, the first draft of the research project will be disseminated at meetings for the 5th anniversary of the United Nations Conference on Environment and Development in 1997, and the final version of the research will be circulated at a special session on environmental ethics and policy at a conference to be proposed in Victoria on “Global compliance from principle to policy and action” in 1999—the culmination of the decade devoted to the furtherance of international law.

POLICY ISSUES ADDRESSED.

One of the policy issues addressed in this research project is that policy decisions are not usually based on a firm framework of principles. Often if a set of principles is presented as under-girding policy there is a subsequent admission that principles are the ideal and there must be “trade-offs” in “the spirit of compromise.”

In this project an array of principles drawn from different disciplines, from international agreements and from principles of ethical action governing the relation between cultural and natural systems will be gathered and a base line of principles related to environmental ethics will be delineated. This baseline of principles will underscore what policy formation and policy implementation are necessary to at least fulfill and adhere to what has been previously undertaken, reveal what principles have not yet been endorsed, and indicate the needed direction for policy formation and implementation.

Another policy issue to be addressed in this research project is that there is substantial discrepancy between governments’ stated intentions at the international level and policy formation and implementation at the local—federal, provincial, regional— level, and a discrepancy between stated local policy intentions and implementation of local policy. A supplementary policy issue arises in that nation states have been reluctant to endorse mandatory international normative standards drawn from the highest tenable principles in environmental ethics, that require harmonizing upwards, to create an “even global playing field”. This reluctance has created a situation whereby polluting industries will argue for a global policy of conformance to voluntary industry self-initiated standards, such as the ISO 14,000 standards. The outcome of having voluntary standards rather than mandatory international normative standards and regulations is that industries will argue locally against the instituting or strengthening of regulations and mandatory standards on the grounds that high local standards will require them to relocate in another region or country where the standards are lower or where there is a willingness to relax environmental standards to attract industry.

Yet, states undertook to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167, United Nations Conference on Women, 1995). This undertaking was reaffirmed and extended in the Habitat II Agenda 1996 to include the “private sector.”

A key doctrine will govern this research project: The Doctrine of Legitimate Expectation. This doctrine has been described in the following way: 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 (Brent Parfit, Ombuds office, 1995, Personal Communication). States have also agreed to “recognize the inherent worth of nature”, and “to be guided by a moral code of action.” What would constitute adherence to these two directives? What principles should be used to substantiate a moral code of action; and what policy at the local—national, provincial, and regional— needs to be formulated and implemented?

A 14 DETAILED DESCRIPTION OF THE RESEARCH PROJECT

CONTEXT

Scope and objectives of the project

“Due to the unanticipated rate and magnitude of impacts on nature, we now face a threat of irreversible change with global implications; we have arrived at a point where inaction is negligent, and we can no longer afford the luxury of continuing the errors of the past.” (Knelman, 1996, personal communication).

Human activity has been so extensive and pervasive that increasingly larger components of nature are subject to deterioration, destruction, or extinction. Thus, from the ethical viewpoint there is an increasing need for humans to assess the merit of their activities from an eco-centric rather than just an anthropocentric perspective. With humans’ increasing abilities to influence the biosphere, the stabilizing role of “natural” (Darwinian -Wallace) evolution is diminished, while the human role in evolution is concomitantly increased.

Uniquely, perhaps --at least to the extent of our knowledge—humans have the ability to become “ethicizing animals” (Waddington: *The Ethical Animal*). This has been part of our conscious social evolution, within the limits of our genetic-environment (nature-nurture) attributes. Thus, humans have derived “laws and mores” to govern their lives.

For years states have incurred obligations and created expectations through international agreements. Many of these obligations have never been discharged, and many of the expectations have not been fulfilled. One reason is that States fail to sign international legally binding treaties; another reason is that states that sign legally binding conventions and treaties, fail to ratify them; and still another reason is that states that ratify these treaties fail to enact the necessary legislation to ensure compliance. Many of the major conference action plans, such as those from United Nations Conference on Environment and Development (UNCED), are adopted by all the member states of the United Nations, but they are not deemed to be legally binding. Canada as a federal state has an additional problem because Canada signs and ratifies conventions in areas over which provinces purport to have jurisdiction (See Russow. Court submission on the applicability of International law).

Through international agreements nation states have undertaken: to protect the natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972); to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); to prevent the 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); to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity); to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: to

reduce the ecological footprint (Art. 27 b); to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i); to prevent environmental damage through knowledge of eco-cycles (Art. 135) and so forth.

In addition, public unawareness of the nature and scope of international obligations and expectations, and the failure to determine what would constitute compliance, are both additional factors that obviate the discharging of obligations in relation to environmental ethics, policy formation and implementation. Also, many theorists and practitioners fail to perceive or disregard the relevance of international agreements in the formulation and implementation of policy. An important component of this research project is broadening and fostering the understanding, and the appreciation of the complexity and interdependence of environmental ethics through public education programs

Another problem to be addressed in this research project is that there is substantial discrepancy between the urgency and the appreciation of the urgency and between the stated intention and policy formation and implementation, and that this discrepancy is not only rationalized and condoned, but promoted. In this research project on environmental ethics, policy will be recommended to reduce or to eliminate this discrepancy by linking policy formation and implementation with a comprehensive framework of principles derived from discourse from different disciplines and derived from a wide range of international agreements.

As mentioned in the previous section, a key doctrine will govern this research project: The Doctrine of Legitimate Expectation. This doctrine has been described in the following way: 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 (Brent Parfit, Ombuds office, 1995, Personal Communication). A further clarification of this doctrine is “when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). At a conference on the 50th Anniversary of the United Nations in San Francisco, at a workshop on Agenda 21, it was proposed that the Doctrine of Legitimate Expectations could be used to strengthen both the treaty obligations and the expectations generated through Conference action plans such as Agenda 21. This proposal was favorably received by the Executive Director of the Commission on Sustainable Development, Dr. Nitun Desai, who requested further information.

A key principle to be examined in the research project is the “principle of international customary law.” If it can be shown that a principle has been enunciated and prevalent for years within the body of international law, then the principle can be designated as a principle of international customary law, and if so designated, the principle could be presumed to come under national state law. An example of a principle of international customary law could be the principle of inter-generational equity—the rights of future generations to a safe environment—which has been present in numerous forms since the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change). This doctrine would apply to the discharging of obligations reflected in principles. Additional clarification

would have to be made as to what would actually constitute compliance with the principle.

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national, provincial, and regional policy formation and implementation related to environmental ethics, in that obligations incurred or expectations created can be made to be enforceable in national, provincial and regional law.

OBJECTIVES OF THE RESEARCH PROJECT

To address the problem of eliminating or at least reducing the discrepancy between stated intention and policy formation and implementation, the researchers propose a general objective. This objective is to establish a comprehensive interdisciplinary framework of principles related to environmental ethics, to propose principle-based decision making and education, and to recommend policy formation and implementation based on this framework of principles. The following interdependent objectives will assist in the realization of this general objective.

1. Prepare a comprehensive interdisciplinary framework of principles related to environmental ethics; these principles will be drawn from a discourse analysis of a sampling from different disciplines, and drawn from a content analysis of international agreements
2. Determine what would constitute adherence to and fulfillment of these principles contained within the comprehensive interdisciplinary framework.
3. Delineate the significant dilemmas found within the complexity of environmental ethics and policy formation and implementation
4. Discern and clarify the systemic constraints preventing adherence to and fulfillment of these principles, and contributing to non-compliance with obligations and expectations
5. Recommend the formation and implementation of policy to overcome individual, institutional and governmental systemic constraints
6. Place a collaborative principle-based decision-making process within the comprehensive interdisciplinary framework of principles
7. Broaden and foster the understanding and the appreciation of the complexity and interdependence of environmental ethics within a comprehensive interdisciplinary framework of principles

Relevance of the project to the theme

Most disciplines have principles that are relevant to environmental ethics, and these principles need to be placed in a comprehensive interdisciplinary framework of principles. In 1991, at a Global Change Conference, Digby McLaren stated that what is needed is synthesis of what exists, that we do not have to wait for scientific certainty to act, and inaction is negligence (keynote Address, Digby McLaren, Past President of the Royal Society of Canada, 1991). Strong ethical principles relevant to environmental ethics have been enunciated internationally through a wide range of international agreements. In this project these principles, along with principles of ethical action governing the relation between cultural and natural systems will form a basis for policy formation and implementation at the national, provincial and regional levels. In addition, these principles

will contribute to the placing of issues within a larger global context, within the educational system, and within the context of public awareness programs (as was proposed in Agenda 21, and adopted by Canada in 1991, through Chapter 36, Agenda 21, UNCED). In this project, as well, these principles will be an integral part of the proposed educational program.

Relevance of on-going research of investigators

This project will link a long-time interest in interdisciplinary thought, in ethical principles of action, in international obligations and compliance. From my experience in developing “principle-based education” for my Master’s Degree in Education in 1985, I realize the importance of working closely with experienced educators in the educational system, as well as with Community based organizations that have a wide experience in public awareness programs. From my experience in compiling a 350-page Charter of Obligations (obligations incurred and expectations created through international agreements) in 1995, and from preparing a document for the Habitat II Conference, I became more and more aware of the rich body of precedents that did not appear to be part of the government deliberations. I realized the importance of bringing to the attention of the policy makers information on what has been previously agreed to. I also realized that knowing the precedents would not be sufficient, and that what would be important would be to determine what would constitute compliance with these precedents.

Importance, originality and anticipated contribution to knowledge and to policy development

The researchers will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand the components of and extend the domain of environmental ethics, and within which to critically examine policy. The researchers will also synthesize the existing principles established internationally through statements in international documents and with principles of ethical action governing the relation between cultural and natural systems and thus provide a baseline of operative principles of action

Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations need to provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to national, provincial and regional issues. In addition, NGOs and CBOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings. In the “Charter of Obligations” (J. Russow (1995), Charter of Obligations, Global Compliance Research project), a preliminary (i) content analysis of some of the international agreements, (ii) delineation of systemic constraints, (iii) development for principle-based decision making and education have been documented. The proposed research in Environmental Ethics carries this preliminary research further, and builds on a literature review in

interdisciplinary studies into “Interprimes’—common and idiosyncratic processes and principles in different disciplines.” This project will provide a comprehensive synthesis of principles within the framework, and will carry the project past the synthesis of principles to the determining of what would constitute adherence to principles in policy formation and implementation related to environmental ethics. It is essential to become aware of the principles but it is equally essential to understand what would constitute compliance, and to be able to recommend policy formation and implementation based on an extensive foundation of principles from the various disciplines.

Conceptual Approach

The conceptual approach involved in this proposed research project could be described as “interdependent incrementalism”, in that all the components and objectives of the project will be integrated, and examined concurrently. Each phase will have the current level of interdependence components, and the project will be altered incrementally but always as a whole of interacting interdependent components. The approach is also collaboration investigation.

METHODOLOGY

The above objectives will be carried out concurrently so that all the components of the project are integrated as the project develops as the basic principles are uncovered, and also so that the project can be presented at different phases². Several papers related to the project will be submitted to various conferences as a basis for a symposium. The first phase of the project will be prepared and presented to various government offices and to NGOs and to CBOs across Canada, and will be prepared and presented at various workshops across Canada for the lead up to the Fifth Anniversary of the United Nations Conference on Environment and Development in 1997. The first phase will have a preliminary version of all the objectives. The second phase will be in place for the 1998 50th anniversary of the Universal Declaration of Human Rights where the phase 2 version will be used for promoting the preservation, conservation and the protection of the environment, and the preservation of natural heritage as a human right of future generations as has been undertaken since at least 1972. Environmental Ethics will be explored as a significant component of Human rights—to explore what is perceived to be a conflict between ecology and equity within the comprehensive interdisciplinary framework of principles.

The third phase will be prepared for 1999—the culmination of the decade devoted to international law. This version will form the basis of an international Conference on Global Compliance with international agreements: National, Provincial, and Regional Policy Formation and Implementation proposed to be held in Victoria.

1. To establish a comprehensive interdisciplinary framework of principles related to environmental ethics.

A series of principles drawn from the discourse from different disciplines will form an intellectual frame of principles to then be combined with the principles derived from stated

² The term phase is used rather than stage because the research process will be concurrent not sequential

obligations and expectations. In this project a series of significant expectations related to environmental ethics will be discerned.

1.1. To establish an intellectual frame of principles from different disciplines, the researchers will carry out the following set of processes:

1.1.1. Uncover the range of meaning of the term “principle” through sampling discourse from a range of disciplines. To determine the range of meaning, a specialist in analytic philosophy will be consulted about methodology... for background literature on definitions. and will, then in the various fields, amass a bibliography of discourse from different disciplines

1.1.2. Stipulate a working definition for the term” principle” in the context of environmental ethics. A synthesis of all the meanings and entailments of the term principle will be carried out, and a definition of the term “principle” will be stipulated.

1.1.3. Carry out an analysis of the content from the various disciplines and extract a body of principles from the following disciplines through the following process:

(i) Examine a wide range of disciplines including biological sciences—including ecology, genetics, socio-genetics—, physics, chemistry, philosophy, linguistics, semiotics, literature, law, public administration, economics and political science etc. Each member of the research group will be responsible for generating a list of principles from various disciplines with which he or she is familiar, and be responsible for contacting and consulting with researchers in other disciplines not sufficiently covered through the backgrounds of the research group. For example, the laws of thermodynamics as applied to biological systems, and human society will be researched; and the concept of Memes— ideas and artifacts created by human beings with genetic-like properties (Richard Dawkins). Another example of a set of principles comes from “Equity” : (i) “equity imputes an intention to fulfill an obligation” and (ii) equity looks to the intent rather than to the form”; or equity looks on that as done which ought to be done” (Maxims of Equity, (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). Similarly, principles such as those of proportionality, minimum harm, distributive justices, and restitutive justice (derived from “Competing claims and priorities principles”). The set of principles will then be put on various professional list serves through the internet and a request will be made for additional principles. This framework will also be developed on a computer graphic program and thus will evolve, and accommodate changes during the project.

1.2. to establish a frame of principles of action drawn from a content analysis of statements in international agreement, and from codes of ethical action governing the relation between cultural and natural systems.

To establish a framework of principle of action from international agreements, the researchers will carry out the following set of processes:

(I) A preliminary examination of international agreements has been carried out and principles have been extracted (see J. Russow (1992), Content Analysis UNCED), and J.

Russow (1995) "Charter of Obligations," J. Russow (1996). Principles of Compliance: obligations incurred and Expectations Created. A further examination will be carried out specifically looking for principles that could be applicable to environmental ethics, as well as the applicability of international principles to policy formation and implementation at the national, provincial and regional levels.

(ii) Principles will also be extracted from IUCN World Conservation resolutions and recommendations. In particular a content analysis will be carried out on the set of resolutions and recommendations. from January 1994 and the October 1996 Annual General Meeting.

1.3. to integrate the interdisciplinary principle, with international principles of action, and principles of ethical action governing the relation between cultural and natural systems to form a comprehensive interdisciplinary framework of principles

The preparation of this Comprehensive interdisciplinary framework will contribute to a body of research material that will be relevant to the project but also of use to other researchers. The body of research material will be stored and made available on disks. The comprehensive framework will be prepared both in written and in graphic form.

2. Determine what would constitute adherence to and fulfillment of these principles within the comprehensive interdisciplinary framework.

For this section, the researchers will organize a series of workshops with community groups (CBOs) and environmental non-governmental organizations (ENGOS). At these workshops the researchers will introduce the current phase of the comprehensive interdisciplinary framework of principles of the project; select specific principles related to the expertise of the group; discuss and document proposals for policy formation and implementation that would be necessary for the fulfilling of principles, and generate criteria of compliance with obligations. There will also be a consultative process with the International Affairs Caucus of the British Columbia Environmental Network (BCEN), and other ENGOS across Canada.

3. Delineating the significant dilemmas within the complexity of environmental ethics and policy

Many dilemmas have already been identified by the researchers as a result of previous research by project investigators. and other dilemmas will emerge as a result of the project research.

For example, a segment of the "environment industry" sustains itself through the perpetuation of environmentally unsound practices, advocates deregulation, and promotes non-performance-based, non-mandatory non-normative standards. Years of waste from environmentally unsound practices has accumulated; technology is being developed to dispose of the waste in what is deemed to be an environmentally sound manner. The dilemma arises when the environment industry that has developed the "clean up" will be used by the waste producing industries to justify the continued production of the waste.

1.4. Discerning, and clarifying the systemic constraints preventing adherence to and fulfillment of these principles

Review and critically examine theory from various disciplines, such as that from Political science (power politics realist models), which support or justify practices that undermine the policy formation and implementation necessary for change. —change related to the recognition and acceptance of environmental ethics; and criticize policy formation and implementation that contribute to systemic constraints. An initial set of systemic constraints related to individual, and institutional action and inaction has been prepared. (Russow, 1992, 1994). This set of constraints will be reassessed and expanded and synthesized. An example of a systemic constraint is that nation states sign and ratify conventions yet they fail to enact the necessary legislation to ensure compliance

It is also a systemic constraint that nations states undertake to eliminate the production and consumption of a substance , redefine consumption to exclude recycled material, and then use the ability to recycle to justify the revisiting of the original obligations to cease production; this systemic constraint is occurring in the area of the international obligation to cease the production and consumption of CFCs (See the Convention on the Elimination of Ozone Depleting Substances 1985, and subsequent protocols (Montreal, London, Copenhagen).

Reference will then be made to the devices that have been used to maintain the status quo and that have led to practices that have undermined environmental ethics; and to proposals that will be made for counteracting these devices through the formation and implementation of policy to promote environmental ethics. The most obvious devices are those that have been designated as reflecting anti-environmental thought (See Boston, T, 1994-6) ; the less obvious are models from disciplines such as “power politic realist “ model from US international relations theory which, through devising models based on power politics have argued that the vested interest vision not only is the only existing model but also that it would be unrealistic to strive to have it overturned.

1.5. Recommending policy to overcome the individual, institutional and governmental constraints

In this section the application of the Doctrine of Legitimate Expectations will be examined. (see Annex I) In the area of policy, international agreements, national agreements, regional and local agreements statement made often create expectations which have yet to be fulfilled. An important element of policy related to environmental ethics is the governmental duty to fulfill expectations (Doctrine of Legitimate Expectations).

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 Annex for additional components of this Doctrine). When an expectation is created there must be the ability to fulfill the promise it implies (Introduction, Ombudsman Annual Report, British Columbia, Canada, 1991)

may 6

1.6. Grounding a collaborative principle-based decision-making process

Advocate collaborative principle-based decision making

The concept of collaborative principle-based decision making has been contrasted with vested interest-based decision making. The interdisciplinary framework of principles established during the project should help to formulate broadly-based principles for collaborative principle-based decision making

The Science Council of Canada made an important distinction between a reasoned outcome and a negotiated outcome in its 1982 publication, "Regulating the Regulators":

Negotiated or reasoned outcomes?

An outcome is 'negotiated' if a committee member can act as a delegate for an interest group and can 'horse-trade' on its behalf. An outcome is 'reasoned' if the committee member is asked to free his or her mind of bias and decide on the basis of the information available. (1982, 38)

Many scientific controversies include issues that involve risk to human life or health. In these controversies a reasoned articulation of the scientific aspects is essential before negotiations. and other approach [negotiated] is morally irresponsible. 39, 1982

We recommend that the choice between reasoned and negotiated outcomes in the functioning of policy advisory bodies be clearly and explicitly identified, and that both the public and the [decision making] body be made aware of this choice at the outset. (39, Regulating the Regulator 1982)

Round table multistakeholder decision making creates an arena of competing vested interest and public concerns under the presumption that each interest or concern is of equal ethical merit. Similarly, conflict resolution is based on the premise that neither one of two or more positions advanced has greater merit. In principle-based decision-making principles reflecting environmental ethics will under-gird the decision-making process.

The process is described as collaborative in that those involved in the decision-making process are also involved in determining the terms of reference, and in participating throughout the process. The participants in this process are drawn from individuals and groups with varying experience and expertise.

1.7. Broaden and foster our understanding and appreciation of the complexity and interdependence of environmental ethics within a comprehensive interdisciplinary framework of principles

1.7.1. Develop cooperative principle-based education, and informational programmes for the schools and the lay-public

Collaborative principle-based education has been developed (Russow, 1985), and will be further expanded in the light of the research in the Environmental Ethics project. In principle-based education global/local issues are explored through selecting, examining and exploring issues within a principle-based framework. Also, students and members of the public 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 and members of the public will examine the components of these agreed-to principles and to analyze the role of environmental ethics.

The emphasis in this program will be on becoming knowledgeable about the principles and their application; investigating the implications of these principles; analyzing and synthesizing information on current issues in the light of these agreed to principles; clarifying the role of environmental ethics in relation to these principles, and proposing a range of possible solutions to practical problems emerging from the issues. In the program students and members of the public will be encouraged to investigate local issues within this framework of principles. Also, in the program, the current lack of information for the public at present will be examined, and the means whereby the general public may become better informed in these areas. will be assessed.

This program will entail (1) examining principles enunciated in primary source material, (international documents); (2) Examining the role of environmental ethics 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 within or to environmental ethics; (9) determining appropriate moments for integrating issues into the curriculum; (10) developing lesson plans and educational materials based on issue-principle analysis; (11) applying knowledge of 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 working cooperatively and independently

COMMUNICATION OF RESULTS

Academic Community

Papers related to the project will be sent to relevant journals

Papers will be submitted each year to the learned societies conferences, and to other relevant conferences, as part of a proposed symposium, Environmental Ethics: from principles to policy formation and implementation.

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

DISK: The data base for the Comprehensive Interdisciplinary framework will be on disk, available on MacIntosh and IBM, and will be part of a Website.

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IDEAGRAPH

1. several large diagrams displaying the comprehensive interdisciplinary framework of principles will be prepared... This diagram will be done on a computer graphic program

and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

REPORT

A comprehensive report on the principles will be prepared through the different phases

Non-academic

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

DISK: The data base for the Comprehensive Interdisciplinary framework will be on disk

-

IDEAGRAPH

1. several large diagrams displaying the interdependent interaction of principles will be prepared. of the framework of principles. This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

REPORT

A comprehensive report on the principles will be prepared through the different phases

POLICY FORMATION AND IMPLEMENTATION RECOMMENDATIONS

The project will have three phases. The first phase will be the introduction of preliminary version to various provincial ministries across Canada, and the distribution for comment prior to the major events leading up the 5th anniversary of the United Nations Conference on Environment and Development, in 1997. The second phase will be in 1998 where a revised version of the project documentation will be in the form of a submission to the 50th anniversary of the Universal Declaration of Human Rights where the right to a safe environment and the right of future generations to the preservation of natural heritage will be promoted by the Moral Code of action will be advocated. The third phase will be prepared for a and the final version of the research will be circulated at a special session on environmental ethics and policy at a conference to be proposed in Victoria on "Global compliance: from principle to policy and action" in 1999—the culmination of the decade devoted to the furtherance of international law.

MEMBERS OF THE RESEARCH GROUP

Rod Dobell, Ph.D. Economics MIT. Winspear Chair, School of Public Administration, University of Victoria. From 1984-91, he was president of the Institute for Research and Public Policy. He is currently, president, North American Institute, Canadian Branch, (NAMI) Coordinator of numerous research grants; including major "Social Learning" grant. He will be involved through all phases of the project on translating the principles into policy formation and implementation. EXPAND

Joan Russow,
Ph.D. in Interdisciplinary Studies, sessional lecturer, Global Issues, University of Victoria) Senior researcher for the Global Compliance Research Institute, member of the IUCN Commission on Education and Communication, Chair, International Affairs Caucus, British Columbia Environmental Network (BCEN). Since 1992, she has co-taught an interdisciplinary course in Global issues, in the Environmental Studies Program at the University of Victoria. A substantial part of the course has been on the relevance of International principles on local issues. She initiated the Global Compliance Research Project in 1994, and the associated Global Compliance Research Institute. In 1994-95, the Global Compliance Research (GCR) project received a \$50,000 CIDA grant to (a) carry out a content analysis of international agreements, and to prepare a compilation of the research for distribution at the UN Conference on Women: Equality, Development and Peace, and (b) set up a national and an international network related to Compliance...

The GCR Project completed the "Charter of Obligations" which had become a 350-page compilation in English (and a 200-page French version) of 50 years of obligations incurred, and expectations created internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind national governments of the member states at the UN conference that many of the presumably forward looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents.

For over 30 years Russow has been involved with extracting principles from different disciplines through interdisciplinary research, and looking for patterns and themes within different disciplines. She will be responsible for administering the project and for ensuring that the objectives will be carried out. As a result of years of policy analysis related to the environment, and human rights, and of carrying out content analysis of international instruments, Russow will be involved in carrying out the content analysis of the extensive number of international instruments and for extracting principles from these instruments. Though her research for her doctorate in interdisciplinary studies, she has provided background information on a range of processes, "Interframes" from a wide range of disciplines; these enterprises will be a starting point for the research into principles from different disciplines. She will be working on the synthesis of principles from the research into principles from different disciplines and the principles from international documents,

and she will also be responsible for preparing the computer diagrams for the comprehensive interdisciplinary framework of principles. She has placed national, provincial, and regional policies within the context of international obligations and expectations, will be involved in determining what would constitute compliance and will assist in the organization of the Community based sessions. She had prepared a 12-page report on systemic constraints that will be an initial discussion piece for the section on systemic constraints (see Annex). For her Masters in Curriculum development she worked on principle-based education placing human rights, environmental and peace issues in the context of international obligations and will use this background in principle-based education to contribute to the broadening and fostering of understanding and appreciation of the complexity and interdependence of environmental ethics with a comprehensive interdisciplinary framework of principles.

Fred Knelman

(Ph.D., Chemistry and Physics) full professor and initiator of an interdisciplinary course on Science and Human Affairs. Concordia University. Currently, still active at 75, Fred Knelman is a Sessional Lecturer, Global Issues in the Environmental Studies Program at the University of Victoria, and continues to author responses to government policy through the newspaper and publications. He has always been a forerunner in environmental issues; in 1972 he was one of 40 scientists and humanists selected to participate in a conference parallel to the UN Conference on Humans and the Environment in Stockholm. Author of the Science Council publication, Conservation of energy, 1976, and author of "Anti-nation: transition to Sustainability (1978), and treaties on ethics. He has published extensively and lectured widely on issues of equity and ecology and peace. He also has received two SSHRC grants, two HCSD grant, numerous grants in occupational health Department of National Health and Welfare; participated in major research projects at the Gamma Institute, along with other university based grants; has published over 400 articles, papers and addresses, and written numerous chapters in books, and published five books. He will be involved with having constant intellectual input into the development of the project. Knelman has also received awards for his contributions to peace and the environment. He will draw upon his extensive knowledge and experience in environmental ethics relating equity and ecology. He will be making a contribution to the synthesis of the findings for the publications of the findings, and will assist in recommending policy formation and implementation. In addition, he will make a contribution to principle-based education by introducing principles from his collection of metaphors, and myths to a means of teaching ecology in the principle-based education.

Bruce Cumming

Ph.D., in Biology specializing in environmental biology. Former chair of the Biology department, University of New Brunswick. Has taught at University since 1964 (University of Western Ontario from 1964-1971. Research officer, Agriculture Canada 1956-64 in Environmental Physiology. Representative for Biological Sciences having input into the first international meeting of interdisciplinary Task Group on Space and Time Dependent Data. He has served on numerous national and international committees. He is worked as a research officer with Agriculture Canada for eight years. Former Chair of the

Department of Biology at the University of New Brunswick. He has published over 100 articles in referred journals, written numerous chapters for books, and published numerous reports. From 1957 to present. He has received over 13 National Research Council grants and contracts, and five NSERC grants. He has been one of two Canadians representing Canada at the International Union of Biological Sciences congresses He has submitted briefs on environmental issues to Federal, provincial and municipal governments. He has developed a working thesis regarding environmental ethics supporting biocentrism (vs anthropocentrism), and in relation to the concept of conscious cultural evolution (Waddington: The Ethical Animal). He has traced the religious underpinnings of human views contributing to anthropocentrism. He will be contributing to the intellectual direction. He will be undertaking an analysis of discourse in the biological sciences., and assisting in the synthesis of the principles selected for the comprehensive interdisciplinary framework. With his knowledge of biochemistry and plant physiology, he will be able to relate the research contribution to an understanding of the fundamental physio-chemical laws that govern life on planet earth. He has been involved with biocentrism and the ethical dimensions of biocentrism, and has prepared a major monograph tracing the societal and religious contribution to anthropocentrism.

He will be involved in the intellectual direction of the project, and in particular in the extraction of principles from scientific disciplines, and in contributing to all aspects of the project.

Michael Stevens

(M A. Political Science, from Queen's University. Through his thesis work he carried out comprehensive research pertaining to the Canadian experience with foreign investment regulations. Through his four-year work experience in a computer firm he has conducted various searches on the internet., and has acquired a data basis from various federal government sources. He will be involved in carrying out research into principles from different disciplines and will be responsible for contacting different professional list serves, within which he will list the principles related to the different disciplines, and for documenting the input from the internet into the comprehensive interdisciplinary framework of principles He will thus extend the range of principles and assist in the synthesizing of the comprehensive interdisciplinary framework of principles.

Erin Kemper

(4th Year Philosophy) and Lara Reynolds (4th year English) will work together as research assistants on determining the different uses of the term "principle" in different disciplines. They will be carrying out a sample analysis of different disciplines for extracting principles, and working in conjunction with the co-investigators.

CONSULTANTS;

Alan Denison

Ph.D. in Philosophy. Recently retired from the department of philosophy and environmental studies. Leading theorist in environmental philosophy, responsible for the development of the environmental ethics philosophy and values course at the University of Victoria. He is the founding editor of two quarterlies, the Trumpeter: Journal of Eco Sophy,

and the International Journal of Eco forestry as well as a founder of the Eco forestry Institute. His recent books include *The Deep Ecology Movement: An Introductory Anthology* co-edited with Yuichi Inoue, 1995, and *The Practice of Technology* (SUNY Press 1995). He is currently involved with a course in "Comprehensive Values Inquiry: An Eccentric Approach. He has written over 100 articles, papers, and contributed chapters to 14 anthologies. He is currently a co-editor of the forthcoming anthology on Eco forestry, "Eco forestry: theory and source of sustainable forest use." He was a member of the editorial committee of a ten-volume collection of selected works on Arne Ness. He will be involved in contributing principles from a wide range of areas within environmental ethics, such as principles from deep ecology. He will draw upon his experience with "Comprehensive Values Inquiry" to examine the influence of values in a multicultural society on the understanding and interpretation of principles.

Saul Abbess (PhD. Anthropology, Master in Education, B.C. Teaching certificate. Professor of anthropology and sociology at Camosun College. He will be examining cultural ecology within which adaptation and sustainability interact. He will be abstracting the principles of ethical action governing the relation between cultural and natural systems. He will extract principles from a number of cultural systems, and examine the remarkable consistency among the underlying cultural ethical principles of action.

Tim Boston B.A in Environmental studies, MA in Environmental Studies at Waterloo to be completed April 1997 (involved in project after April 1997). Has researched environmental ethics and published widely during his undergraduate and graduate work. He is specializing in Environmental ethics, and Anti-environmental thought. He will be consulted on the intellectual direction of the project.

David White, environmental educator, and environmental activists, high school and community educator will be working in collaboration with Russow in developing principles-based education

Consultant Groups

Members of community groups will be consulted about what would constitute fulfillment of principles, and about what are the systemic constraints preventing change. One of the groups consulted will be the International caucus of the BCEN

Researcher assistants one a master's student in political science will play a dual role; carrying out research into different principles from different disciplines and monitoring and submitting the principles to the Internet and interacting with the response to expand the network

IMPORTANCE OF THE GROUP APPROACH

The research group approach is essential because the theme environmental ethics has to be conceived not within narrowly defined disciplinary boundaries, but within a comprehensive interdisciplinary framework. The translation of principles into recommendations for policy formation and policy implementation is extremely complex,

and requires involves a wide range of input from different areas of experience and expertise. Research projects of this complexity require a meeting of minds over issues that are involved derived, applicable to and come from different disciplines.

BIBLIOGRAPHY

Berry, Wendell. (1977). *The Unsettling of America: Culture and Agriculture*. Avon, New York.

Boston, Tim (1996) *Ecopsychology: An Earth Psyche Bond*. *The Trumpeter: Journal of Eco Sophy*, 13 (2): 72-79

Brown, Lester, et al. (1995). *State of the World 1995*. Norton, New York.

Carson, Rachel (1962). *Silent Spring*. Houghton. Boston, Mass

Commoner, Barry (1972). *The closing Circle*. Bantam Books, New York.

Costa, John D. (1995). *Working Wisdom: The Ultimate Value in the New Economy*. Stoddart, Toronto.

Cumming, B.C. and Wagner, E (1968). *Rhythmic Processes in Plants*. *Annual Review of Plant Physiology* 19: 381-416

Cumming B.C. (1986). *A different view on laboratory use of non-human animals*. *Canadian Federation of Biological Sciences* 4 (1): 3-5

Cumming B.C. (1986). *Human and Animal Rights Policy Option 7 (7) 19-23*.
Reprinted in:
"the Environment" (reprints selected by Walter Stewart:
"the Cleaning and Greening of a planet" published by the Institute for Research on
Public Policy, Halifax, N.S.) 72 pp (Not dated).

Dawkins, Richard (1976). *The Selfish Gene*. Oxford University Press, New York and Oxford.

Devall, B. and G. Sessions (1985) *Deep Ecology: Living as if Nature Mattered*. Peregrine Smith Books, Salt Lake City, Utah.

Dobzhansky, Theodosius (1962) *Mankind Evolving: The Evolution of the Human Species*, Yale University Press, New Haven.

Drengson, Alan R. and Yuichi Inone; Editors, (1995)
The Deep Ecology Movement. North Atlantic Books, Berkeley.

Ehrenfeld, David (1978). *The Arrogance of Humanism*. Oxford University Press, New York.

- Godfrey Smith, W (1980). "The Rights of non-humans and Intrinsic values" In: Environmental Philosophy. Monograph Series No. 2, Edited by Marrison et al, Australian National University
- Huxley, T.H. and Julian Huxley (1947). Evolution and Ethics (1883-1943), the Pilot Press Ltd., London.
- Jantsch, E. (1980). The Self-organizing Universe Pergamon Press, New York
- Kohr, L (1978). The Overdeveloped Nations: The Diseconomies of Scale. Schochen Books, New York
- Leopold, Aldo (1949). A Sand County Almanac and Sketches Here and There. Oxford University Press, New York.
- Ornstein, R, and P. Ehrlich (1989) New World New mind: Changing the way we think to save our Future, London
- Rifkin, Jeremy (1980). Entropy: Into the Greenhouse World. Viking Press and Bantam Books, New York.
- Rolston, Holmes III (1988). Environmental Ethics. Temple University Press, Philadelphia
- Roszak, Theodore (1973). Where the Westland Ends, Politics and Transcendence in Postindustrial Society. Anchor Books, Doubleday & Co, New York.
- Saul, J.R. (1995). The Unconscious Civilization. Anansi, Concord, Ontario
- Schweitzer, A (1929) Civilization and Ethics. The Philosophy of Civilization. Part II (The Dale Memorial, Lectures, Oxford, 1922). A & C. Black Ltd.) London
- Secretan, Lance (1996). Reclaiming Higher Ground: Creating Organizations that Inspire the Soul. MacMillan, Toronto.
- Skolinowski, Henryk (1981) Ecophilosophy: Designing New Tactics for Living. Marion, Boyars, Salem, N.H.
- Stone, C.D. (1974). Should Trees Have Standing? Toward Legal Rights for Natural Objects. Wm Kaufmann, Inc. Los Altos, Ca.
- Taylor, D.W. (1986). Respect for Nature: A theory of Environmental Ethics. Princeton University Press, Lawrenceville, New Jersey.

Waddington, C.H. (1967). *The Ethical Animal*; The University of Chicago Press, Phoenix, Editor Chicago

Watson, R. A. (1983). "A Critique of Anti-Anthropocentric Biocentrism," *Environmental Ethics*, 5: 245-256

White, Jr. Lynn (1967). "The Historical Roots of our Ecologic Crisis." *Science* 155: 1203-1207.

Wilson, E.O. (1992) *The Diversity of Life*
Harvard University Press, Cambridge, Mass.

Worster, Donald (1985). *Nature's Economy: A History of Ecological Ideas*.
Cambridge University Press, Cambridge, U.K.

INTERNATIONAL DOCUMENTS

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
 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
 Peace 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 "Over-consumption", 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, 1990.
 Responsibility. a Statement of Principles for Canadian daily newspapers,
 1977

INTERDISCIPLINARY PRELIMINARY BIBLIOGRAPHY BIBLIOGRAPHY

- Arnheim, R. (1969). *Visual thinking*. Berkeley: University of California Press.
- Austin, J. (1979). *Philosophical papers*. Oxford: Oxford University Press.
- Bachelard, G. (1971). *Epistemologie: Textes choisis part Dominique Lecart*. Paris: Presses Universitaires de France.
- Bachelard, G. (1972). *L'engagement rationaliste*. Paris: Presses Universitaires de France.
- Barthes, R. (1964). Trans. R. Howard (1988). *Semiotic challenge*.

New York: Hill & Wong

Bateman, G. (1972). *Steps to an ecology of mind*. San Francisco: Chandler Publishing Co.

Baudrillard, J. (ed). (1988). *Simulacra and simulations.*: Selected writings, Stanford, Calif. Stanford University Press.

Bergson, H. (1927). *L'intuition philosophique*. Paris: Editions d' Edouard Pelletan.

Bergson, H. (1946). *The Creative Mind*. New York: Philosophical Library.

Bohm, D. (1980). *Wholeness and implicate order*. London: Routledge & K. Egan Paul.

Bobrow, D. & Collins, A. (Eds). (1975). *Representing and understanding*. New York: Academic Press.

Buhler, C. (Ed.) (1968). *The course of human life*. New York: Springer Publishing.

Bruner, J. (1962). *On knowing Essays for the left hand*. Cambridge: Springer Publishing.

Bruner, J. (1983). *In search of mind*. New York: Harper and Row Publishers

Cassirer, E. (1923). *Substance and function and Einstein's theory of relativity*. New York: Dover Publications.

Cassirer E. (1946). (Trans. S. Langer). *Language and myth* New York, Harper.

Chomsky, N. (1975). In Magee, B. (1978). *Men of Ideas: Some creators of contemporary philosophy*. London: British Broadcasting Corp.

Dabrowski, K. (1967). *Positive distintegration*. Boston: Little, Brown, and Co.

de Man, P. "Concept of aporia.: impassable paths., aporia stands for difficulty." Moynihan, R. (1984). Interview with Paul de Man. *The Yale Review* 73 (1984): 591

de Man, P. (1979). "Allegories of Reading" in Baudrillard, J. (ed). (1988). *Simulacra and simulations.*: Selected writings, Stanford, Calif. Stanford University Press.

Derrida, J. (1981). *Positions*. In Bass, A. (trans). (1981). *Positions*. Chicago: University of Chicago Press.

- Derrida, J. (1967) *L'Écriture et la différence*. Paris: Seuil. In Bass, A. (trans). (1978). *Writing and difference*. Chicago: University of Chicago Press.
- Dewey, J. & Bentley, A. (1949). *Knowing and the Known*. Boston Beacon Press, 1949
- Eco, U. (1976). *A theory of semiotics*. Bloomington, Indiana University Press.
- Eco, U. (1984). *Semiotics and philosophy of language*. Bloomington: Indiana University Press.
- Eco, U. In Cancogni, A. (Trans.). (1989). *The Open Work*. Cambridge: Harvard University Press.
- Eco, U. & Santambrogio, M. & Partrizia, V. (eds). (1988). *Meaning and mental representation*. Bloomington: Indiana University Press.
- Feldman, S. (Ed). (1966). *Cognitive consistency*. New York: Academic Press
- Festinger, L. (1957). *Theories of cognitive dissonance*. New York: Row, Peterson and Co.
- Findler, N. (1979). *Associative networks: representation and use of knowledge in Computers*. New York: Academic Press
- Fiske, D. & Maddi, S. (Eds.). (1961). *Functions of varied experience*. Homewood, Illinois: The Dorsey Press.
- Fodor, J. (1975). *Language of thought*. New York: Thomas Y. Crowell Co.
- Fodor, J. (1981). *Representations: philosophical essays in the foundations of cognitive science*. Cambridge: M.I.T. Press.
- Foucault, M. (1969). *Archeology du savoir*. Paris: Editions Gallimard.
- Gardiner, M. (1958). *Logic Machines & Diagrams*. New York: McGraw-Hill Book Co.
- Gleick, J. (1987). *Chaos making a new science*. New York: Viking Press.

Godel, K. in Kline, M. (1980). *Mathematics: The loss of certainty*. New York: Oxford University Press.

Greimas, A. (1987). *On meaning: Selected writings in semiotic theory*. Minneapolis: University of Minnesota Press.

Guilford, J. (1967). *The nature of human intelligence*. New York: McCraw Hill.

Hausdorff, F. (1957). *Set theory*. New York: Chelsea Publications Co.

Hayward, J. (1987). *Shifting worlds changing minds*. Boston: Shambhala New Science Library

Heisenberg, W. (1958). *Physics and philosophy: The revolution in modern science*. New York, Harper.

Howard, R. (Trans). (1988). *Roland Barthes: Semiotic challenge*. New York: Hill and Wang.

Hunt, J. (1961). *Intelligence and experience*. New York: The Ronald press Co.

Jacquette, D. (1994). "The type-token distinction in Margolis's Aesthetics." *The Journal of Aesthetics and Art Criticism*. 52:3. Summer, 1994.

Jones, R. (1982). *Physics as Metaphor*. Minneapolis, Minn: University of Minnesota

Kochen and Specker, (1967). The problem of hidden variables in quantum mechanics, *J. of Math. and Mechanics*, 17, pp. 59--87,

Koestler, A. (1964). *The act of creation*. London: Hutchinson.

Kline, M. (1980). *Mathematics: The loss of certainty*. New York: Oxford University Press.

Kosuth, J. (1991). *Art after philosophy and after: Collected writings, 1966-1990*. Cambridge, Mass: MIT Press.

Kuhn, T. (1962). *The structure of scientific revolutions*. Princeton, N.J.: Princeton University Press.

Kuhn, T. (1970). *The structure of scientific revolutions*. 2d ed. Chicago: University of Chicago Press.

Lakatos, I. (1978). *The methodology of scientific research programs*. London: Cambridge University Press.

Leitch, V. (1983). *Deconstructive criticism: An advanced introduction*. New York: Columbia University Press.

Maddi, S. (1968). The pursuit of consistency and variety. In Abelson, R., et al. (eds). *Theories of cognitive consistency: A sourcebook*. Chicago: Rand McNally and Co.

Malkovich, J. & Meyer, W. (1974). *Graphs, models, & finite mathematics*. Englewood Cliffs, N.J.: Prentice-Hall.

Margenau H. (1950). *The nature of physical reality: A philosophy of modern physics*. New York: Mc Graw-Hill.

Menger, K. (1979). *Selected papers in logic and foundations, didactics, economic*. Boston: D. Reidel Pub. Co.

Menger, K (1948). Self-dual postulates in projective geometry. *The American Mathematical Monthly*, 55. 195

Miller, J. On Edge: The crossways of contemporary criticism. *Bulletin of the American Academy of Arts and Science*. (January, 1979), 32: 18-19.

Miller, J. (1975). Fiction and repetition: Tess of the d'Urbervilles. In Warren, A. (Ed.) Friedman. *Forms of modern British fiction*. Austin: University of Texas Press.

Morgan, C. (1987). *Course in Logic*. Victoria: University of Victoria.

Moynihan, R. (1984). Interview with Paul de Man. *The Yale Review* 73 (1984): 591

Newcombe, T. (1968). Introduction. In Abelson, R. et al. (Eds.). *Theories of cognitive consistency: A sourcebook*. Chicago: Rand McNally and Co.

Newcombe, T. (1968). Interpersonal balance. In Abelson, R. et al. (Eds.). *Theories of cognitive consistency: A sourcebook*. Chicago: Rand McNally and Co.

Pierce, C. S. *Collected papers. 1931-58*. Cambridge, Mass: Harvard University Press.

Piaget, J. (1985). *The equilibration of cognitive structures: The central problem of intellectual development*. Chicago: University of Chicago Press

Pointcare, H. (1900). In Kline, M. (1980). *Mathematics: the loss of certainty*. New York: Oxford University Press.

Polya, G. (1957). *How to solve it: A new aspect of mathematical method*. Garden City, NY: New York: Doubleday Anchor

Popper, K. (1983). *Realism and the aim of science*. London: Hutchinson

Rapoport, A. (1983). *Mathematical models in the social and behavioral sciences*. Toronto: John Wiley & Sons.

Raskin, V. Weiser, I. (1987). *Language and writing: applications of linguistics to rhetoric and composition*. Norwood, N.J.: Ablex Publishing Co.

Rieber, R. (1983). *Dialogues on the psychology of language and thought*. New York: Plenum Press.

Russow, J. & Evans, P. (1990). Epistemic mode of expression and interaction: The use of epistemological editorial symbols. A paper presented at the Learned Societies Conference. Kingston, Ont.

Russow, J (1996). *Comment on Habitat II Agenda: moving beyond Habitat I to discharging obligations and fulfilling expectations*. (176 pages). Global Compliance Research Institute: Victoria, Canada

Russow, J (1996). "A General principle and the manifestations of this principle in modes of thinking, composing, expressing and interacting" (Dissertation, 250 pages). Interdisciplinary Studies. Victoria: U of Victoria

Russow, J (1995) "Report on Beijing: Failure to discharge obligations." Victoria: British Columbia Council for International Cooperation (BCCIC) Report.

Russow, J. (1995). *Charter of Obligations: interdependence of human rights, peace, social equity/equality and environmental issues*. Victoria: Global Compliance Research project. (350 pages.). Victoria: Global Compliance Research Project

Russow, J (1995). "Need to place the Platform of Action in the context of past precedents." Global Compliance Research presentation to the United Nations Commission on Women. Reprinted in Canadian Voice of Women Newsletter.

Russow, J. and U. Confalonieri (1995). Redefinition of development in equitable and ecological terms. Report from CIDA funded ERA (Canada) /Eco tropic (Brazil) project

Russow, J. (1985). *A method of teaching human rights: issue principle analysis*. Victoria: Vancouver Island Human Rights Coalition (108 pages). Master's in Education in Curriculum Development

Rhymer, J. (1988). Scientific composing processes: How eminent scientists write journal articles. In Jolliffe, D. (Ed). (1988). *Advances in writing research*. Vol. 2. Norwood, New Jersey: Able Publishing Corporation.

Simon, H. (1958). *The sciences of the artificial*. Cambridge, MIT Press

Shrank, R. (1975). Acts. In Borrow, D. & A. Collins. (Eds). (1975). *Representing and understanding*. New York: Academic Press.

Stoll, R. (1961). *Sets, logic and axiomatic theories*. San Francisco: W.H. Freeman and Co.

Tannenbaum, P. (1968). The congruity principle retrospective reflections and recent research. In Abelson, R. et al. (Eds.). *Theories of cognitive consistency: A sourcebook*. Chicago: Rand McNally and Co.

Tarski (A), in Kline, M. (1980). *Mathematics: The loss of certainty*. New York: Oxford University Press.

Van Frassen, B. (1971). *Formal semantics and logic*. Toronto: Mc Millan.

Wakefield, N. (1990). *Postmodernism: The twilight of the real*. London: Pluto

Wheeler, and J. Mehra, eds., (1973). *The Physicist's Conception of Nature*. Boston: D. Reidel Publishing Co.

Wheeler, J.A. (1978). The "past" and the delayed choice "double slip" experiment. In Morlow, A. (Ed.). *Mathematical Foundations of Quantum Theory*. New York: Academic Press.

Whitehead, A. (1929) *Science and the modern world*. Toronto: Collier McMillan

Winograd, T. (1972). *Understanding natural language*. London: Academic Press.

Wittgenstein, L. (1960). *Blue and brown books*. Oxford: Basil Blackwell.

Wittgenstein, L. (1961). *Notebooks 1914-1916*. Oxford: Basil Blackwell.

Wittgenstein, L. (1968). *Philosophical investigation*. New York: McMillan Co.

SUGGESTED REFEREES

Dr. David Ehrenfeld, Professor of Biology,
Rutgers University (USA). founding editor of the Journal Conservation Biology.

(See the Convention on the Elimination of Ozone Depleting Substances 1985, and subsequent protocols (Montreal, London, Copenhagen)).

the Trumpeter: Journal of, and the International Journal of Ecoforestry as well as a founder of the Ecoforestry Institute. His recent books include *The Deep Ecology Movement: An Introductory Anthology* co-edited with Yuichi Inoue, 1995, and *The Practice of Technology* (SUNY Press 1995). He is currently involved with a course in "Comprehensive Values Inquiry: An Ecocentric Approach." (39, *Regulating the Regulator* 1982)

(Waddington the Ethical Animal).

The most obvious devices are those that have been designated as reflecting anti-environmental thought (See Boston, Tim BIBLIOGRAPHY...) Waltz, K. (1979) *Theory of International Politics*. Reading: Mass: Addison-Wesley (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972); to eliminate the production of weapons of mass destruction (Art. 26 UNCHE); to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); to prevent the 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); to not do anything on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); to invoke the precautionary principle which states that in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Art. ? Conventions on Biological diversity) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: to reduce the ecological footprint (Art. 27 b); to protect fragile ecosystems and environmentally vulnerable areas (27e) to prevent anthropogenic disasters (27 i); to prevent environmental damage through knowledge of eco-cycles (Art. 135); etc.

Agenda 21, and adopted by Canada in 1991, through Chapter 36, Agenda 21, UNCED).

NGOs and CBOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings. In the "Charter of Obligations" (J. Russow (1995), *Charter of Obligations*, Global Compliance Research project), a preliminary (i) content analysis of some of the international agreements, (ii) delineation of systemic constraints, (iii) development for principle-based decision making and education have been documented. The proposed research in Environmental Ethics carries this preliminary research further, and builds on a literature review in interdisciplinary studies into "Interprimes"—common and

(Keynote Address, Digby McLaren, Past President of the Royal Society of Canada, 1991). S

(See Russow. Court submission on the applicability of International law).

(Brent Parfit, Ombud's office, 1995, Personal Communication); Also, it has been held that "when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). At a conference on the 50th Anniversary of the United Nations in San Francisco, at a workshop on Agenda 21. It was proposed that the Doctrine of Legitimate Expectation could be used to further implementation of international law.

ANNEX 1

Throughout the existence of the United Nations, the member states have incurred obligations the Charter of the United Nations, through Conventions and treaties and through covenants, and states have created expectations through General Assembly resolutions and through Conference Action Plans, platforms of Actions and Agendas.

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

Russow, J. (1974-1990). Interprime analysis and ideagraphic synthesis: A collection of ideagraphs.

Russow, J. (1974-1991). Ideagraphic mode of expression: A collection of ideagraphs.

Russow, J. (1987a). The state of epistemic complexity: An indeterminate interval between the state of generative complexity and the state of consequential complexity. Unpublished term paper. Available on disk from author.

Russow, J.(1987b). Examination of the complexity of thought in expanding on the concept of change. Unpublished paper, available on disk from author.

Russow, J.(1987c). Examination of the complexity of thought in expanding on the concept of change. Unpublished paper, available on disk from author.

Russow, J. (1987d). Avoidance of complexity and uncertainty in education: Interviews with educators. Unpublished term paper, available on disk from author.

Russow, J. (1988a). Expression and communication of complexity of thought through the Ideagraphic mode of expression. Diagram

Russow, J. (1988b). Thinking through models forces distinctions between critical and creative thinking. Unpublished paper, available on disk from author.

Russow, J. (1987-1992a). Studies related to aspects of expressing complexity. Unpublished manuscript, parts of studies presented at different conferences, available on disc from author.

Russow, J. (1987- 1992b). Report on studies on attitudes towards states of complexity. Manuscript in progress, available on disk from author.

Russow, J.(1988-92). Expanded indications expressing unexpressed thought underlying model dependent expression. Manuscript in progress, available on disk from author.

Russow, J. (1988). States of complexity: Cognitive, discerned and generated. Unpublished paper, available on disk from author.

Russow, J. (1989a). Thinking through models forces distinctions between critical and creative thinking. Unpublished paper, available on disk from author.

Russow, J. and White D. (1990 b). Exploration into the use of the ideagraphic mode of instruction. Unpublished paper available on disk from author.

Russow, J. (1989b). Synthesis of theoretical and empirical research: Expression and interaction within the complexity of thought and of concept transformation. Unpublished paper, available on disk from author on disk.

Russow, J. 1989c). Prevalence and imposition of models on the complexity of thought and of concept transformation. Unpublished manuscript, available on disk from author.

Russow, J. (1990a). Integration of theoretical and practical exploration within an interdisciplinary context. Unpublished paper, available on disk from author.

Russow, J. (1990b). The ultimate model, paradigmatic principle: the alternative of endigmatic principle." Unpublished paper, available on disk from author.

Russow, J. (1990c). Prevalence and imposition of models on the complexity of thought and of concept transformation. Unpublished paper, available on disk from author.

Russow, J. (1990d). Anecdote analysis: problem of expressing complexity: Imposition of models of expression, evaluation of expression, interpretation. Unpublished paper, available on disk from author.

Russow, J. (1990e). Complexity: Delineation of properties of a confluence of aspects. Unpublished paper, available from author on disk.

Russow, J.(1991a). Range of concepts emerging from exploring the complexity of the entity “change.” Unpublished paper, available on disk from author.

Russow, J. (1991b). “Expansion and interaction with the Interdisciplinary literature: Unlimited semiosis.” Manuscript in progress, available on disk from author.

Russow, J. (1991c). Model making and consistency theory. Unpublished manuscript, available on disk from author

Russow, J. (1992a). Model Making: Herbert Simon’s construct of “Semi-decomposability.” Unpublished paper, available on disk from author.

Russow, J. (1992a). Models of evaluation: Condoning the myth (Diagram)

Russow, J. (1992b). Correspondence between “experts” and “novices” in the clusters of categories. Paper in progress, available on disk from author.

Russow, J. (1992c). Fallacies and condonements inherent in the traditional model of expression, and evaluation. Manuscript in progress, available on disk from author.

Russow (1993). Ideagraph of composition models, diagram in progress

Russow, J. (1993—). Confluence of modes necessary for implementation of the Endigmatic principle of expression and interaction. Paper in progress.

Russow, J. & Evans, P. (1989). The expression and communication of complexity through epistemological editorial symbols. Unpublished paper, presented at the Learned Society Conference, University of Victoria.

Russow, J. & White, D. (1990). Ideagraphic mode of expression: The expression of complexity, integration and interdependence. Submitted as part of a grant proposal for Intermediate sites to the “Innovations 2000” in the Ministry of Education, British Columbia.

1996 Oct 31 SUMMARY PROJECT: Environmental Ethics

There is a need to extend a primarily anthropocentric outlook to comprehend and address, more fully, an outlook of ecocentrism, that recognizes and protects the intrinsic nature and worth of all species (as far as possible) independently of human needs within nature. This normative principle has received support in the deliberations of the United Nations through the following General Assembly resolution:

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

Formation of policy in Canada is often related to an “environmental ethic” present as the discretionary satisfying of competing interests, rather than the adherence to principles arising from obligations incurred or expectations created by Canadian governments.

For over 50 years, member states of the United Nations have incurred obligations through the Charter of the United Nations, through treaties, conventions and covenants. Member states of the United Nations have also created expectations through declarations, conference action plans and General Assembly Resolutions.

The researchers in the proposed project on environmental ethics will prepare a comprehensive interdisciplinary framework of principles to guide the formulation of coherent ecological values. This formulation, in turn, will lead to policies ensuring the respect for “every form of life regardless of its worth to humans.” These principles will be drawn from an analysis of discourse in different disciplines, from the content of international agreements, and from codes of ethical action governing the relation between cultural and natural systems.

This research on a comprehensive interdisciplinary framework of principles will have the following objectives:

- to determine what would constitute adherence to and fulfillment of the principles contained within the comprehensive interdisciplinary framework.
- to delineate the significant dilemmas found within the complexity of environmental ethics and policy formation and implementation
- to discern, and clarify the systemic constraints¹ preventing the adherence to and fulfillment of these principles, and contributing to the non-compliance with obligations and expectations
- to recommend the formation and implementation of policy to overcome the individual, institutional and governmental systemic constraints
- to ground collaborative principle-based decision making within the comprehensive interdisciplinary framework of principles

¹ Entrenched structural and procedural obstacles preventing the policy formation and implementation necessary for change

- to broaden and foster the understanding, and the appreciation of the complexity and interdependence of environmental ethics and values within a comprehensive interdisciplinary framework of principles

The outcomes of this research will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand the components of, and extend the domain of, environmental ethics, and within which to critically examine policy. The researchers will also synthesize the existing principles established internationally (through statements in international documents) with principles of ethical action governing the relation between cultural and natural systems, to provide a baseline of operative principles of action. This research will provide a critical mass of data related to the pervasiveness, the historical relevance, and the applicability of these operative principles to environmental ethics and to policy formation and implementation related to environmental ethics. Consultation with non-governmental environmental organizations (ENGOS) and with community-based organizations (CBOs) will take place in (i) determining what would constitute adherence; (ii) discerning and clarifying systemic constraints, and (iii) recommending policy.

The outcomes of the research project will be disseminated through papers submitted to refereed journal and to conferences such as the Learned Societies conference. In addition, workshops will be organized in different provinces with various government ministries, and with non-governmental environmental organizations (ENGOS), and community-based organizations (CBOs) across Canada. In addition, the first draft of the research project will be disseminated at meetings for the 5th anniversary of the United Nations Conference on Environment and Development in 1997, and the final version of the research will be circulated at a special session on environmental ethics and policy at a conference to be proposed in Victoria on “Global compliance from principle to policy and action” in 1999—the culmination of the decade devoted to the furtherance of international law.

POLICY ISSUES ADDRESSED.

One of the policy issues addressed in this research project is that policy decisions are not usually based on a firm framework of principles. Often if a set of principles is presented as under-girding policy there is a subsequent admission that principles are the ideal and there must be “trade-offs” in “the spirit of compromise.”

In this project an array of principles drawn from different disciplines, from international agreements and from principles of ethical action government the relation between cultural and natural systems will be gathered and a base line of principles related to environmental ethics will be delineated. This baseline of principles will underscore what policy formation and policy implementation are necessary to at least fulfill and adhere to what has been previously undertaken; reveal what principles have not yet been endorsed, and indicate the needed direction for policy formation and implementation.

Another policy issue to be addressed in this research project is that there is substantial discrepancy between governments’ stated intentions at the international level and policy formation and implementation at the local—federal, provincial, regional— level, and a discrepancy between stated local policy intentions and implementation of local policy. A supplementary policy issue arises in that nation states have been reluctant to endorse mandatory international normative standards drawn from the highest tenable principles in environmental ethics, that require harmonizing upwards, to create an “even global playing field” This reluctance has created a situation whereby polluting industries will argue for a global policy of conformance to voluntary industry self-initiated standards, such as the ISO 14,000 standards. The outcome of having voluntary standards rather than mandatory international normative standards and regulations is that industries will argue locally against the instituting or strengthening of regulations and mandatory standards on the grounds that high local standards will require them to relocate in another region or country where the standards are lower or where there is a willingness to relax environmental standards to attract industry.

Yet, States undertook to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167, United Nations Conference on Women, 1995). This undertaking was reaffirmed and extended in the Habitat II Agenda 1996 to include the “private sector.”

A key doctrine will govern this research project: The Doctrine of Legitimate Expectation. This doctrine has been described in the following way: 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 (Brent Parfit, Ombud’s office, 1995, Personal Communication). States have also agreed to “recognize the inherent worth of nature”, and “to be guided by a moral code of action.” What would constitute adherence to these two directives? What principles should be used to substantiate a moral code of action; and what policy at the local—national, provincial, and regional—needs to be formulated and implemented?

A 14 DETAILED DESCRIPTION OF THE RESEARCH PROJECT

CONTEXT

Scope and objectives of the project

“Due to the unanticipated rate and magnitude of impacts on nature, we now face a threat of irreversible change with global implications; we have arrived at a point where inaction is negligent, and we can no longer afford the luxury of continuing the errors of the past.” (Knelman, 1996, personal communication).

Human activity has been so extensive and pervasive that increasingly larger components of nature are subject of deterioration, destruction, or extinction. Thus, from the ethical viewpoint there is an increasing need for humans to assess their activities the merit of their activities from an ecocentric rather than just an anthropocentric perspective. With humans’ increasing abilities to influence the biosphere, the stabilizing role of “natural” (Darwinian -Wallace) evolution is diminished, while the human role in evolution is concomitantly increased.

Uniquely, perhaps --at least to the extent of our knowledge—humans have the ability to become “ethicizing animals” (Waddington: *The Ethical Animal*). This has been part of our conscious social evolution, within the limits of our genetic-environment (nature-nurture) attributes. Thus, humans have derived “laws and mores” to govern their lives.

For years states have incurred obligations and created expectations through international agreements. Many of these obligations have never been discharged, and many of the expectations have not been fulfilled. One reason is that States fail to sign international legally binding treaties; another reason is that states that sign legally binding conventions and treaties, fail to ratify them; and still another reason is that states that ratify these treaties fail to enact the necessary legislation to ensure compliance. Many of the major conference action plans, such as those from (United Nations Conference on Environment and Development (UNCED), are adopted by all the member states of the United Nations, but they are not deemed to be legally binding. Canada as a federal state has an additional problem because Canada signs and ratifies conventions in areas over which provinces purport to have jurisdiction (See Russow J.) Court submission on the applicability of International law).

Through international agreements states have undertaken ; to protect the natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972); to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); to prevent the 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); to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Art. ? Conventions on Biological diversity) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992);

and from the Habitat II Agenda: to reduce the ecological footprint (Art. 27 b); to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i); to prevent environmental damage through knowledge of eco-cycles (Art. 135) and so forth.

In addition, public unawareness of the nature and scope of international obligations and expectations, and the failure to determine what would constitute compliance are both additional factors that obviate the discharging of obligations in relation to environmental ethics, policy formation and implementation. Also, many theorists and practitioners fail to perceive or disregard the relevance of international agreements in the formulation and implementation of policy. An important component of this research project is the broadening and fostering the understanding, and the appreciation of the complexity and interdependence of environmental ethics through public education programs

Another problem to be addressed in this research project is that there is substantial discrepancy **between the urgency and the appreciation of the urgency and** between the stated intention and policy formation and implementation, and that this discrepancy is not only rationalized and condoned, but promoted. In this research project on environmental ethics, policy will be recommended to reduce or to eliminate this discrepancy by linking policy formation and implementation with a comprehensive framework of principles derived from discourse from different disciplines and derived from a wide range of international agreements.

As mentioned in the previous section, a key doctrine will govern this research project: The Doctrine of Legitimate Expectation. This doctrine has been described in the following way: 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 (Brent Parfit, Ombud's office, 1995, Personal Communication). A further clarification of this doctrine is "when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). **At a conference on the 50th Anniversary of the United Nations in San Francisco, at a workshop on Agenda 21, it was proposed that the Doctrine of Legitimate Expectations could be used to strengthen both the treaty obligations and the expectations generated through Conference action plans such as Agenda 21. This proposal was favorably received by the Executive Director of the Commission on Sustainable Dr. Nitun Desai who requested further information.**

A key principle to be examined in the research project is the "principle of international customary law." If it can be shown that a principle has been enunciated and prevalent for years within the body of international law, then the principle can be designated as a principle of international customary law, and if so designated, the principle could be presumed to come under national state law. An example of a principle of international customary law could be the principle of inter-generational equity—the rights of future generations to a safe environment—which has been present in numerous forms since the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the Environment (UNCED) 1992 (Agenda 21, The

Convention on Biological Diversity and the Framework Convention on Climate Change). this doctrine would apply to the discharging of obligations reflected in principles. Additional clarification would have to be made as to what would actually constitute compliance with the principle.

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national, provincial, and regional policy formation and implementation related to environmental ethics, in that obligations incurred or expectations created can be made to be enforceable in national, provincial and regional law.

OBJECTIVES OF THE RESEARCH PROJECT

To address the problem of eliminating or at least reducing the discrepancy between stated intention and policy formation and implementation, the researchers propose a general objective. This objective is to establish a comprehensive interdisciplinary framework of principles related to environmental ethics, to propose principle-based decision making and education, and to recommend policy formation and implementation based on this framework of principles. The following interdependent objectives will assist in the realization of this general objective.

1. Prepare a comprehensive interdisciplinary framework of principles related to environmental ethics; these principles will be drawn from a discourse analysis of a sampling from different disciplines, and drawn from a content analysis of international agreements
2. Determine what would constitute adherence to and fulfillment of these principles contained within the comprehensive interdisciplinary framework.
3. Delineate the significant dilemmas found within the complexity of environmental ethics and policy formation and implementation
4. Discern and clarify the systemic constraints preventing adherence to and fulfillment of these principles, and contributing to non-compliance with obligations and expectations
5. Recommend the formation and implementation of policy to overcome individual, institutional and governmental systemic constraints
6. Ground a collaborative principle-based decision-making process within the comprehensive interdisciplinary framework of principles
7. Broaden and foster the understanding and the appreciation of the complexity and interdependence of environmental ethics within a comprehensive interdisciplinary framework of principles

Relevance of the project to the theme

Most disciplines have principles that are relevant to environmental ethics, and these principles need to be placed in a comprehensive interdisciplinary framework of principles. In 1991, at a Global Change Conference, Digby McLaren stated that what is needed is synthesis of what exists, that we do not have to wait for scientific certainty to act, and inaction is negligence (keynote Address, Digby McLaren, Past President of the Royal Society of Canada, 1991). Strong ethical principles relevant to environmental ethics have been enunciated internationally through a wide range of international

agreements. In this project these principles, along with principles of ethical action governing the relation between cultural and natural systems will form a basis for policy formation and implementation at the national, provincial and regional levels. In addition, these principles will contribute to the placing of issues within a larger global context, within the educational system, and within the context of public awareness programs (as was proposed in Agenda 21, and adopted by Canada in 1991, through Chapter 36, Agenda 21, UNCED). In this project, as well, these principles will be an integral part of the proposed educational program.

Relevance of on-going research of investigators

This project will link a long-time interest in interdisciplinary thought, in ethical principles of action, in international obligations and compliance. From my experience in developing “principle-based education” for my Master’s Degree in Education in 1985, I realize the importance of working closely with experienced educators in the educational system, as well as with Community based organizations that have a wide experience in public awareness programs. From my experience in compiling a 350-page Charter of Obligations (obligations incurred and expectations created through international agreements) in 1995, and from preparing a document for the Habitat II Conference, I became more and more aware of the rich body of precedents that did not appear to be part of the government deliberations. I realized the importance of bringing to the attention of the policy makers information on what has been previously agreed to, I also realized that knowing the precedents would not be sufficient, and that what would be important would be to determine what would constitute compliance with these precedents.

Importance, originality and anticipated contribution to knowledge and to policy development

The researchers will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand **the components of and extend the domain of** environmental ethics, and within which to critically examine policy. The researchers will also synthesize the existing principles established internationally through statements in international documents and with **principles of ethical action governing the relation between cultural and natural systems** and thus provide a baseline of operative principles of action

Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations need to provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to national, provincial and regional issues. In addition, NGOs and CBOs are often too preoccupied with reacting to immediate emergencies to have

the time to carry out the needed content analysis of these undertakings. In the “Charter of Obligations” (J. Russow (1995), Charter of Obligations, Global Compliance Research project), a preliminary (i) content analysis of some of the international agreements, (ii) delineation of systemic constraints, (iii) development for principle-based decision making and education have been documented. The proposed research in Environmental Ethics carries this preliminary research further, and builds on a literature review in interdisciplinary studies into “‘Interprimes’—common and idiosyncratic processes and principles in different disciplines”; this project will provide a comprehensive synthesis of principles within the framework, and will carry the project past the synthesis of principles to the determining of what would constitute adherence to principles in policy formation and implementation related to environmental ethics. It is essential to become aware of the principles but it is equally essential to understand what would constitute compliance, and to be able to recommend policy formation and implementation based on an extensive foundation of principles from the various disciplines.

Conceptual Approach

The conceptual approach involved in this proposed research project could be described as “interdependent incrementalism”, in that all the components and objectives of the project will be integrated of as being interdependent, and their examination undertaken concurrently. Each phase will have the current level of interdependence of components and the project will be altered incrementally but always as a whole of interacting interdependent components. The approach is also collaboration investigation

METHODOLOGY

The above objectives will be carried out concurrently so that all the components of the project are integrated as the project develops as the basic principles are uncovered, and also so that the project can be presented at different phases². **Several papers related to the project will be submitted to various conferences as a basis for a symposium.** The first phase of the project will be prepared and presented to various government offices and to NGOs and to CBOs across Canada, and will be prepared and presented at various workshops across Canada for the lead up to the Fifth Anniversary of the United Nations Conference on Environment and Development in 1997. The first phase will have a preliminary version of all the objectives. The second phase will be in place for the 1998 50th anniversary of the Universal Declaration of Human Rights where the phase 2 version will be used for promoting the preservation, conservation and the protection of the environment, and the preservation of natural heritage as a human right of future generations as has been undertaken since at least 1972. Environmental Ethics will be explored as a significant component of Human rights—to explore what is perceived to be a conflict between ecology and equity within the comprehensive interdisciplinary framework of principles.

² The term phase is used rather than stage because the research process will be concurrent not sequential

The third phase will be prepared for 1999—the culmination of the decade devoted to international law. This version will form the basis of an international Conference on Global Compliance with international agreements: National, Provincial, and Regional Policy Formation and Implementation proposed to be held in Victoria.

1. to establish a comprehensive interdisciplinary framework of principles related to environmental ethics.

A series of principles drawn from the discourse from different disciplines will form an intellectual frame of principles to then be combined with the principles of derived from stated obligations and expectations. In this project a series of significant expectations related to environmental ethics will be discerned.

1.1. To establish an intellectual frame of principles from different disciplines, the researchers will carry out the following set of processes:

1.1.1. Uncover the range of meaning of the term “principle” through sampling discourse from a range of disciplines. To determine the range of meaning, a specialist in analytic philosophy will be consulted about methodology... for background literature on definitions... and will then in the various fields for amass a bibliography of discourse from different disciplines

1.1.2. Stipulate a working definition for the term” principle” in the context of environmental ethics. A synthesis of all the meanings and entailments of the term principle will be carried out, and a definition of the term “principle” will be stipulated.

1.1.3. Carry out an analysis of the content from the various disciplines and extract a body of principles from the following disciplines through the following process:

(i) Examine a wide range of disciplines including biological sciences—including ecology, genetics, socio-genetics—, physics, chemistry, philosophy, linguistics, semiotics, literature, law, public administration, economics and political science etc. Each member of the research group will be responsible for generating a list of principles from various disciplines with which he or she is familiar, and be responsible for contacting and consulting with researchers in other disciplines not sufficiently covered through the backgrounds of the research group. For example, the laws of thermodynamics as applied to biological systems (bio-energetics). Lehninger), and Nemes—ideas and artifacts created by human beings with genetic like properties (Richard Dworkin); Another example as set of principles from “Equity” could be (i) “equity imputes an intention to fulfill an obligation” and (ii) equity looks to the intent rather than to the form”; or equity looks on that as done which ought to be done” (Maxims of Equity, (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). Similarly, principles such as those of proportionality, minimum harm, distributive justices, and restitutive justice (**derived from “Competing claims and priorities principles”, source?**). The set of principles will then be put on various

professional list serves through the internet and a request will be made for additional principles. This framework will also be developed on a computer graphic program and thus will evolve, and accommodate changes during the project.

1.2. to establish a frame of principles of action drawn from a content analysis of statements in international agreement, and from codes of ethical action governing the relation between cultural and natural systems

To establish a framework of principle of action from international agreements, the researchers will carry out the following set of processes:

- (i) A preliminary examination of international agreements has been carried out and principles have been extracted (see J. Russow (1992), Content Analysis UNCED).and J. Russow (1995) "Charter of Obligations." J. Russow (1996). Principles of Compliance: obligations incurred and Expectations Created. A further examination will be carried out specifically looking for principles that could be applicable to environmental ethics, as well as the applicability of international principles to policy formation and implementation at the national, provincial and regional levels.
- (ii) Principles will also be extracted from IUCN World Conservation resolutions and recommendations. In particular a content analysis will be carried out on the set of resolutions and recommendations. from January 1994 and the October 1996 Annual General Meeting.

1.3. to integrate the interdisciplinary principle, with international principles of action, and principles of ethical action governing the relation between cultural and natural systems to form a comprehensive interdisciplinary framework of principles

The preparation of this Comprehensive interdisciplinary framework will contribute to a body of research material that will be relevant to the project but also of use to other researchers. The body of research material will be stored and made available on disks. The comprehensive framework will be prepared both in written and in graphic form.

2. Determine what would constitute adherence to and fulfillment of these principles within the comprehensive interdisciplinary framework.

For this section, the researchers will organize a series of workshops with community groups (CBOs) and environmental non-governmental organizations (ENGOS). At these workshops the researchers will introduce the current phase of the comprehensive interdisciplinary framework of principles of the project; select specific principles related to the expertise of the group; discuss and document proposals for policy formation and implementation that would be necessary for the fulfilling of principles, and generate criteria of compliance with obligations . There will also be a consultative process with the International Affairs Caucus of the British Columbia Environmental Network (BCEN), and other ENGOS across Canada.

3. Delineating the significant dilemmas within the complexity of environmental ethics and policy

Many dilemmas have already been identified by the researchers as a result of previous research by project investigators. and other dilemmas will emerge as a result of the project research.

For example, a segment of the “environment industry” sustains itself through the perpetuation of environmentally unsound practices, advocates deregulation, and promotes non-performance-based, non-mandatory non-normative standards. Years of waste from environmentally unsound practices has accumulated; technology is being developed to dispose of the waste in what is deemed to be an environmentally sound manner. The dilemma arises when the environment industry that has developed the “clean up” will be used by the waste producing industries to justify the continued production of the waste.

1.4. Discerning, and clarifying the systemic constraints preventing adherence to and fulfillment of these principles

Review and critically examine theory from various disciplines, such as that from Political science (power politics realist models), which support or justify practices that undermine the policy formation and implementation necessary for change. —change related to the recognition and acceptance of environmental ethics; and criticize policy formation and implementation that contribute to systemic constraints. An initial set of systemic constraints related to individual, and institutional action and inaction has been prepared. (Russow, 1992, 1994). This set of constraints will be reassessed and expanded and synthesized. An example of a systemic constraint is that nation states sign and ratify conventions yet they fail to enact the necessary legislation to ensure compliance

It is also a systemic constraint that nations states undertake to eliminate the production and consumption of a substance , redefine consumption to exclude recycled material, and then use the ability to recycle to justify the revisiting of the original obligations to cease production; this systemic constraint is occurring in the area of the international obligation to cease the production and consumption of CFCs (See the Convention on the Elimination of Ozone Depleting Substances 1985, and subsequent protocols (Montreal, London, Copenhagen).

Reference will then be made to the devices that have been used to maintain the status quo and that have led to practices that have undermined environmental ethics; and to proposals that will be made for counteracting these devices through the formation and implementation of policy to promote environmental ethics. **The most obvious devices are those that have been designated as reflecting anti-environmental thought (See Boston, T, 1994-6) ; the less obvious are models from disciplines such as “power politic realist “ model from US international relations theory which, through devising models based on power politics have argued that the vested interest vision not only is the only existing model but also that it would be unrealistic to strive to have it overturned.**

1.5. Recommending policy to overcome the individual, institutional and governmental constraints

In this section the application of the Doctrine of Legitimate Expectations will be examined. (see Annex I) In the area of policy, international agreements, national agreements, regional and local agreements statement made often create expectations which have yet to be fulfilled. An important element of policy related to

environmental ethics is the governmental duty to fulfill expectations (Doctrine of Legitimate Expectations).

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 Annex for additional components of this Doctrine). When an expectation is created there must be the ability to fulfill the promise it implies (Introduction, Ombudsman Annual Report, British Columbia, Canada, 1991)

1.6. Grounding a collaborative principle-based decision-making process

Advocate collaborative principle-based decision making

The concept of collaborative principle-based decision making has been contrasted with vested interest-based decision making. The interdisciplinary framework of principles established during the project should help to formulate broadly-based principles for collaborative principle-based decision making

The Science Council of Canada made an important distinction between a reasoned outcome and a negotiated outcome in its 1982 publication, “Regulating the Regulators”:

Negotiated or reasoned outcomes?

An outcome is 'negotiated' if a committee member can act as a delegate for an interest group and can 'horse-trade' on its behalf. An outcome is 'reasoned' if the committee member is asked to free his or her mind of bias and decide on the basis of the information available. (1982, 38)

Many scientific controversies include issues that involve risk to human life or health. In these controversies a reasoned articulation of the scientific aspects is essential before negotiations. and other approach [negotiated] is morally irresponsible. 39, 1982

We recommend that the choice between reasoned and negotiated outcomes in the functioning of policy advisory bodies be clearly and explicitly identified, and that both the public and the [decision making] body be made aware of this choice at the outset. (39, Regulating the Regulator 1982)

Round table multistakeholder decision making creates an arena of competing vested interest and public concerns under the presumption that each interest or concern is of equal ethical merit. Similarly, conflict resolution is based on the premise that neither one of two or more positions advanced has greater merit. In principle-based decision-making principles reflecting environmental ethics will undergird the decision-making process.

The process is described as collaborative in that those involved in the decision-making process are also involved in determining the terms of reference, and in participating throughout the process. The participants in this process are drawn from individuals and groups with varying experience and expertise.

1.7. Broaden and foster our understanding and appreciation of the complexity and interdependence of environmental ethics within a comprehensive interdisciplinary framework of principles

1.7.1. Develop cooperative principle-based education, and informational programmes for the schools and the lay-public

Collaborative principle-based education has been developed (Russow, 1985), and will be further expanded in the light of the research in the Environmental Ethics project. In principle-based education global/local issues are explored through selecting, examining and exploring issues within a principle-based framework. Also, students and members of the public 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 and members of the public will examine the components of these agreed-to principles and to analyze the role of environmental ethics.

The emphasis in this program will be on becoming knowledgeable about the principles and their application; investigating the implications of these principles; analyzing and synthesizing information on current issues in the light of these agreed to principles; clarifying the role of environmental ethics in relation to these principles, and proposing a range of possible solutions to practical problems emerging from the issues. In the program students and members of the public will be encouraged to investigate local issues within this framework of principles. Also, in the program, the current lack of information for the public at present will be examined, and the means whereby the general public may become better informed in these areas. will be assessed.

This program will entail (1) examining principles enunciated in primary source material, (international documents); (2) Examining the role of environmental ethics 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 within or to environmental ethics; (9) determining appropriate moments for integrating issues into the curriculum; (10) developing lesson plans and educational materials based on issue-principle analysis; (11) applying knowledge of 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 working cooperatively and independently

COMMUNICATION OF RESULTS

Academic Community

Papers related to the project will be sent to relevant journals

Papers will be submitted each year to the learned societies conferences, and to other relevant conferences, as part of a proposed symposium, Environmental Ethics: from principles to policy formation and implementation.

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.
This framework will be prepared in different forms

DISK: The data base for the Comprehensive Interdisciplinary framework will be on disk, available on Macintosh and IBM, and will be part of a Website.

-

IDEAGRAPH

1. several large diagrams displaying the comprehensive interdisciplinary framework of principles will be prepared... This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

REPORT

A comprehensive report on the principles will be prepared through the different phases

Non-academic

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.
This framework will be prepared in different forms

DISK: The data base for the Comprehensive Interdisciplinary framework will be on disk

-

IDEAGRAPH

1. several large diagrams displaying the interdependent interaction of principles will be prepared. of the framework of principles. This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

REPORT

A comprehensive report on the principles will be prepared through the different phases

POLICY FORMATION AND IMPLEMENTATION RECOMMENDATIONS

The project will have three phases. The first phase will be the introduction of preliminary version to various provincial ministries across Canada, and the distribution for comment prior to the major events leading up the 5th anniversary of the United Nations Conference on Environment and Development, in 1997. The second phase will

be in 1998 where a revised version of the project documentation will be in the form of a submission to the 50th anniversary of the Universal Declaration of Human Rights where the right to a safe environment and the right of future generations to the preservation of natural heritage will be promoted by the Moral Code of action will be advocated. The third phase will be prepared for a and the final version of the research will be circulated at a special session on environmental ethics and policy at a conference to be proposed in Victoria on "Global compliance: from principle to policy and action" in 1999—the culmination of the decade devoted to the furtherance of international law.

OCTOBER 24 50.1

() THAT in **1996**, I applied for a grant at the Humber Foundation

EXHIBIT

FAX TRANSMISSION

October 23, 1996

ATTENTION: DON WOOD

FAX NO: (604) 6414769

RE: Humber Foundation Grant

NO. OF PAGES INCLUDING COVER: 12

MESSAGE:

Please find enclosed an application for a Hamber Foundation Grant

Sincerely

Dr. Joan Russow

Souha Fanaeian

APPLICANTS

Global Compliance Project and the United Nations

CONTACT: Dr Joan E. Russow, Coordinator, Global Compliance Project

1230 St Patrick St, Victoria, B.C. V8S 4Y4

Souha Fanaeian, Vice President, United Nations Association of
Victoria

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PROJECT: Obligations Incurred and Expectations Created.: Knowledge of International Agreements as an Instrument of Change (Principle-based Education).

BACKGROUND OF THE GLOBAL COMPLIANCE PROJECT

For over fifty years through international agreements, the member states of the United Nations have undertaken: to promote and fully guarantee respect for human rights, including equality between women and men; to prevent environmental degradation and 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 disarmament, and to enable socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference Action Plans and General Assembly Resolutions. If these fifty years of obligations had been discharged, and if these fifty years of expectations fulfilled, 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. In international agreements member states of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

In 1994-95, the Global Compliance Research (GCR) project received a \$50,000 CIDA grant to (a) carry out a content analysis of international agreements for a book, "The Charter of Obligations" to be distributed at the UN Conference on Women: Equality, Development and Peace, and (b) set up an

international network of women. At the New York Prep Com for the UN Conference on Women, the GCR Project circulated a 100-page draft version of the "Charter of Obligations", along with a resolution calling for state compliance with obligations and expectations (Global Compliance Resolution). Also at the Prep com, the GCR Project had the opportunity of addressing the UN Commission on the Status of Women on the necessity of linking the Platform of Action with precedents reflecting obligations and expectations, and on the necessity of states' undertaking to discharge obligations and fulfill expectations at the co-incidence of the UN Conference on Women and the 50th anniversary of the United Nations. At the end of the Prep Com the International advisory committee for the GCR project had a network of representatives of organizations from over thirty states.

The GCR Project completed the Charter of Obligations" which had become a 350-page compilation in English (and a 200-page French version) of 50 years of obligations incurred internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind states at the UN conference that many of the presumably forward-looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents. The purpose of the Charter was not only to encourage states to move beyond what they had already agreed to but to persuade the non-Governmental Organizations to not ask for less than states were already obliged to do through previously negotiated, signed, or ratified conventions, treaties and covenants, or less than states were expected to do through adopted Conference Agendas and Action plans or through passed General Assembly Resolutions. The GCR project also prepared a set of three 4' x 5' Global Compliance charts with the states of the United Nations across the top and the Human Rights, peace, and Environment documents down the side. For this chart information was gathered on which states had not signed, which states had signed but not ratified, and which states had both signed and ratified. This chart was placed in the NGO lounge at the UN Conference on Women, and displayed at numerous conferences and meetings including the March 1996 meeting of the UN Commission on the Status of Women. A copy of the charts is in the Women's Centre library at the United Nations in New York. The GCR project gave a workshop on the project at the NGO Forum, and co-conducted a workshop on "Bringing the Conventions to the Grassroots"; the essence of the GCR project has been to call upon states to translate the words of rhetoric into the action of compliance, implementation and enforcement.

In June, 1995, at the "We the Peoples." Conference in San Francisco, the GCR Project initiated a workshop on the Global Compliance resolution, and circulated the Global Compliance Resolution; the Global Compliance resolution

was adopted by the plenary and forwarded to The Secretary General of the United Nations, Dr. Boutros Ghali who subsequently sent a letter of support for the resolution. The Global Compliance resolution called upon states to demonstrate the political will on the 50th Anniversary to the United Nations to discharge 50 years of obligations and fulfill 50 years of expectations by signing what they have not yet signed, by ratifying what they had not yet ratified, by enacting the necessary legislation to ensure compliance and implementation, and by undertaking to enforce and monitor the enforcement of the legislation. Letters with a Global Compliance Resolution were sent to all the state contacts for the UN 50th Anniversary. The Compliance resolution was also circulated in Beijing, and at subsequent meetings and conferences.

The GCR project also did a content analysis of the Platform of Action and in particular an analysis of specific language related to action such as "implementation": A "Covenant of Implementation" (12 page scroll on single space 9 point type), was prepared and presented at a community meeting in Victoria, at the Praxis Women's conference at the University of Victoria, and then circulated it internationally.

The GCR project also participated at the follow-up meeting of UN Commission on the Status of Women in New York in March 1996. The GCR project proposed, at one of the plenaries discussing optional protocols, a call for an International Court of Compliance where citizens could take evidence of state non-compliance. The GCR Project organized a workshop on the International Court of Compliance, presented the proposal to the NGO in the NGO briefing session, and then circulated a petition to state delegations.

The GCR Project also participated in the Habitat II Conference, and prepared a 150 page book, "A comment on the Habitat II Agenda: Moving Beyond Habitat I to discharging obligations and fulfilling expectations"; this book included the articles of the Habitat II Agenda in sequence, placing each of the bracketed sections of the draft Habitat II Agenda in the context of Habitat I and in the context of previous obligations and expectations. This document was distributed to state delegations at the Habitat II Conference in Istanbul. At this conference, the GCR Project initiated a Global Compliance Caucus where the Global Compliance resolution and the petition for an International Court of Compliance were reviewed, revised and distributed, chaired the urbanization caucus, and was on the editorial committee for preparing the NGO submission to Committee II. The GCR Project also made several interventions to Committee II on the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) Practices, and on the need to substantially reduce the military budget and transfer the funds, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to

Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

At the end of the of the Beijing and Habitat conferences, the GCR Project had a network of over 100 representatives from over 70 states worldwide. It is undertaking to increase these representations to over 150 states. There is a network of over 20 women in Canada, involving representatives from Universities and research institutions from a wide range of disciplines, and activists. The GCR Project is currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II, and adding additional international obligations and expectations omitted in the previous publication or incurred or created through recent International agreements. In addition, the project is (a) extracting international principles and delineating proposals on what would constitute compliance with these international obligations, and expectations; and (b) undertaking to do a comparative analysis among states of the systemic constraints that are preventing states from the discharging of obligations and from the fulfilling of expectations.

3. THE INSTITUTION

This phase of the Global Compliance Research Project will be in collaboration with the United Nations Association in Victoria, and will be housed and administered by the United Nations Association.

4. TITLE OF THE PROJECT

Obligations Incurred and Expectations Created.: Knowledge of International Agreements as an Instrument of Change (Principle-based Education).

5. NATURE AND OBJECTIVES

GENERAL OBJECTIVES OF THE PROJECT

Objective 1: For over 50 years significant obligations have been incurred and significant expectations created. Now that the final conference—the Habitat II Conference, of the Series of major United Nations conferences has occurred, it is important to do a synthesis of the major obligations incurred through the Charter of the United Nations, conventions, treaties and covenants; and of the major expectations created through conference agendas and action plans, declarations and General Assembly resolutions. The compiling of this information is to be carried out in a series of phases culminating with a series of books, educational material, advocacy documents for the 5th Anniversary of the United Nations Conference on the Environment and Development in 1997; the 50th anniversary of the Universal Declaration of Human Rights in 1998, and for the culmination of the decade dedicated to international law, in 1999.

SPECIFIC OBJECTIVES FOR WHICH FUNDING IS BEING SOUGHT FROM THE HAMBER FOUNDATION

Objective 1: to create educational materials for University teacher training and for community awareness on obligations incurred and expectations created through international agreements. There will be a series of draft booklets expanding on key principles extracted from international documents. (See Annex on Principle-based education).

Objective 2. to distribute the draft material through a series of workshops with members of community groups, and to present this material at a university workshop for curriculum developers, educators, students and government representatives. The book that is developed will be presented at a university workshop entitled "International agreements as instruments of change"

6. OTHER INDIVIDUALS OR GROUPS COOPERATING IN THIS WORK

The Global Compliance Project and the United Nations Association of Victoria will be the principal groups involved in this phase of the project. The Global Compliance project will develop the educational draft material in consultation with the United Nations Association. The United Nations Association will be responsible for project consultation, for contacting community groups for the workshop, and for administering the grant. Each month different community groups with relevant areas of expertise and experience will be contacted about being involved in the development of the educational material. Representatives from Community groups involved with peace, environment and human rights issues will be invited to participate in the workshops where the draft educational material will be distributed.

7. ESTIMATED TIME REQUIRED TO COMPLETE THE PROJECT, OR FINISH PHASE WITH WHICH THIS GRANT WOULD BE CONCERNED

There will be 10 workshops occurring each month from January to June 1997 and from September to December 1997

Time line:

1. November 15. preparation of first draft document for circulation prior to January workshop
2. January 15. preparation of second draft document for circulation prior to February workshop
3. February 15 preparation of third draft document for circulation prior to March workshop ETC.

The draft will be circulated one month prior to the work shop.

In January 1998 workshop documents will be revised and printed for presentation at a workshop at the University

8. IF THE PROPOSED GRANT WILL NOT COMPLETE THE PROJECT WHAT PROVISION IS TO BE MADE FOR ITS CONTINUATION WHEN REQUESTED FUNDS EXHAUSTED? (BE AS SPECIFIC AS POSSIBLE)

The Global compliance project is an on-going project. The Global Compliance project has applied for additional funding to maintain and expand network of international advisers. The educational material will be reprinted after input from the workshops. and distributed to representatives from the international committee.

9. WHAT PREPARATIONS HAVE ALREADY BEEN MADE TO UNDERTAKE THE WORK, OR WHAT FACILITIES ARE NOW AVAILABLE WITH WHICH TO BEGIN?

The Global Compliance Project received a 50,000 grant from CIDA to carry out a content analysis of international instruments related to peace, human rights and environment; and prepared a 350-page book, including an initial outline of principle-based education. The information from this research will form a core set of principles around which the educational program will develop

10 PROPOSED BUDGET FOR THIS PROJECT; DETAILS OF PROPOSED USE OF FUNDS (TYPES OF USE AND AMOUNT)

3000 administration costs workshop organizations

Coordinator to contact groups for participation in workshops

Correspondence and fax communication

2000 research into developing material for distribution

2000 printing charges for 10 draft documents (about 35 pages) circulated for comment and for participation in workshop

3000 for printing of synthesis of draft documents

ANNEX: PRINCIPLE-BASE EDUCATION

To address the urgency of the global situation, for over 50 years, the United Nations and member states of the United Nations, have incurred obligations through conventions, treaties, and covenants, and have created expectations through declarations, conference action plans, and General Assembly resolutions. 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 Social, Cultural and Economic Rights, 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” education.

Principle-based education is an introductory course on the examination and exploration of global/local issues through selecting, examining and exploring issues within a principle-based framework. 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 will examine 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 the course will be 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. In the course students will be encouraged to investigate local issues within This framework of principles.

This course will entail (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 of 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

COMPONENTS OF PRINCIPLE-BASED CONCEPTUAL FRAMEWORK:

Principle-based education encompasses several components within a principle based conceptual framework:

Component 1:

Exploration of Principles Related to Global/Local Issues

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 from a complex of globally adopted principles over the period of the existence of the United Nations.

In Principle-based education, complex and controversial issues reflecting the urgency of the global/local situation are discussed in the classroom within a principled-based conceptual framework. 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.

In this course 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.

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 this course 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

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." Since 1985 a set of principles have been extracted from the International instruments and compiled in a series of documents: "*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.

Component 2:

Appreciating the Complexity-interconnection-integration and interdependence of issues, and the Interdisciplinary nature of Issues

A second component of the principle-based conceptual framework is the encouraging of students to appreciate that Global/local issues are complex, interconnected, and interdependent. Global/local 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. Solutions to the Global situation will be not in isolating and fragments the global but in appreciating and understanding the complexity, interconnection and interdependence of the issues within the global problem.

Complexity-interconnection-integration of Issues

Interconnection Integration of Issues

The students will be encouraged to appreciate the interconnection and integration of issues through the following processes:

- focusing on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues
- experiencing the full complexity and interaction of aspects of issues within a principle-based framework
- Integrating different environmental issues, and integrating environment with other issues.

Adoption of Interdisciplinary and trans-disciplinary Perspective

Students will be encouraged to integrate global issues into various subject areas, and 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

Students will be required to develop a knowledge base related to issues by doing the following:

- carrying out research into evidence about issues, and examining underlying assumptions
- documenting the global/local environmental effects resulting from science and technology

Component 3:

Stimulation of Thinking about Issues Through Engaging in Analytic Processes and Decision Making within a Principle-based Framework

Thinking, Decision Making, and Analytical Processes

Stimulation of Thinking about Issues Through Engaging in Analytic Processes within a Principle-based framework

Students will be encouraged to develop a disposition of analysis and synthesis and reflection action through, and 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 processes²:

- 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

² Note: These processes, without naming them, would be used throughout primary, and intermediate program (example drawn from Grade 6 project)

- 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 principle, and on identifying 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.

Investigation of an Alternative Decision-Making Process

Principle-based decision making which moves away from the current model of the "multistakeholder 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 is proposed.

Component 4: Action- solutions

An integral component of the principle-based conceptual framework is the linking between theory and practice (between principle and action):

Translation of Principle into Principle of Action

Principle could be translated into action through the following actions:

- investigating the application of international principles to local issues
- developing a basis for examining issues within an international context rooted in rights, obligations and responsibilities
- determining criteria for the translating of these principles into action
- examining the nature of actions that have to be taken to ensure that states live up to the principles enunciated in the documents
- examining the lag between the enunciation of principles to address the issues and the political will to actually address the issues
- indicating for which issues obligations have not yet been undertaken
The issues that are not being dealt with through international documents
- evaluating the "environment industry." Prevention technology. the solution as part of the problem

Justification of Actions

Students could also be involved with determining the legitimacy of the actions undertaken through the following activities:

- exploring criteria for evaluating the justification of actions
- helping students become motivated to actively participate in ecosystem preservation, protection of the environment, prevention of pollution, protection human rights, and in prevention of conflict
- understanding the linking between life style, type of consumption patterns and the existence of global issues
- recognizing the nature of action that has to occur to bring the principles into action

Attention Souha

Here is the draft. please send your comments back by Thursday September 12 so that I can send it on September 13

thanks

Joan (FAX 598-0071)

COULD YOU PLEASE SIGN IN THE TWO PLACES.

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Joan (FAX 598-0071)

COULD YOU PLEASE SIGN IN THE TWO PLACES?

To: J E RUSSOW Russow@UVic.CA

Date: Thu, 7 Nov 1996 15:59:07 PST

Subject: Re: Habitat II Follow-up

Priority: normal

Status: U

Dear colleague,

I was very much interested in your message about your initiatives to follow-up Habitat II.

As we have continuously stimulate Brazilian municipalities to participate in the Habitat II preparatory process and in the Conference itself, as member of the Brazilian National Committee for Habitat II, IBAM would be interested to find out some support to conduct serious Habitat II follow-up in Brazil under the perspective of local governments, which are our constituency and affiliates.

In the case of Agenda 21, in spite of omission of the Central Government to stimulate and support the " localization" of Agenda 21, several Brazilian municipalities have taken initiatives with their own means and resources to improve environment protection and environment management in their jurisdictions.

This probably will be the case with the implementation of the Habitat II Agenda.

The Brazilian National Committee, with a presidential mandate to conduct the preparatory process, has finished its task and was dissolved. However, the Committee made a final recommendation that the National Secretary for Urban Policies, the highest authority in the urban field at the Central Government, should create a working group - preserving the same institutional profile of the Committee to be responsible for the Habitat Agenda follow-up.

At provincial level, two interest initiatives of the Parana and Santa Catarina States - the Habitat Forum Parana and the Habitat Forum Santa Catarina - created for extend in their region the involvement of governmental and non-governmental organizations with the preparatory process, have already decided to keep going to follow-up the implementation at their States jurisdictions.

So, please keep me posted on your endeavour and send me any suggestion you may have on how to find the necessary means to build up a national " watch" mechanism for the implementation of the Habitat Agenda by local authorities.

Thank you for your attention,

Best regards,

Marlene Fernandes

OUTLINE

GENERAL RECOGNITION BY MEMBERS STATES OF THE UNITED NATIONS OF
URGENCY OF GLOBAL SITUATION

COURSE OF OBLIGATIONS AND EXPECTATIONS REFLECTED IN OVER 50
YEARS OF UN DOCUMENTS

PRINCIPLES REFLECTING OBLIGATIONS AND EXPECTATIONS EXTRACTED
FROM UN DOCUMENTS

PEACE

URGENCY

MEASURES TO ADDRESS THE URGENCY

WHAT WOULD CONSTITUTE FULFILLING MEASURES

SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF

MEASURES

WHAT MUST STILL TO BE DONE

HUMAN RIGHTS

URGENCY

MEASURES TO ADDRESS THE URGENCY

WHAT WOULD CONSTITUTE FULFILLING MEASURES

SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF

MEASURES

WHAT MUST STILL TO BE DONE

ENVIRONMENT

URGENCY

MEASURES TO ADDRESS THE URGENCY

WHAT WOULD CONSTITUTE FULFILLING MEASURES

SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF

MEASURES

WHAT MUST STILL TO BE DONE

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND
DEVELOPMENT AND COMMUNITIES

URGENCY

MEASURES TO ADDRESS THE URGENCY

WHAT WOULD CONSTITUTE FULFILLING MEASURES

SYSTEMIC CONSTRAINTS PREVENTING FULFILLING OF

MEASURES

WHAT MUST STILL TO BE DONE

REDEFINITION OF DEVELOPMENT

PRINCIPLE-BASED DECISION MAKING

*PRINCIPLES DRIVING INDUSTRY BEST (Best Environmentally sound traditions) PRACTICES

ERA

ACTIVITIES

- production of education materials linking environment, peace, human rights, social justice and equity issues.
- Setting up the International Law and Obligations Institute project for the monitoring of compliance with international obligations
- the inclusion of international obligations in provincial and federal guidelines, charters, standards, and technical regulations

ERA ECOLOGICAL RIGHTS INFORMATION (UPDATE)

PURPOSE OF THE ORGANIZATION

- 1.To foster the recognition and enshrinement of ecological rights in municipal, provincial, national and international Charters and documents;
2. To work towards the establishing of an institutional framework that ensures that these rights are protected once they are enshrined in charters and documents.
3. To prepare educational materials which support the primacy of ecological rights
4. To offer a forum for information on ecological rights among members and the general public

Operational Activities

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 promoting an international court of environmental law for citizens to have access, 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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Tel. (604) 385-0195

Dr. Fred Knelman Director of Research 4-4631 Lochside Victoria, B.C.

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PROJECTS:

ACCREDITATION

* Received official accreditation for the United Nations Conference on Environment and Development, and for the UN Conference on Women: Equality, Development and Peace. Currently seeking accreditation for the "UN Habitat Conference"

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 Dr. 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 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 (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 "Over-consumption" (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.

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- * 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 Topic

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 Topic
- This Committee has drafted an act and is negotiating with government to have it presented to the legislature in the next session.

CORE PROCESS

- * Published an article criticizing the Core Process as an "arena of competing interests" where there was the "glorification of conflict of interest Topic

Time

Jun 11, 2020 04:00 PM in [Vancouver](#)

[Add to calendar](#)

Webinar ID

929 3916 0563

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

CONVENTION ON THE RIGHTS OF THE CHILD

Submitted a proposal that the right to a safe environment and the right to ecological heritage be included

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 "Ecology"

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)
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- * Participated in a consultation by government on the proposed Environmental Assessment Act.
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- * Supported IUCN resolution to call for a "Forest Protocol" associated with the Convention on Biological Diversity, rather than a "Forest Convention"

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- * 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 was a project for the Beijing Conference on Women, September, 1995. The project was funded by CIDA.

GLOBAL COMPLIANCE RESEARCH PROJECT'S CHARTER OF OBLIGATIONS

- Prepared a 350-page book called the Charter of Obligations for the UN Conference on Women: Equality, Development and Peace. This Charter documented 50 years of obligations, which if acted upon, would have guaranteed respect for human rights, ensured preservation and protection of the environment removed and prevented threats to peace prevented, achieved disarmament achieved, and enabled socially equitable and environmentally sound development. This publication was officially distributed to all the state delegations at the UN Conference on Women in Beijing.

GLOBAL COMPLIANCE NETWORK

- Established a network of women from over 70 countries on an advisory Committee to monitor compliance with international obligations

OCTOBERGLOBAL COMPLIANCE RESOLUTION

- We circulated this resolution widely. It was initially passed by the Plenary session of the “We the People’s Conference. . .” in San Francisco in June 1995, and passed on the Secretary General of the United Nations, Boutros Boutros Ghali and further endorsed by the United Nations Association in Victoria, Canada.

() THAT in 1996 I wrote Russow, J (1996). “ Principles of Compliance derived from International Obligations and Expectations”: Report from Habitat II. Report submitted to Ministry of Environment Policy Branch. Victoria: Global Compliance Research Project:(55 pages) RECEIVER A GRANT OF 500 FROM THE MINISTRY

This project will be a collaborative project drawing upon a wide range of expertise and experience from both British Columbia and the Rio de Janeiro district.

The objectives of the project will be the following:

- 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 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 identify the systemic constraints preventing change and to make recommendations for policies necessary for overcoming these constraints
- 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, (Phase 1)
- 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 (Phase 1)
- to combine the use of academic research and community advocacy to impact change and influence policy (long term).
- to draft a submission to the proposed UN Earth Charter linking, environment, peace, human rights and equity issues, and to submit this draft to the UN (Phase 1)

ANNEX

Annex:

Overview of the meeting

Interdependence of issues

As a result of discussion, it was found that in Brazil there is an interdependence of issues surrounding the issues of health, environment and poverty. In the areas of Peace and Human Rights issues it appears that in Brazil, there are not local groups that deal with these issues, but primarily 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 with a minimum overhead because the participants in the North would have the necessary computers, soft ware and internet.

to form over the weekend an Institute of Global Interdependence (IGI)

whose function would be to:

- 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 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 work on a draft of a Declaration for the UN Conferences in which it would be essential to link different issues
- .to attempt of examine multiple projects which reflect generally single perspective issues within the context of the interdependency 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 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 developing by industries outside of Canada
- to develop a conceptual framework that will enable
- 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

proponents of an intervention to determine the implications of the intervention and to avoid unexpected unforeseen consequences.

- to examine two ways of examining the complexity and interdependence of issues: to use the conceptual framework of interdependence 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.

2. -linking indigenous and ecological knowledge.

One of the Native participants, Mary, 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

3. Canadian Representatives of Chinese origin and African origin have been involved with the project

Recommendation: that the project at a later phase include other continents. this would allow for a follow-up South-South proposal.

4. The question was raised about why have we not achieved interdependence, and why is there a reluctance to examine the complexity and interdependence. There appears to be a tendency to continually fall back on single issues

5. The need was expressed to link theoretical (interdependent theoretical framework) with a series of concrete examples. the point was raised that the theoretical foundation of the Conceptual Framework of 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

6. one component of the project would be assisting in an already developed project by providing the interdependence conceptual framework to examining issues in Matta Grosso.

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

7. Comparable component analysis: Solution chains

refuse reduced use water conservation banning of pesticides in home garden, resource not waste, conversion of lawn, establishment of network of organic vegetable gardens, car replacement society, car free zones, indigenous, Best ecologically sound techniques, reduction of military budget and transference into socially equitable and ecologically sound development.

8. Many Indigenous cultures do not fragment into peace issues, environmental, human rights etc.

9. approaching a wide range of projects in the same way through an interdependent conceptual framework

10 Exchange information about the implications of multiple projects
Community

11 What is preventing change

power structure ownership of means of production

- Environmental and social costs are; not counted as part of the production (externalities)
- unequal distribution of wealth around the world
- rigidity of attitudes

2. What actions or changes are needed

effective information sharing

- ways to show corporate environmental good labels don't take into consideration the environmental impact of the production costs
 - many problems around non-compliance with environmental laws
 - need to address issues of over-consumption -
 - what do I need to be considered
- need to get appropriate technical economically successful models.

3. shift in idea of managing environment to the need to manage ourselves within the environment

- importance of looking at how environmental quality is linked to human health

4. need to link problems and solutions
cultural exchange

5 encourage revive indigenous knowledge
it is going to be useful ties into movement of preserving native knowledge business
cooperative

- need to contact well-known people to publicize issues
- need to eradicate distorted images of different groups
- need to consider all forms of art as a means of change

- Search for Common ground with Brazil
- need to legalize alternatives to wood pulp
grown in Manitoba, requires little herbicides replaces tree fiber
- import hemp from Brazil
- find out how paper is made in Brazil
- Support gun laws in Canada
- Sex Tours are major problem in Brazil

-Consumption world watch institute - locate Consumption level.
Comption index

- unanticipated consequences of environmental and cultural sound development

- determine and name the agent of the cause of harm. - we have a concern and we
bring it into the public sphere and anyone who shares the concern will come forward

- strategy how to achieve social and ecological justices
- how se can use the legal system\ - public perception of the legal profession
of not looking of the truth but for the technical way of getting people off
 - twinning sister regions getting to question of clear-cutting Getting broader through
medicinal plant

-when we talk about health the nee d to look to traditional knowledge and healing in
both countries

- communication legal - news or internet informal - pick two projects working on the
same scale
- salmon coming home - restoration guardian of streams
- focusing on destruction of salmon spawning streams
- team restoration of streams and guardians of the streams and prevent destruction
- region has been clear-cut - the loss of fish habitat looks at the experience here- find out
what works and what are the pitfalls
- exchange information on the interconnectedness of issues
- a region that went through the same problem- identify one region similar to Clayoquot
- fires on beach Tsarslip June 27 for the Isarlip 1/3 of teenage suicide
- ... 10 ours of fires to bring attention to teenage suicide
- if you think about the issues every day and the interdependence of issues and write
something each day and circulate it through the internet.

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:

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.)*

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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"

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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 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 unfragmented 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 rain-forests 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

CHARTER OF ECOLOGICAL RIGHTS

This Charter draws upon obligations that have already been agreed to internationally. The Charter draws from both obligations undertaken by states through UN resolutions such as the UN Resolution 37/7 "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); (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"

Ecological principles: either agreed to internationally or proposed

Legend

plain. "Alternative Earth Charter" prepared for UNCED by the ERA Ecological Rights Association

Underlined: what has already been agreed to internationally through globally adopted or legally binding agreements. (agreed to principles)

BOLD: TITLES

Bold: what still needs to be done (proposed principles or changes)

Bold and underlined (proposed by international NGOs, or official panels, and from deep Ecology)

Italics: What should be left out

Prepared and circulated for comment by the ERA Ecological Rights Association for submission to the 1995 UN Earth Charter discussions

Contact: Joan Russow 1230 St. Patrick St. Victoria, B.C. V8S4Y4 Ph. (604) 380-2563; FAX (604) 385-0068

or David White 502 Craigflower Rd. Victoria B.C. V9A-2V8 Ph. (604) - 385-0195; FAX (604) 385-0068

ACKNOWLEDGMENT OF INTERNATIONAL OBLIGATIONS AS MINIMUM

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.)

RECOGNITION OF THE URGENCY OF GLOBAL SITUATION

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

Present human interference with the non-human world is excessive and the situation is rapidly worsening (DP)

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)

Policies must therefore be changed. these policies affect basic economic, technological and ideological structures. The resulting state of affairs will be deeply different from the present. the ideological change is mainly that of appreciating life quality (dwelling in situations of inherent value) rather than adhering to increasingly higher standards of living... (DP)

There is no rejection of the usefulness of science and technology but only of their mis-applicate, assumed elitism and flawless rationality which are barriers to ecological conservation (FK)

The coin of sustainability has two faces, one is ecology and the other is equity. Both must be simultaneously to serve to achieve a sustainable future (FK)

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. (ERA Ecological Rights Charter, 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 (UN Resolution 37/7 World Charter of Nature)

UNDERTAKING OF TRANSFERRING AGREED TO PRINCIPLES TO INDIVIDUAL ACTION OR RESPONSIBILITY-OF-INDIVIDUAL ACTION PRINCIPLE

All people must be held responsible for their own pollution and environmental degradation and created wastes.

UNDERTAKING OF INCLUDING ENVIRONMENTAL COSTS AND 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)

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 (FK)

POSITIVE-MANDATE-TO-CONSERVE PRINCIPLE:

Establishing, expanding and managing, as appropriate to each national context, protected area systems, which includes systems of conservation units for their environmental, social and spiritual functions and values, including conservation of forests in representative ecological systems and landscapes, primary old-growth forests, conservation and management of wildlife, nomination of world Heritage Sites under the World Heritage ... and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities; (Agenda 21, 11.15 b)

RESPECT FOR ESSENTIAL PROCESSES

Nature shall be respected and its essential processes shall not be impaired (World Charter of Nature)

ACKNOWLEDGMENT 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 of maintaining the

stability and quality of nature and of conserving natural resources and preserving nature (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,

The well-being and flourishing of human and non-human life on Earth have value in themselves (synonyms: intrinsic value, inherent value). These values are independent of the usefulness of the non-human world for human purposes. Richness and diversity of life forms contribute to the realization of these values and are also values in themselves

All species of plant and animal life are equal and thus no one species (including humanity) should be accorded more rights over another. Humanity should not govern nature, the earth's rhythms and processes should govern humanity. TB.Humanity should not impose itself on but empathize with nature.

MORAL IMPERATIVE TOWARDS 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)

Something is right when it protects nature and wrong when it tends otherwise

The life and death of one species should be seen as being equal to the life and death of another (TB)

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).

Humans are a part of Nature not apart from Nature and thus interspecies symbiosis is a universal phenomenon; humans cannot escape natural laws (FK)

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

RECOGNITION OF DEPENDENCY ON NATURE

All survival ultimately depends on the integrity of ecosystems including its global form, the biosphere (FK)

RECOGNITION OF LIMITS TO GROWTH

There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are implications of their imminent approach (FK)

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 trans-boundary 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 (Convention on Biological Diversity)

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 BEST (Benign Environmentally Safe/Sound Technology/Techniques)

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]

SHIFT IN THE ONUS OF PROOF (REVERSE ONUS)

the proponents of an intervention shall demonstrate the safety of the intervention rather than the oponent having to demonstrate the harm of the intervention

REVERSE ONUS (Proposed by Shelia Copps, Minister of Environment)

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 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 [human and non-human generations (TB)] (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)

RIGHT TO KNOW PRINCIPLE

Information is a necessary component of sustainability

"the obligation to survive gives us the right to know" (R. Carson) (FK)

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

INFORMATION ON ECOTROPIC (See Appendix)

One of the more controversial proposals in the Federal Government's constitutional package is the proposed enshrining of "property rights" in the Canadian Charter of Rights and Freedoms. The legal system already functions as though property rights were sacred and inviolable. The main outcome of enshrining property rights in the Charter, would be to further limit the possibility of progress being made towards expanding the application of environmental law.

The purpose of the Charter of Rights and Freedoms is to enable individuals to apply to the courts to seek remedies if they believe that their rights or freedoms, as guaranteed by the Charter, have been infringed or denied. The Charter must protect rights that may not be already protected through common law remedies. Individuals must have "standing" in order to bring a case to court. Standing is usually synonymous with property rights or financial interest, and damages are awarded according to losses of these interests. Although the courts have proceeded to continually address any infringement or denial of property rights, they have failed to address the serious ecological damage that continues to be done by industry and government alike. There is no redress for individuals, and community groups who object to ecological damage on the basis not of economic interest but of community ecological rights. It is only through the Charter that individuals and community groups might be able to have standing and thus be able to launch suits against governments on behalf of the community's ecological rights.

Many industry supporters will contend that statute law is in place to protect ecological rights. In many cases, statute law may even contribute to the infringement and denial of ecological rights by creating the illusion that ecological rights are being protected when there is no institutional framework in place for protecting these rights. Although the Charter of Rights and Freedoms solely applies to the rights and freedoms of individuals vis-a-vis governments, it provides moral suasion and gives guidance to the courts where there are conflicts among individuals, community groups, industries and non-governmental institutions. Through articulating values, the Charter indicates to individuals, community groups, industries and non-governmental institutions the nature and extent of rights and duties and of moral and civil responsibility.

Significant changes to international law, charters and criminal law have often been initiated and justified when there is a convergence of international, national and

local concerns about the rightness and necessity for the changes. This convergence now exists for the protection of ecological rights.

The ERA Ecological Rights Association urges international bodies and national governments to consider the following proposed ecological rights -- the right to a safe environment, the right to an ecological heritage, and the right "to not have present activities compromise the needs of future generations" (Bill C-78). The 'right to a safe environment' could lead to stringent regulations on the introduction of potentially harmful factors or substances into the economic sphere. The onus of proof could then shift from the present situation whereby citizens, consumer advocates and environmental groups have to demonstrate that the introduction of a factor or substance will have deleterious consequences. Instead the manufacturers, industry and governmental institutions would have to demonstrate that the introduction of such factors or substances would not have deleterious consequences.

The 'right to an ecological heritage' could lead to the protection and preservation of ecosystems and biodiversity. The Charter should reflect concern for the protection of this right. International documents such as the Report of the 1972 United Nations Commission on the Environment (Stockholm Conference) established principles related to environmental heritage. At Stockholm, the international community established the principles that human rights exist "in an environment of a quality that permits a life of dignity and well-being and that man bears a solemn responsibility to protect and improve the environment for present and future generations." The Bruntland Commission (United Commission on the Environment, 1987) has reiterated this responsibility by calling for the preservation of 12% of each representative ecosystem.

The "right to not have present activities compromise the needs of future generations" could lead to more credibility and power being given to the Federal Environmental Assessment Review to opt for 0 probability when the outcome of a present activity could have immediate and long term disastrous effects.

The Ecological Rights Association will work a) towards enshrining the right to a safe environment and the right to ecological heritage in the Canadian Charter of Rights and Freedoms (and in other National Charters or constitutions); b) towards the establishment of an institutional framework to ensure that these ecological rights are protected c) towards lobbying for the enshrinement of ecological rights in a UN Covenant for the Protection of Ecological Rights d) towards encouraging the Criminal Law reform Commission to proceed on their proposal to have the causing of serious ecological damage deemed to be a crime; e) towards ensuring that individuals and community groups will have some form of recourse through the legal system, such as injunctions, to address the infringement and denial of their ecological rights by industry and institutions; and f) towards compiling and categorizing definitions and descriptions of what would constitute ecological rights

Ecological rights must be enshrined and protected even if economic interests may need to be sacrificed.

Contact:
Diane Saibil

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Ph. 613-563-2078

FAX 613-563-7236

impact of international trade impact of GATT on B.C. impacting on social development
conservation society

nafta uruguay round our ability to anything provincially

Ulysses 0055 (country) 21 rio fax 226-1774 Vice president , Ecotropic

Pres. in Brazil of ISDE International Society of Doctors for the Environment.

WEB

PROPOSAL

Constraint on all of the issues

systemic constraints

sovereignty Community control

resource linking our concerns with Livelihoods

forces driving the economy

International competitiveness has to look at within an international forces framework

strength of transnationals buy shares world bank and IMF driving GATT agendas

States cannot impose higher than that which Agreement

societal ecosystem social movements are depoliticized

multinationals and transnationals

Globalization labour standards

Tripartite meetings human rights, sector

OXFAM Canada

UBC common frontiers human rights initiative meetings in Mexico environmental youth

Dear Ulysses [PLEASE RESPOND WITH IDEAS TODAY IF POSSIBLE]

PROJECT TITLE: INTEGRATION AND INTERDEPENDENCE OF ISSUES:

CANADA/BRAZIL, STUDY ECOTROPIC

into diagrams — conceptual frameworks within which to examine larger interdependent
context of issues. Each group within the International

Affairs Caucus and Ecotropic will be able to assess the dominant 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
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 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. and 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
- I received all your material:
- Background about the organization
 - Letter of Approval
 - Past projects

The material is excellent. I will be incorporating some of your "philosophy and concepts" into the project proposal.

FUNDING

EDSP	TOTAL EXPENSES
INCOME	
ERA	
in kind	22,500 CANADA
	75,000
total income	97,000

75000

Could you let me know what your group would like to spend the money on.

\$5000 for flights for 5 MEMBER AND INTERPRETOR of the BCEN INTERNATIONAL AFFAIRS CAUCUS

5000 FOR TRAVEL IN BRAZIL

ACCOMMODATION IF BILLETING TO BE DETERMINED

IF NOT BILLRTING 1\$1500

2500 FOR TRANSLATION OF DOCUMENTS

25,000 FOR PUBLICATIONS

The ERA will be applying for funds on behalf of Ecotropic and of the International Affairs Caucus — a caucus about 25 people representing over 25 groups throughout the province of British Columbia. One of the problems we have is that the members live in different parts of the province and we are not yet connected through E-mail. Some of the funding in Canada will go towards setting up an effective network for communication about the Interdependence of issues among the members of the Caucus. Another part of the money will go to bringing together the members at a couple of face-to face meetings to deliberate further on the documents circulated, and to putting together documents and circulating these documents.

Your group is already connected through E-mail, and "NGO-net. I do not yet have an E-mail number. One of the members in the International Affairs Caucus is the director of the Vancouver Island Public Interest Group and he is doing the same thing as Ecotropic in Africa (bring in information from Africa). I will ask him tomorrow what Net he is

connected to, perhaps he is and faculty with computer communications — I will ask him to set up a communicating system for us if one is not already available.

EXHIBIT

Noting that it has been reported in the Water board Commission's "Land Use Issues" brief that the forest cover in the non-catchment lands are representative of the Coastal Western Hemlock and Coastal Douglas Fir biogeoclimatic zones within the Nanaimo Lowlands Eco-section

Noting also that it has been reported in the Commission's "Land Use Issues" brief that less than 2 % of this eco-section is protected under the Provincial Protected Areas Strategy (PAS) and that these forest types are under-represented in parks and protected areas

Mindful that in a CRD Parks, report from 1995, it was confirmed that "both remnant forest stands in lowlands and upland d vegetation found in the non-catchment lands, have high conservation values. The high value areas identified by CRD Parks include: Veitch catchment, portion of Humpback catchment south of Kapoor Main Rd, southeast portion of Waugh catchment and the Niagara catchment"

Mindful also that it was indicated Waterboard Commission's "Land Use Issues" that in the northwest portions of the Waugh catchment also have high scenic and recreation values

Convinced that other potential benefits of preserving green-spaces include a greenbelt boundary to contain urban growth and a regional trail linkage

Convinced that the obligations incurred by the Canadian government are binding on the provincial, regional and local governments; and that the expectations created by the Canadian government and provincial government are binding on the regional and local governments.

Mindful that the discharging of obligations and the fulfilling of expectations will not take place if (i) the “non-catchment lands Sea to Sea Greenbelt and trail corridor” park proposal does not proceed; and (ii) the Kapoor swap in the Waugh catchment is carried out; or (iii) logging in any form is permitted in the non-catchment areas including the proposed logging through the “Community Forest” organization

Cognizant that the Canadian government has incurred the following obligations and the Canadian government and provincial government have created the following expectations

OBLIGATIONS INCURRED

Concerned that through practices at the provincial, regional and local level the Canadian government has failed to discharge obligations under the Biodiversity Convention and the Framework Convention on Climate Change

1. The Canadian government has contravened the Biodiversity Convention because, the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by having failed to identify biodiversity

Under the Convention the parties are required "to identify biodiversity"

At the ratification of the Biodiversity Convention in the December 4, 1992, Prime Minister Mulroney, informed the public about the state of identification of species in Canada and admitted that there were an equally large number of species not reported:

Canada is one of the largest countries in the world and is home to about 70,000 known species and many different habitats. However, many of Canada's ecosystems are threatened.

Biodiversity the web of life (environment Canada publication)

A total of just over 70,000 species of animals, plants and micro-organisms have been described or reported to occur in Canada. The same number remain undescribed or unreported by science. If viruses are added, the total is doubled to 290,000

Canada may claim to be complying with the Biodiversity Convention by indicating that they are developing a “Canadian Biodiversity Strategy”(see draft document June, 1994); however, even by its own admission:

the Status of Biodiversity is also not fully understood. As many as half of the estimated 140,000 species in Canada have not yet been identified.... and that only vertebrates and vascular plants are being evaluated..... The status of most of Canada’s species such as fungi, bacteria and

invertebrates -- all of which play crucial roles in ecosystem function — is not known.

Yet, B.C. continues to log primary forest ecosystems that contain the biodiversity that will be lost before it is identified.

From the B.C. government's own "State of the Environment Reporting" document the B.C. government also recognized the importance of identifying species and its inability to assess the current state of species diversity in B.C.:

Genetic diversity enables species to adapt to changes in their environment over time. It is difficult and costly to measure genetic diversity and therefore difficult to assess its current state in B.C.

British Columbia had not sufficiently identified biodiversity at the time of signing the Convention, and British Columbia has continued to permit practices that contribute to the loss of biodiversity. By the government's own admission it acknowledges the virtual impossibility of sufficiently identifying species; it should not defeat the purpose of the Biodiversity Convention by ensuring that the storehouses of biodiversity not be logged. The continued logging in the non-catchment areas and the raising of the Sooke Dam defeat one of the purposes of the Biodiversity Convention: the identification of Biodiversity in particular peri-urban biodiversity.

2. The Canadian government has contravened the Biodiversity Convention because the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by having failed to carry out a legitimate environmental assessment review of anything that could contribute to a loss or reduction of biodiversity,

In jurisdictions where an environmental impact assessment has been carried out, practices, typical of those carried out currently in BC forests and those carried out in the watershed, have been assessed in other jurisdictions as contributing to loss or reduction of biodiversity. For example, a German biologist, Dr. Schutt, indicated the following about environmentally unsound logging practices:

commercial logging followed by artificial reforestation has undoubtedly many technical and organizational advantages. In the course of time, however, soil scientists and ecologists found out that these practices automatically leads to considerable drawbacks:

- wounding of the soil surface through logging operations.
- Risk of erosion -High irradiation and higher climatic extremes alter the microclimate, the flora and the microflora and deteriorate the growing conditions for a number of valuable tree species. -
- Soil compression and a reduction of species richness

-An accelerated decomposition of organic matter occurs, combined with a wash out of nutrients, and the eutrophication of ground water, rivers and lakes occur

(Dr. Schutt, Biological Department, University of Munich, Environmental Ethics Conference, 1992, Vancouver)

3. The Canadian government has contravened the Biodiversity Convention because the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by failing to invoke the precautionary principle which reads as follows: .

..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)

As of June 1992, the Canadian government undertook the obligation under the Biodiversity Convention to invoke the precautionary principle.

At the ratification of the Biodiversity Convention in the December 4, 1992, speech by Prime Minister Mulroney indicated his awareness of the loss of biodiversity and in particular the impact of modern forestry practices:

Biodiversity is being threatened directly and indirectly by human activity such as

(i) Destruction of wildlife habitat

the conversion of natural areas, on land and at sea, to other uses destroys disrupt animal and plant habitat. Such loss of habitat leads directly to the loss of species. ...

(ii) Over-exploitation of animal and plant species

(iii) Disturbances of natural ecosystems

Each of the world' ecosystems consists of a community of animals, plants and micro-organisms and the sunlight, water, soil and minerals they need to survive. These ecosystems exist in a delicate balance, with each piece of the puzzle playing a specialized role. Any disruption of the balance can cause a ripple effect of disruptions, threatening the entire ecosystem and individual parts of it...

(1v) Modern agricultural and forestry practices

...similarly, modern forestry often replants a single high-yielding tree species after logging a diverse forest ecosystem

Any human activity that has a negative effect on the environment has a negative effect on biodiversity.

Framework Convention on Climate Change

The Canadian government has contravened the Framework Convention on Climate Change because, the government of B.C, and the regional governments. since June 1992 has defeated the purpose of Biodiversity Convention by having failed to conserve carbon sinks

B.C and regional districts, since June 1992 have defeated the purpose of Climate Change Convention by having failed to protect carbon sinks; they have continued to permit the harvesting in significant carbon sinks like the non-catchment lands of the Sooke Water district. Under the Framework Convention on Climate Change Canada is required to protect and enhance Green house gas sinks and reservoirs:

Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.

The old growth area in the non-catchment lands provides significant greenhouse sinks and should not be logged.

EXPECTATIONS CREATED

Concerned that through practices at the provincial, regional and local level the Canadian government has failed to fulfill expectations from the Caracas Declaration (1992) , the United Nations Convention on Environment and Development (UNCED) and from the Habitat II Conference

Expectations created through the Caracas Declaration

Mindful that Canada and B.C. have failed to fulfill a commitment made through B.C 's endorsement of the Caracas Convention (Parks Protected Areas and the Human Future: the Caracas Declaration, February 1992) and in its participation in the Caracas Congress to "move from logging old growth to second growth" (Report on implementation requirements of the Caracas Declaration, Mar. 1992)

Obligations under the "Parks, Protected Areas and the Human Future: The Caracas Declaration" (February, 1992), and under recommendations by the Caracas Congress.

In a publicly distributed letter dated ,March, 1992 from both the Provincial Ministry of Forests and the Provincial Ministry of Environment: imputed the following intention

As we, in BC Parks and BC Forest Service begin to work on implementing our components of B.C.'s protected areas under the aegis of the Commission on Resources and Environment, we will be mindful of this Declaration [Parks Protected Areas and the Human Future: the Caracas Declaration] and its implications. Our objective will be to have a system of protected areas which we are proud to present to the world.

Through this intention to be "mindful of this Declaration" the Provincial Government of B.C. through its Ministries of Environment and Forests has recognized the CARACAS Declaration and the UN Resolution 37/7 (1982) World Charter for Nature.

The Caracas Declaration was adopted by over fifteen hundred leaders and participants at the fourth World Congress on national parks and Protected Areas. (Feb. 1992). The Caracas Congress which is responsible for interpreting the Declaration made the following recommendations that have been endorsed by the Ministry of Forests and the Ministry of Environment:

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to move from harvesting primary to secondary forests as recommended by the Caracas Congress

The congress urgently requested that all countries urgently undertake surveys to identify additional sites of critical importance for conservation of biological diversity, and wherever possible, accord total protection to them. Harvesting should be relocated from primary to secondary forests p 8

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to prevent incompatible land use. as recommended by the Caracas Congress

Protected areas have sometimes been seen as islands of nature and tranquillity, surrounded by incompatible land uses. But the congress made it clear that such an "island mentality" is fatal in the long run. The congress recognized that it is unlikely that protected areas will be able to conserve biodiversity if they are surrounded by degraded habitats that limit gene-flow alter nutrient and water cycles and produce regional and global climate change that may lead to the final disappearance of these "island parks".

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to address the urgency and the need for global efforts to conserve biological diversity.

"the loss of biodiversity has reached crisis proportion and if present trends continue up to 25 % of the world's species may be sentenced to extinction or suffer severe genetic depletion in the next several decades, accompanied by equally significant and alarming degradation of habitats and ecosystems. This loss of biological diversity is impoverishing the world of its genetic resources, its species, habitats and ecosystems. All species deserve respect, regardless of their usefulness to humanity. This Principle was endorsed by the UN Assembly when it adopted the UN Resolution 37/7 (1982) World Charter of Nature. The loss of the living richness of the planet is dangerous , because of the environmental systems of the world support all life, and we do not know which are the key components in maintaining their essential functions.

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed that:

all governments, regional and local authorities and international institutions include protected areas as internal elements in development policies, programmes, plans and projects; (4. Caracas Declaration, 1992)

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to

“urge all governments, local authorities, international institutions and non-governmental organizations to inform and educate all sectors of society about the importance of protected areas, and the economic, social and environmental benefits they provide, and so make the public active partners and supporters in their protection; (6 Caracas Declaration, 1992)

Noting that the B.C. Ministry of Environment and Forests through their endorsement of the Caracas Declaration have agreed to

take urgent action to consolidate and enlarge national systems of well-managed protected areas with buffer zones and corridors, so that by the year 2000 they safeguard the full representative range of land, freshwater, coastal and marine ecosystems of each country and allow these ecosystems space to adapt to climate change (Caracas Declaration, 1992)

Expectations created through habitat ii agenda

Mindful that as a result of Habitat II the Canadian government has created the expectation that through out Canada the following will occur

• Periurban and urban biodiversity will be preserved

In order to promote a healthy environment that will continue to support adequate shelter for all and sustainable human settlements for current and future generations, Governments at the appropriate levels, in partnership with all relevant interested parties, should:

Promote the conservation and sustainable use of urban and peri-urban biodiversity, including forests, local habitats and species biodiversity; the protection of biodiversity should be included within local sustainable development planning activities (Habitat II, * 98 bis (a)

• Green spaces ensured

Green spaces and vegetation cover in urban and peri-urban areas are essential for biological and hydrological balance and economic

development. Vegetation creates natural habitats and permits better absorption of rainwater by natural means, which implies savings in water management. Green areas and vegetation also play an important part in reducing air pollution and in creating more suitable climatic conditions, thereby improving the living environment in cities. Healthy and environmentally sound agricultural activities and the provision of common land should be integrated into the planning of urban and peri-urban areas. (83 bis, Habitat II, 1996)

• Fragile ecosystems and environmentally vulnerable areas protected

protecting fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements (27e)

• The [human] ecological footprint will be reduced

promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; (27 b)

Mindful that at the Habitat II Conference knowledge of Eco-cycles was deemed relevant for the prevention of environmental damage:

To facilitate capacity-building and institutional development for the improvement of human settlements planning and management, governments at the appropriate levels, including local authorities and their associations, should: * be encouraged to increase their knowledge about the eco-cycles involving their cities so as to prevent environmental damage (Art. 135, Habitat II, 1996)

Noting that at the Habitat II conference serious consideration has been given to the need to prevent anthropogenic disasters:

Prevention of disasters, including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence, and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i, Habitat II)

Noting also that at the Habitat II conference numerous sections of the Habitat Agenda proposed the moving away from car-dependency, by instituting appropriate regulations and the adopting of environmentally sound transportation such as bicycle paths

Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures (104 c Habitat II)

Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing and other policies and regulations. (2102 Habitat II)

BE IT RESOLVED THAT FULL PROTECTION OF THE NON-CATCHMENT LANDS AND MAINTENANCE OF A GREENBELT EXTENDING FROM FINLAYSON ARM TO SOOKE BASIN BE GRANTED

BE IT FURTHER RESOLVED THAT FULL PARK DESIGNATION WOULD MEAN:

That no logging will occur in the catchment and non-catchment area

That the entire area currently proposed as the "proposed Sea to Sea Greenbelt park be given that immediate park designation

That the periurban biodiversity be thus preserved and the green spaces, ensured

That the impossibility to comply with the international obligations will not occur

That Biodiversity will be identified and conserved

That carbon sinks will be conserved

That the dam not be raised and thus the ecological al footprint will be reduced and potential disaster avoided

That serious conservation measures be regulated and enforced

That no logging including community forest projects be permitted anywhere in the catchment and in the non-catchment lands

POST HABITAT ii Date: Sun, 07 Jul 96 16:07:49 EDT
 From: Kinuthia Macharia <KMACHAR@american.edu>
 To: Russow@uvaix3e1.comp.UVic.CA
 Subject: No subject

Hello Dr. Joan E. Russow:

This is Prof. Kinuthia Macharia of Sociology Department at American University in Washington D.C. We met in June in Istanbul at two committees and I was particularly interested to know what came of the Urbanization Caucus we started and that you chaired. Unfortunately I had to leave Istanbul very hurriedly since I had urgent things to attend in Nairobi, Kenya where I have

just returned from. Please give me an update- I left before the Monday when the NGOs had their day with Committee 2--when we were to sort out who was to present etc, so I guess if you have the time, you may have some little filling up to do for me--not much-- just the key esp. on the urbanization Caucus which I was /is very keen on pursuing which ever directions we take it. Hope you are back and rested in Canada.

BACKGROUND :

In an increasingly complex world, solutions will probably be found not in isolating fragments of the problem for consideration but in struggling to consider the complexity and interdependence of issues. In this project respect for human rights, fulfillment of social justice and equity, achievement of environmental protection and conservation and attainment of peace will be perceived to be interdependent facets of the solution. This project will draw upon the expertise of the South because Ecotropic has been grappling with linking the integration and interdependence of issues since 1989.

In this project the participants will be encouraged to continually grapple with the interdependence and complexity of issues, and convey this interdependence and complexity to their own groups and to other groups in a way that will facilitate the understanding of each issue within this wider context.

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 To: Russow@uvaix3e1.comp.UVic.CA
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ACKNOWLEDGMENT OF INTERNATIONAL OBLIGATIONS AS MINIMUM

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.)

RECOGNITION OF THE URGENCY OF GLOBAL SITUATION

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

Present human interference with the non-human world is excessive and the situation is rapidly worsening (DP)

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)

Policies must therefore be changed. these policies affect basic economic, technological and ideological structures. The resulting state of affairs will be deeply different from the present. the ideological change is mainly that of appreciating life quality (dwelling in situations of inherent value) rather than adhering to increasingly higher standards of living... (DP)

There is no rejection of the usefulness of science and technology but only of their mis-application, assumed elitism and flawless rationality which are barriers to ecological conservation (FK)

The coin of sustainability has two faces, one is ecology and the other is equity. Both must be simultaneously to serve to achieve a sustainable future (FK)

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. (ERA Ecological Rights Charter, 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 (UN Resolution 37/7 World Charter of Nature)

UNDERTAKING OF TRANSFERRING AGREED TO PRINCIPLES TO INDIVIDUAL ACTION OR RESPONSIBILITY-OF-INDIVIDUAL ACTION PRINCIPLE

All people must be held responsible for their own pollution and environmental degradation and created wastes.

UNDERTAKING OF INCLUDING ENVIRONMENTAL COSTS AND 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)

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 (FK)

POSITIVE-MANDATE-TO-CONSERVE PRINCIPLE:

Establishing, expanding and managing, as appropriate to each national context, protected area systems, which includes systems of conservation units for their environmental, social and spiritual functions and values, including conservation of forests in representative ecological systems and landscapes, primary old-growth forests, conservation and management of wildlife, nomination of world Heritage Sites under the World Heritage ... and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities; (Agenda 21, 11.15 b)

RESPECT FOR ESSENTIAL PROCESSES

Nature shall be respected and its essential processes shall not be impaired (World Charter of Nature)

ACKNOWLEDGMENT 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 of maintaining the

stability and quality of nature and of conserving natural resources and preserving nature (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,

The well-being and flourishing of human and non-human life on Earth have value in themselves (synonyms: intrinsic value, inherent value). These values are independent of the usefulness of the non-human world for human purposes. Richness and diversity of life forms contribute to the realization of these values and are also values in themselves

All species of plant and animal life are equal and thus no one species (including humanity) should be accorded more rights over another. Humanity should not govern nature, the earth's rhythms and processes should govern humanity. TB. Humanity should not impose itself on but empathize with nature.

MORAL IMPERATIVE TOWARDS 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)

Something is right when it protects nature and wrong when it tends otherwise

The life and death of one species should be seen as being equal to the life and death of another (TB)

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).

Humans are a part of Nature not apart from Nature and thus inter-species symbiosis is a universal phenomenon; humans cannot escape natural laws (FK)

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

RECOGNITION OF DEPENDENCY ON NATURE

All survival ultimately depends on the integrity of ecosystems including its global form, the biosphere (FK)

RECOGNITION OF LIMITS TO GROWTH

There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are implications of their imminent approach (FK)

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 trans-boundary 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 (Convention on Biological Diversity)

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 BEST (Benign Environmentally Safe/Sound Technology/Techniques)
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]

SHIFT IN THE ONUS OF PROOF (REVERSE ONUS)

the proponents of an intervention shall demonstrate the safety of the intervention rather than the oponent having to demonstrate the harm of the intervention

REVERSE ONUS (Proposed by Shelia Copps, Minister of Environment)

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 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 [human and non-human generations (TB)] (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)

RIGHT TO KNOW PRINCIPLE

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

INFORMATION ON ECOTROPIC (See Appendix)

One of the more controversial proposals in the Federal Government's constitutional package is the proposed enshrining of "property rights" in the Canadian Charter of Rights and Freedoms. The legal system already functions as though property rights were sacred and inviolable. The main outcome of enshrining property rights in the Charter, would be to further limit the possibility of progress being made towards expanding the application of environmental law.

The purpose of the Charter of Rights and Freedoms is to enable individuals to apply to the courts to seek remedies if they believe that their rights or freedoms, as guaranteed by the Charter, have been infringed or denied. The Charter must protect rights that may not be already protected through common law remedies. Individuals must have "standing" in order to bring a case to court. Standing is usually synonymous with property rights or financial interest, and damages are awarded according to losses of these interests. Although the courts have proceeded to continually address any infringement or denial of property rights, they have failed to address the serious ecological damage that continues to be done by industry and government alike. There is no redress for individuals, and community groups who object to ecological damage on the basis not of economic interest but of community ecological rights. It is only through the Charter that individuals and community groups might be able to have standing and thus be able to launch suits against governments on behalf of the community's ecological rights.

Many industry supporters will contend that statute law is in place to protect ecological rights. In many cases, statute law may even contribute to the infringement and denial of ecological rights by creating the illusion that ecological rights are being protected when there is no institutional framework in place for protecting these rights. Although the Charter of Rights and Freedoms solely applies to the rights and freedoms of individuals vis-a-vis governments, it provides moral suasion and gives guidance to the courts where there are conflicts among individuals, community groups, industries and non-governmental institutions. Through articulating values, the Charter indicates to individuals, community groups, industries and non-governmental institutions the nature and extent of rights and duties and of moral and civil responsibility.

Significant changes to international law, charters and criminal law have often been initiated and justified when there is a convergence of international, national and local concerns about the rightness and necessity for the changes. This convergence now exists for the protection of ecological rights.

The ERA Ecological Rights Association urges international bodies and national governments to consider the following proposed ecological rights -- the right to a safe environment, the right to an ecological heritage, and the right "to not have present activities compromise the needs of future generations" (Bill C-78). The 'right to a safe environment' could lead to stringent regulations on the introduction of potentially harmful

factors or substances into the economic sphere. The onus of proof could then shift from the present situation whereby citizens, consumer advocates and environmental groups have to demonstrate that the introduction of a factor or substance will have deleterious consequences. Instead the manufacturers, industry and governmental institutions would have to demonstrate that the introduction of such factors or substances would not have deleterious consequences.

The 'right to an ecological heritage' could lead to the protection and preservation of ecosystems and biodiversity. The Charter should reflect concern for the protection of this right. International documents such as the Report of the 1972 United Nations Commission on the Environment (Stockholm Conference) established principles related to environmental heritage. At Stockholm, the international community established the principles that human rights exist "in an environment of a quality that permits a life of dignity and well-being and that man bears a solemn responsibility to protect and improve the environment for present and future generations." The Bruntland Commission (United Commission on the Environment, 1987) has reiterated this responsibility by calling for the preservation of 12% of each representative ecosystem. The "right to not have present activities compromise the needs of future generations" could lead to more credibility and power being given to the Federal Environmental Assessment Review to opt for 0 probability when the outcome of a present activity could have immediate and long term disastrous effects.

The Ecological Rights Association will work a) towards enshrining the right to a safe environment and the right to ecological heritage in the Canadian Charter of Rights and Freedoms (and in other National Charters or constitutions); b) towards the establishment of an institutional framework to ensure that these ecological rights are protected c) towards lobbying for the enshrinement of ecological rights in a UN Covenant for the Protection of Ecological Rights d) towards encouraging the Criminal Law reform Commission to proceed on their proposal to have the causing of serious ecological damage deemed to be a crime; e) towards ensuring that individuals and community groups will have some form of recourse through the legal system, such as injunctions, to address the infringement and denial of their ecological rights by industry and institutions; and f) towards compiling and categorizing definitions and descriptions of what would constitute ecological rights

Ecological rights must be enshrined and protected even if economic interests may need to be sacrificed.

Contact:

Diane Saibil

Sylvie Trudel

Catherine Cameron; Steven Kotze

EDSP via CEN P.O. Stn "B" Ottawa K1P 5R3

Ph. 613-563-2078

FAX 613-563-7236

Impact of international trade impact of GATT on B.C. impacting on social development
conservation society

NAFTA Uruguay round our ability to anything provincially
 Ulysses 0055 (country) 21 Rio fax 226-1774 Vice president , Ecotropic
 Pres. in Brazil of ISDE International Society of Doctoros for the Environment.

PROPOSAL

Constraint on all of the issues systemic constraints sovereignty
 Community control resource linking our concerns with livelihoods
 Forces driving the economy
 International competitiveness has to look at within an international forces framework
 Strength of transnationals
 Buy shares
 World Bank and if
 driving GATT agendas
 Dates cannot impose higher than
 Which Agreement
 Societal ecosystem
 social movements are depoliticalized
 multinationals and transnationals
 Globalization
 Labour standards
 Tripartite meetings
 Human rights, sector
 OXFAM Canada
 UBC
 Common frontiers
 Human rights initiative meetings in Mexico
 Environmental youth

Dear Ulysses [PLEASE RESPOND WITH IDEAS TODAY IF POSSIBLE]

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

I received all your material:

- Background about the organization
- Letter of Approval
- Past projects

The material is excellent. I will be incorporating some of your “philosophy and concepts” into the project proposal.

The ERA will be applying for funds on behalf of Ecotropic and of the International Affairs Caucus — a caucus about 25 people representing over 25 groups throughout the province of British Columbia. One of the problems we have is that the members live in different parts of the province and we are not yet connected through E-mail.

Some of the funding in Canada will go towards setting up an effective network for communication about the Interdependence of issues among the members of the Caucus. Another part of the money will go to bringing together the members at a couple of face-to face meetings to deliberate further on the documents circulated, and to putting together documents and circulating these documents.

Could you let me know what your group would like to spend the money on. Your group is already connected through E-mail, and "NGO-net. I do not yet have an E-mail number. One of the members in the International Affairs Caucus is the director of the Vancouver Island Public Interest Group and he is doing the same thing as Ecotropic in Africa (bring in information from Africa). I will ask him tomorrow what Net he is connected to, perhaps he is already linked to NGO Net based in Uruguay. My son works at the University assisting students and faculty with computer communications — I will ask him to set up a communicating system for us if one is not already available.

PHASE 1: EXPLORATORY PHASE (JANUARY- OCTOBER ??)

At the Exploratory stage of the project, what will be important will be to establish effective communication links within B.C. and within the Rio Area and between B.C. and the Rio Area (state?). This would involve ensuring that the participants are set up with modems etc. Also it will be important to ensure that the documents are translated and circulated. Would your organization be able to translate all the documents going to and coming from Brazil? If so, that could be one of the costs.

I just received another response from CIDA about the project.

They want to know what might be the concrete results from the project for other groups.

- educational video's

- trade regimes environmental regulations development debt

development and environment disasters

medical

exchange of how to address the conflict within the forest sector in terms of impact on first nations people's quality of life biodiversity water employment.

medical system

social system

Community planning

poverty , over-consumption and opulence

Co-transference

project in poor area

policy - makers international a

?Two countries look at the the n policy changes for restructuring

PROJECT TITLE:

PROJECT TITLE: INTEGRATION AND INTERDEPENDENCE OF ISSUES:
BRAZILCANADA/AFRICA SUBMISSION OF EARTH CHARTER TO UNITED
NATIONS

ORGANIZATIONS AND PARTICIPANTS INVOLVED:

International Affairs Caucus of the BCEN
E-mail VIPIRG@Sol.UVIC.CA

Chair

Joan Russow (ERA Ecological Rights Assoc.) International monitoring and compliance and the linking of human rights, equity and peace issues
502- Craigflower Rd. Victoria, B.C. V9A2.V8; Ph 380-2563; FAX 385-0068

Representatives from Member organization

Candace Batycki (Greater Ecosystem Alliance)
Box 957 Nelson BC V1C IA5, Ph. 3552327. 1 604 975-9697 Answering machine

3 Salt Spring
Sunee Vektoor
386-0843

1. Niki Basuk author
2 • Jack Basuk
Clayoquot Retreat Lyn Baxter 725-3305

3 •Yvonne Beaudry (Friends of Clayoquot) research area: Globalization of the Economy
General Delivery V0R 2Z0
725-2948 left message

Mary Bentley 382 8003
Brad Benson (Tetrahedron Aliance). Forestry issues
PO Box 1919, Gibson, V0n 1V0, Ph. 886-8325; FAX 886-0455

Tracy Bethune
7441067-

4 • Dolores Broten (Friends of Cortes) (Friends of Cortes) Editor Watershed Alliance .
Box 39 Whaleton, V0D 1Z0 Ph/FAX 422-3566
STEVE will drive into Nanaimo
935-6992
Dolores may not even be able to come driving

**stay Sunday night
eggs free range**

Jim Bolen PO Box 39 (Green Grass Institute). International monitoring and compliance issues
Denman, V0R 1T0 FAX 335-0322

**Tim Boston, ERA inter-generational equity and critical education
2-1416 Fort, Victoria 598-7463**

**Lanyan Chen Visiting scholar from China
592-2270
will be coming in the Van**

**6 • Tanis Dagert (Forest Protection Allies) Liaison between academics and community groups, # 1-2456 W5 Vancouver V6K-1S8, 734-1254 Answering machine
Friday 3 people
Monday - staying 3 car
back to Victoria Monday**

**Main fishing down town main _
down town to the Coop and take right and two block down hill
D 7 John Emonds 537-0864
FAX 604-537-1926
arriving at bus stop at 10.00**

Susan Gage peace, ecology and social activist
3866398

Doug Gook (Forest Protection Allies); Alternative forestry
P.O Box 4321, Quesnel, B.C. VEJ 3J3 (Ph/FAX 747-3363) Answering machine

**8 • Suzanne Hare (CIRCLE). Native issues
Campbell River Radio Sea Wolfe Tofino Ch 24
N116215 604-725-2996
8 am Saturday
Sunday
Stephan
3.**

**9 Stefano driving arrive on third on the morning.
stefano@island.net water issues
will come over with Tanis
Water meeting**

Stefan 604-753 5402

Dr. Keith Heidorn (Skies Above Foundation). Specialist in Meteorology, ozone depletion, and climate change issues. 1930 Venross Pl, Saanichton, Ph. and FAX 652-8436) Answering machine

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 4-4631 Lochside Victoria Ph FAX 658-2740
will be attending lunch at the Faculty Club

11 Beth Hill Council of Canadians
12 Ray Hill will be arriving on Sunday with Hardy

**13 • Steve Lawson (CIRCLE) Native issues indigenous Caucus
Campbell River Radio Sea Wolfe Tofino Ch 24
N116215 604-725-2996**

Anne Levesque (East Kooteney Environmental society) Women and development issues. Box 84, Quesnel, B.C. V0B 2E0 422-3566 message

**14 • Lucia Lopes (ERA Ecological Rights Association) Brazilian foreign student
370-7087**

15 Ron MacIassac

16 Lyn MacIassac

• drive up on Friday
will go up Island after

Peter MacAllister (RainCoast Conservation Society)

D 17 • Derrick Mallard

D 18 . Gwen Mallard

**19 • Donald Malcolm (Friends of Cortes)
Box 39 Whaleton, V0D 1Z0 Ph/FAX 422-3566**

**20• Ruth Masden (Thompson Institute) Water-related issues
170 Nicola Street, Kamloops, B.C. V2C 2P1 (Ph 828-1984; FAX 828-1215)
Water Fraser basin water
9:30 5pm**

**arriving Friday night will sleep in Van and come Saturday morning
smudge sticks**

Prince Nallo (VIPIRG).
University of Victoria

Doug Patterson (Ecoforestry Institute); Ecoforestry Issues
1. 1937 Crescent, Victoria, 598-8529

Lenore Herb SPEC (Pesticide issues)

22 Joan Russow

23. Sheila Salas

will be arriving by car and will meet us at 5pm
will bring cereal

call Sonny

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

2701 Seaview Rd. Victoria, B.C. V8N 1K7, Ph 4770555; FAX 472-0700

25. Blake Wright

**26, Natayla Stavis
920-8391**

**arriving for event on Thursday
staying over Monday night
bring material**

**27 • David White (Sierra Club Victoria, Group) Environmental education and
Forestry issues**

502 Craigflower, Victoria ,V9A 2V8, Ph 385-0195; FAX 385-0068

**28 Ernie Yakub, Save the Georgia Alliance
Civil and Political Rights Adviser
Box 569 Cumberland B.C. V0R 1S0 Ph 336-8155**

**will be in Tofino
will come up with Yvonne**

29 Veronica involved with Liaison with Uvic and Brazilian partners

Paul Singuegos

30Ulisses Environmental Health and Native Peoples Vice president of Eco tropic

32 Ira Zbarsky

2146 York Vancouver 336-8155 Central American activist

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

DR .William Carrol (Social movements; and global political economy)
4721301

Dr. Tim Etkin (land use planning Environmental land use)
480-1027. Environmental instructor in Geography department.
1442 Camosan St. V8V 4L6

Dr. Ann Gower Assoc Professor, Physics Department
(Women in Science, Physics and public process) 656-5457

ECOTROPIC

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

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

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

AUGUST AUGUST 1996

() received information that our project was refused in 2022 I am trying to find out the reason

BACKGROUND :

In an increasingly complex world, solutions will probably be found not in isolating fragments of the problem for consideration but in struggling to consider the complexity and interdependence of issues. In this project respect for human rights, fulfillment of social justice and equity, achievement of environmental protection and conservation and attainment of peace will be perceived to be interdependent facets of the solution. This project will draw upon the expertise of the South because Ecotropic has been grappling with linking the integration and interdependence of issues since 1989.

In this project the participants will be encouraged to continually grapple with the interdependence and complexity of issues, and convey this interdependence and complexity to their own groups and to other groups in a way that will facilitate the understanding of each issue within this wider context.

In an increasingly complex world, solutions will be found not in isolating fragments of the problem for consideration but in struggling to consider the complexity and interdependence of issues. For years, institutions and individuals have called for the need to address this interdependence, however, the political will appears to be confined to advocating incremental solutions within a fragment of the problem. The principal reason usually given for not examining the complexity and interdependence of the

global problem is that it is impossible. In this project, we are contending that it may be impossible because individuals and institutions are not prepared to continue to grapple with the interdependence and complexity because it is too difficult and they stop too soon in their deliberation fall back on the easy path of fragmentation.

One of the elements in the mission of both the ERA Ecological Rights Association (and the International Affairs Caucus of the BCEN) and Ecotropic is the recognition of the need to address the interdependence and complexity of issues. Both the International Caucus and Ecotropic are composed of individuals and groups reflecting a wide range of expertise and experience.

Leading up to UNCED, there were extensive discussions at the State and NGO level on the development of an “Earth Charter” . This Charter was to be a statement of principles that would integrate a wide range of issues, and serve as a guiding document for the implementation of the globally adopted action plan, Agenda 21, and of the legally binding documents, the Biodiversity Convention and the Climate Change Convention. The ERA since its inception has worked on submissions for the Earth Charter — the document that was considered to be the essence of the UNCED documents. The Earth Charter is the one document that attempts to bring together a wide range of issues. During the Prep Coms considerable work had been done on developing an Earth Charter.

The Earth Charter— which became known as the Rio Declaration — was considerably watered down and not fully dealt with at the Earth Summit. In fact this key document was left to the last 15 minutes at the Earth Summit. At that time the Canadian delegation deplored the fact that the UNCED had failed to finalize the Earth Charter, and Canada called upon the states of the UN to seriously work on a full fledged Earth Charter for the 50th anniversary of the United Nations.

In this project on global Issues respect for human rights, fulfillment of social justice and equity, achievement of environmental protection and conservation and attainment of peace will be perceived to be interdependent facets of the solution.

OBJECTIVES OF THE PROJECT:

This project will be a collaborative project drawing upon a wide range of expertise and experience both in British Columbia and in the Rio district.

The objectives of the project will be the following:

- 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 do extensive “life cycle analyses” of the introduction of ecological unsound practices, along with proposals for ecologically sound alternatives.
- 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
- To propose a joint Canada/Brazil approach to global education in which North/South issues are integrated within a complex interdependent framework of principles, and to develop educational videos to supplement the global educational material. .
- to set up a network of communication between the two countries through a List Serve

Through this project both the ERA Ecological Rights Association with 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)

- 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)

This Charter includes among other statements, the following statements:

ACKNOWLEDGMENT OF THE NEED FOR ACTION

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

APPENDIX

1. CONTRIBUTIONS FROM ECOTROPIC

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:

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 "Over-consumption" (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, December International 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 "Mis-education 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 MacMillan 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.

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- 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

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- 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"

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- Is currently assessing the Environmental Assessment Review Report on Low level Flights over Innu territory

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- 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
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- * 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
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- Prepared a diagram for the forum on the aspects of the native sovereignty. issue
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- 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.
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- 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.

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- 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

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- 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

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- 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.

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- Circulated petition calling for a permanent injunction against logging of unfragmented old growth forests

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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 rain-forests 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.

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CHARTER OF ECOLOGICAL RIGHTS

This Charter draws upon obligations that have already been agreed to internationally. The Charter draws from both obligations undertaken by states through UN resolutions such as the UN Resolution 37/7 "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); (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"

Ecological principles: either agreed to internationally or proposed

Legend

plain. "Alternative Earth Charter" prepared for UNCED by the ERA Ecological Rights Association

Underlined: what has already been agreed to internationally through globally adopted or legally binding agreements. (agreed to principles)

BOLD: TITLES

Bold: what still needs to be done (proposed principles or changes)

Bold and underlined (proposed by international NGOs, or official panels, and from deep Ecology)

Italics: What should be left out

Prepared and circulated for comment by the ERA Ecological Rights Association for submission to the 1995 UN Earth Charter discussions

Contact: Joan Russow 1230 St. Patrick St. Victoria, B.C. V8S4Y4 Ph. (604) 380-2563; FAX (604) 385-0068

or David White 502 Craigflower Rd. Victoria B.C. V9A-2V8 Ph. (604) - 385-0195; FAX (604) 385-0068

() THAT in 1996, I drafted

52/1 Proclamation of the International Year of Global Compliance

The General Assembly

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 "Over-consumption" (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, December International 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 "Mis-education 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
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Italics: What should be left out

Prepared and circulated for comment by the ERA Ecological Rights Association for submission to the 1995 UN Earth Charter discussions

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ACKNOWLEDGMENT OF INTERNATIONAL OBLIGATIONS AS MINIMUM

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.)

RECOGNITION OF THE URGENCY OF GLOBAL SITUATION

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

Present human interference with the non-human world is excessive and the situation is rapidly worsening (DP)

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)

Policies must therefore be changed. these policies affect basic economic, technological and ideological structures. The resulting state of affairs will be deeply different from the present. the ideological change is mainly that of appreciating life quality (dwelling in situations of inherent value) rather than adhering to increasingly higher standards of living... (DP)

There is no rejection of the usefulness of science and technology but only of their mis-application, assumed elitism and flawless rationality which are barriers to ecological conservation (FK)

The coin of sustainability has two faces, one is ecology and the other is equity. Both must be simultaneously to serve to achieve a sustainable future (FK)

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. (ERA Ecological Rights Charter, 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 (UN Resolution 37/7 World Charter of Nature)

UNDERTAKING OF TRANSFERRING AGREED TO PRINCIPLES TO INDIVIDUAL ACTION OR RESPONSIBILITY-OF-INDIVIDUAL ACTION PRINCIPLE

All people must be held responsible for their own pollution and environmental degradation and created wastes.

UNDERTAKING OF INCLUDING ENVIRONMENTAL COSTS AND 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)

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 (FK)

POSITIVE-MANDATE-TO-CONSERVE PRINCIPLE:

Establishing, expanding and managing, as appropriate to each national context, protected area systems, which includes systems of conservation units for their environmental, social and spiritual functions and values, including conservation of forests in representative ecological systems and landscapes, primary old-growth forests, conservation and management of wildlife, nomination of world Heritage Sites under the World Heritage ... and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities; (Agenda 21, 11.15 b)

RESPECT FOR ESSENTIAL PROCESSES

Nature shall be respected and its essential processes shall not be impaired (World Charter of Nature)

ACKNOWLEDGMENT 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 of maintaining the

stability and quality of nature and of conserving natural resources and preserving nature (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,

The well-being and flourishing of human and non-human life on Earth have value in themselves (synonyms: intrinsic value, inherent value). These values are independent of the usefulness of the non-human world for human purposes. Richness and diversity of life forms contribute to the realization of these values and are also values in themselves

All species of plant and animal life are equal and thus no one species (including humanity) should be accorded more rights over another. Humanity should not govern nature, the earth's rhythms and processes should govern humanity. TB.Humanity should not impose itself on but empathize with nature.

MORAL IMPERATIVE TOWARDS 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)

Something is right when it protects nature and wrong when it tends otherwise

The life and death of one species should be seen as being equal to the life and death of another (TB)

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).

Humans are a part of Nature not apart from Nature and thus interspecies symbiosis is a universal phenomenon; humans cannot escape natural laws (FK)

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

RECOGNITION OF DEPENDENCY ON NATURE

All survival ultimately depends on the integrity of ecosystems including its global form, the biosphere (FK)

RECOGNITION OF LIMITS TO GROWTH

There are real limits to consumption, population and pollution. Although their precise quantification is uncertain, there are implications of their imminent approach (FK)

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 trans-boundary 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 (Convention on Biological Diversity)

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 BEST (Benign Environmentally Safe/Sound Technology/Techniques)

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]

SHIFT IN THE ONUS OF PROOF (REVERSE ONUS)

the proponents of an intervention shall demonstrate the safety of the intervention rather than the oponent having to demonstrate the harm of the intervention

REVERSE ONUS (Proposed by Shelia Copps, Minister of Environment)

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 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 [human and non-human generations (TB)] (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)

RIGHT TO KNOW PRINCIPLE

Information is a necessary component of sustainability

"the obligation to survive gives us the right to know" (R. Carson) (FK)

This project will be a collaborative project drawing upon a wide range of expertise and experience from both British Columbia and the Rio de Janeiro district.

The objectives of the project will be the following:

- 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 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 identify the systemic constraints preventing change and to make recommendations for policies necessary for overcoming these constraints
- 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, (Phase 1)
- 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 (Phase 1)
- to combine the use of academic research and community advocacy to impact change and influence policy (long term).
- to draft a submission to the proposed UN Earth Charter linking, environment, peace, human rights and equity issues, and to submit this draft to the UN (Phase 1)

ANNEX

Annex:

Overview of the meeting

Interdependence of issues

As a result of discussion, it was found that in Brazil there is an interdependence of issues surrounding the issues of health, environment and poverty. In the areas of Peace and Human Rights issues it appears that in Brazil, there are not local groups that deal with these issues, but primarily 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 with a minimum overhead because the participants in the North would have the necessary computers, soft ware and internet.

to form over the weekend an Institute of Global Interdependence (IGI)

whose function would be to:

- 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 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 work on a draft of a Declaration for the UN Conferences in which it would be essential to link different issues
- .to attempt of examine multiple projects which reflect generally single perspective issues within the context of the inter-dependency 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 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 developing by industries outside of Canada
- to develop a conceptual framework that will enable
- 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

proponents of an intervention to determine the implications of the intervention and to avoid unexpected unforeseen consequences.

- to examine two ways of examining the complexity and interdependence of issues: to use the conceptual framework of interdependence 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.

2. -linking indigenous and ecological knowledge.

One of the Native participants, Mary, 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

3. Canadian Representatives of Chinese origin and African origin have been involved with the project

Recommendation: that the project at a later phase include other continents. this would allow for a follow-up South-South proposal.

4. The question was raised about why have we not achieved interdependence, and why is there a reluctance to examine the complexity and interdependence. There appears to be a tendency to continually fall back on single issues

5. The need was expressed to link theoretical (interdependent theoretical framework) with a series of concrete examples. the point was raised that the theoretical foundation of the Conceptual Framework of 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

6. one component of the project would be assisting in an already developed project by providing the interdependence conceptual framework to examining issues in Matta Grosso.

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

7. Comparable component analysis: Solution chains

refuse reduced use water conservation banning of pesticides in home garden, resource not waste, conversion of lawn, establishment of network of organic vegetable gardens, car replacement society, car free zones, indigenous, Best ecologically sound techniques, reduction of military budget and transference into socially equitable and ecologically sound development.

8. Many Indigenous cultures do not fragment into peace issues, environmental, human rights etc.

9. approaching a wide range of projects in the same way through an interdependent conceptual framework

10 Exchange information about the implications of multiple projects
Community

11 What is preventing change

power structure ownership of means of production

- Environmental and social costs are; not counted as part of the production (externalities)

- unequal distribution of wealth around the world

- rigidity of attitudes

2. What actions or changes are needed

effective information sharing

-ways to show corporate environmental good labels don't take into consideration the environmental impact of the production costs

- many problems around non-compliance with environmental laws

-need to address issues of over-consumption -

- what do I need to be considered

need to get appropriate technical economically successful models.

3. shift in idea of managing environment to the need to manage ourselves within the environment

- importance of looking at how environmental quality is linked to human health

4. need to link problems and solutions

cultural exchange

5 encourage revive indigenous knowledge

it is going to be useful ties into movement of preserving native knowledge business cooperative

- need to contact well-known people to publicize issues

- need to eradicate distorted images of different groups

- need to consider all forms of art as a means of change

- Search for Common ground with Brazil

- need to legalize alternatives to wood pulp

- grown in Manitoba, requires little herbicides replaces tree fiber

- import hemp from Brazil

- find out how paper is made in Brazil

- Support gun laws in Canada

- Sex Tours are major problem in Brazil

- Consumption world watch institute - locate Consumption level.

- Compton index

- unanticipated consequences of environmental and cultural sound development

- determine and name the agent of the cause of harm. - we have a concern and we bring it into the public sphere and anyone who shares the concern will come forward

- strategy how to achieve social and ecological justices

- how we can use the legal system\ - public perception of the legal profession

- of not looking of the truth but for the technical way of getting people off

- twinning sister regions getting to question of clear-cutting Getting broader through medicinal plant

- when we talk about health the need to look to traditional knowledge and healing in both countries

- communication legal - news or internet informal - pick two projects working on the same scale

- salmon coming home - restoration guardian of streams

- focusing on destruction of salmon spawning streams

- team restoration of streams and guardians of the streams and prevent destruction

- region has been clear-cut - the loss of fish habitat looks at the experience here- find out what works and what are the pitfalls

- exchange information on the interconnectedness of issues

- a region that went through the same problem- identify one region similar to Clayoquot

- fires on beach Tsarslip June 27 for the Isarlip 1/3 of teenage suicide

... 10 ours of fires to bring attention to teenage suicide
 - if you think about the issues every day and the interdependence of issues and write something each day and circulate it through the internet.

- nee to have a Forum Brazil /Canada -

-proposal life/land

all of the issues connected

-short medium and long term objectives

-information lawn health medicinal plants

Role of TV as a medium

-need to address info to people not academics. It must be straight forward into.

-to find ways of emphasizing have degradation effect.

- Importance of indigenous knowledge

-what is the obstacle that is preventing change

-need to consider environmental and social costs

-period of environmental concern

-at the global level it takes longer- endless complex problems - multiplicity of legal challenges in Canada- why would we want to work with government

-If you want to increase environmental ism in government elect environmentalist

-goals and action .

- point out that all the goals and actions have been delineated. we talk about UN

Government business population people citizens they don't know all about these things.

- Most of the problems have recommended solutions in the UN documents but these recommendations are not followed. obligations are not obliged to be followed.

_ - need to move from declaration to obligations

() THAT in 1996 I wrote Russow, J (1996). " Principles of Compliance derived from International Obligations and Expectations": Report from Habitat II. Report submitted to Ministry of Environment Policy Branch. Victoria: Global Compliance Research Project:(55 pages) RECEIVER A GRANT OF 500 FROM THE MINISTRY

() THAT in 1996 , I attended the Green Party of Canada AGM in London ONt

Discussion about candidates being bound by federal policy and if they were interested in deviating they would have to apply to Council. Jeff was the first to speak against it claiming it was undemocratic. etc. the motion just failed because at that time there was the 85% fall back.

At the meeting of the BC Green party David put a resolution on the floor that the BC Green party would abide by the Federal policy and he presented to the plenary and challenged the other provinces to do the same. it was not voted on.

Jeff presented a resolution calling for the setting up of Town hall meeting and that an elected Green party member should consult with the community and then vote according to his

conscience. We were arguing that what was important was to indicate to the public what the Green party policies were and then invite the participants to suggest different ways the goals could be achieved. We argued that it would be misleading to suggest that the elected Green party member would consult and then act on the results of the consultation even if the result did not conform to green party policy. After one remark I made about the need to have community based decision making within a framework of overarching principles. Someone called out ecofacist. Ironically, Jeff who had been one of the ones to block the consensus on the binding policy resolution wanted the small group of participants to vote on his resolution.

David and I came up with the concept that the best way to get a resolution passed was to put the opposite resolution forward and have it voted down.

() THAT in London, the BC Greens met and made two decisions: first the BC Greens would support federal policy and second, Julian West was sanctioned for his behaviour at a youth camp : the details were not revealed at that time and he could not run for a year .

() THAT in 1996 I was invited by the BCEN to sit on the Canadian standards . Circulated reservations about voluntary conformance to self- initiated environmental policy proposed by industry. I said that I would participate on the Committee if all my remarks could be included in the documents.

I submitted the following document:

EXHIBIT

OCTOBER OCTOBER 1996

CORPORATIONS ALSO HAVE AN ENVIRONMENTAL ETHIC POLICY TOO !

() THAT in 1996 , I initiated a SSHRC Grant Proposal
In 1996 SUMMARY PROJECT: SSHRC Grant, Applied Ethics (Environmental Ethics)

There is a need to extend a primarily anthropocentric outlook to comprehend and address, more fully, an outlook of ecocentrism, that recognizes and protects the intrinsic nature and worth of all species (as far as possible) independently of human needs within nature This normative principle has received support in the deliberations of the United Nations through the following General Assembly resolution:

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

Formation of policy in Canada is often related to an “environmental ethic” present as the discretionary satisfying of competing interests, rather than the adherence to principles arising from obligations incurred or expectations created by Canadian governments.

For over 50 years, member states of the United Nations have incurred obligations through the Charter of the United Nations, through treaties, conventions and covenants. Member states of the United Nations have also created expectations through declarations, conference action plans and General Assembly Resolutions.

The researchers in the proposed project on environmental ethics will prepare a comprehensive interdisciplinary framework of principles to guide the formulation of coherent ecological values. This formulation, in turn, will lead to policies ensuring the respect for “every form of life regardless of its worth to humans”. These principles will be drawn from an analysis of discourse in different disciplines, from the content of international agreements, and from codes of ethical action governing the relation between cultural and natural systems.

This research on a comprehensive interdisciplinary framework of principles will have the following objectives:

- to determine what would constitute adherence to and fulfillment of the principles contained within the comprehensive interdisciplinary framework.
- to delineate the significant dilemmas found within the complexity of environmental ethics and policy formation and implementation
- to discern, and clarify the systemic constraints¹ preventing the adherence to and fulfillment of these principles, and contributing to the non-compliance with obligations and expectations
- to recommend the formation and implementation of policy to overcome the individual, institutional and governmental systemic constraints
- to ground collaborative principle-based decision making within the comprehensive interdisciplinary framework of principles
- to broaden and foster the understanding, and the appreciation of the complexity and interdependence of environmental ethics and values within a comprehensive interdisciplinary framework of principles

The outcomes of this research will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand the components of, and extend the domain of, environmental ethics, and within which to critically examine policy. The researchers will also synthesize the existing principles established internationally (through statements in international documents) with principles of ethical action governing the relation between cultural and natural systems, to provide a baseline of operative principles of action. This research will provide a critical mass of data related to the pervasiveness, the historical relevance, and the applicability of these operative principles to environmental ethics and to policy formation and implementation related to environmental ethics. Consultation with non-governmental environmental organizations (ENGOs) and with community-based organizations (CBOs) will take place in (i) determining what would constitute adherence; (ii) discerning and clarifying systemic constraints, and (iii) recommending policy.

¹ Entrenched structural and procedural obstacles preventing the policy formation and implementation necessary for change

The outcomes of the research project will be disseminated through papers submitted to refereed journal and to conferences such as the Learned Societies conference. In addition, workshops will be organized in different provinces with various government ministries, and with non-governmental environmental organizations (ENGOS), and community-based organizations (CBOs) across Canada. In addition, the first draft of the research project will be disseminated at meetings for the 5th anniversary of the United Nations Conference on Environment and Development in 1997, and the final version of the research will be circulated at a special session on environmental ethics and policy at a conference to be proposed in Victoria on “Global compliance from principle to policy and action” in 1999—the culmination of the decade devoted to the furtherance of international law.

POLICY ISSUES ADDRESSED.

One of the policy issues addressed in this research project is that policy decisions are not usually based on a firm framework of principles. Often if a set of principles is presented as under-girding policy there is a subsequent admission that principles are the ideal and there must be “trade-offs” in “the spirit of compromise”.

In this project an array of principles drawn from different disciplines, from international agreements and from principles of ethical action government the relation between cultural and natural systems will be gathered and a base line of principles related to environmental ethics will be delineated. This baseline of principles will underscore what policy formation and policy implementation are necessary to at least fulfill and adhere to what has been previously undertaken; reveal what principles have not yet been endorsed, and indicate the needed direction for policy formation and implementation.

Another policy issue to be addressed in this research project is that there is substantial discrepancy between governments’ stated intentions at the international level and policy formation and implementation at the local—federal, provincial, regional— level, and a discrepancy between stated local policy intentions and implementation of local policy. A supplementary policy issue arises in that nation states have been reluctant to endorse mandatory international normative standards drawn from the highest tenable principles in environmental ethics, that require harmonizing upwards, to create an “even global playing field” This reluctance has created a situation whereby polluting industries will argue for a global policy of conformance to voluntary industry self-initiated standards, such as the ISO 14,000 standards. The outcome of having voluntary standards rather than mandatory international normative standards and regulations is that industries will argue locally against the instituting or strengthening of regulations and mandatory standards on the grounds that high local standards will require them to relocate in another region or country where the standards are lower or where there is a willingness to relax environmental standards to attract industry.

Yet, nation states undertook to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167, United Nations Conference on Women, 1995). This undertaking was reaffirmed and extended in the Habitat II Agenda 1996 to include the “private sector”.

A key doctrine will govern this research project: The Doctrine of Legitimate Expectation. This doctrine has been described in the following way: 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 (Brunt Parfitt, Ombud’s office, 1995, Personal Communication). States have also agreed to “recognize the inherent worth of nature”, and “to be guided by a moral code of action”. What would constitute adherence to these two directives? What principles should be used to substantiate a moral code of action; and what policy at the local—national, provincial, and regional—needs to be formulated and implemented?

A 14 DETAILED DESCRIPTION OF THE RESEARCH PROJECT

CONTEXT

Scope and objectives of the project

“Due to the unanticipated rate and magnitude of impacts on nature, we now face a threat of irreversible change with global implications; we have arrived at a point where inaction is negligent, and we can no longer afford the luxury of continuing the errors of the past.” (Knelman, 1996, personal communication).

Human activity has been so extensive and pervasive that increasingly larger components of nature are subject of deterioration, destruction, or extinction. Thus, from the ethical viewpoint there is an increasing need for humans to assess their activities the merit of their activities from an eco-centric rather than just an anthropocentric perspective. With humans’ increasing abilities to influence the biosphere, the stabilizing role of “natural” (Darwinian -Wallace) evolution is diminished, while the human role in evolution is concomitantly increased.

Uniquely, perhaps --at least to the extent of our knowledge—humans have the ability to become “ethicizing animals” (Waddington: *The Ethical Animal*). This has been part of our conscious social evolution, within the limits of our genetic-environment (nature-nurture) attributes. Thus, humans have derived “laws and mores” to govern their lives.

For years states have incurred obligations and created expectations through international agreements. Many of these obligations have never been discharged, and many of the expectations have not been fulfilled. One reason is that States fail to sign international legally binding treaties; another reason is that states that sign legally binding conventions and treaties, fail to ratify them; and still another reason is that states that ratify these treaties fail to enact the necessary legislation to ensure compliance. Many of the major conference action plans, such as those from (United Nations Conference on Environment and Development (UNCED), are adopted -by all the member states of the United Nations, but they are not deemed to be legally binding. Canada as a federal state has an additional problem because Canada signs and ratifies conventions in areas over which provinces purport to have jurisdiction (See Russow. J. Court submission on the applicability of International law).

Through international agreements states have undertaken ; to protect the natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972); to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); to prevent the 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); to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Art. ? Conventions on Biological diversity) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: to

reduce the ecological footprint (Art. 27 b); to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i); to prevent environmental damage through knowledge of eco-cycles (Art. 135) and so forth.

In addition, public unawareness of the nature and scope of international obligations and expectations, and the failure to determine what would constitute compliance are both additional factors that obviate the discharging of obligations in relation to environmental ethics, policy formation and implementation. Also, many theorists and practitioners fail to perceive or disregard the relevance of international agreements in the formulation and implementation of policy. An important component of this research project is the broadening and fostering the understanding, and the appreciation of the complexity and interdependence of environmental ethics through public education programs

Another problem to be addressed in this research project is that there is substantial discrepancy **between the urgency and the appreciation of the urgency and** between the stated intention and policy formation and implementation, and that this discrepancy is not only rationalized and condoned, but promoted. In this research project on environmental ethics, policy will be recommended to reduce or to eliminate this discrepancy by linking policy formation and implementation with a comprehensive framework of principles derived from discourse from different disciplines and derived from a wide range of international agreements.

As mentioned in the previous section, a key doctrine will govern this research project: The Doctrine of Legitimate Expectation. This doctrine has been described in the following way: 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 (Brent Parfitt, Ombud's office, 1995, Personal Communication). A further clarification of this doctrine is "when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). At a conference on the 50th Anniversary of the United Nations in San Francisco, at a workshop on Agenda 21, it was proposed that the Doctrine of Legitimate Expectations could be used to strengthen both the treaty obligations and the expectations generated through Conference action plans such as Agenda 21. This proposal was favorably received by the Executive Director of the Commission on Sustainable Dr. Nitun Desai who requested further information.

A key principle to be examined in the research project is the "principle of international customary law". If it can be shown that a principle has been enunciated and prevalent for years within the body of international law, then the principle can be designated as a principle of international customary law, and if so designated, the principle could be presumed to come under national state law. An example of a principle of international customary law could be the principle of inter-generational equity—the rights of future generations to a safe environment—which has been present in numerous forms since the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change). this doctrine

would apply to the discharging of obligations reflected in principles. Additional clarification would have to be made as to what would actually constitute compliance with the principle.

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national, provincial, and regional policy formation and implementation related to environmental ethics, in that obligations incurred or expectations created can be made to be enforceable in national, provincial and regional law.

OBJECTIVES OF THE RESEARCH PROJECT

To address the problem of eliminating or at least reducing the discrepancy between stated intention and policy formation and implementation, the researchers propose a general objective. This objective is to establish a comprehensive interdisciplinary framework of principles related to environmental ethics, to propose principle-based decision making and education, and to recommend policy formation and implementation based on this framework of principles. The following interdependent objectives will assist in the realization of this general objective.

1. Prepare a comprehensive interdisciplinary framework of principles related to environmental ethics; these principles will be drawn from a discourse analysis of a sampling from different disciplines, and drawn from a content analysis of international agreements
2. Determine what would constitute adherence to and fulfillment of these principles contained within the comprehensive interdisciplinary framework.
3. Delineate the significant dilemmas found within the complexity of environmental ethics and policy formation and implementation
4. Discern and clarify the systemic constraints preventing adherence to and fulfillment of these principles, and contributing to non-compliance with obligations and expectations
5. Recommend the formation and implementation of policy to overcome individual, institutional and governmental systemic constraints
6. Ground a collaborative principle-based decision-making process within the comprehensive interdisciplinary framework of principles
7. Broaden and foster the understanding and the appreciation of the complexity and interdependence of environmental ethics within a comprehensive interdisciplinary framework of principles

Relevance of the project to the theme

Most disciplines have principles that are relevant to environmental ethics, and these principles need to be placed in a comprehensive interdisciplinary framework of principles. In 1991, at a Global Change Conference, Digby McLaren stated that what is needed is synthesis of what exists, that we do not have to wait for scientific certainty to act, and inaction is negligence (keynote Address, Digby McLaren, Past President of the Royal Society of Canada, 1991). Strong ethical principles relevant to environmental ethics have been enunciated internationally through a wide range of international agreements. In this project these principles, along with principles of ethical action governing the relation between cultural and natural systems will form a basis for policy formation and implementation at the national, provincial and regional levels. In addition, these principles

will contribute to the placing of issues within a larger global context, within the educational system, and within the context of public awareness programs (as was proposed in Agenda 21, and adopted by Canada in 1991, through Chapter 36, Agenda 21, UNCED). In this project, as well, these principles will be an integral part of the proposed educational program.

Relevance of on-going research of investigators

This project will link a long-time interest in interdisciplinary thought, in ethical principles of action, in international obligations and compliance. From my experience in developing “principle-based education” for my Master’s Degree in Education in 1985, I realize the importance of working closely with experienced educators in the educational system, as well as with Community based organizations that have a wide experience in public awareness programs. From my experience in compiling a 350-page Charter of Obligations (obligations incurred and expectations created through international agreements) in 1995, and from preparing a document for the Habitat II Conference, I became more and more aware of the rich body of precedents that did not appear to be part of the government deliberations. I realized the importance of bringing to the attention of the policy makers information on what has been previously agreed to, I also realized that knowing the precedents would not be sufficient, and that what would be important would be to determine what would constitute compliance with these precedents.

Importance, originality and anticipated contribution to knowledge and to policy development

The researchers will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand **the components of and extend the domain of** environmental ethics, and within which to critically examine policy. The researchers will also synthesize the existing principles established internationally through statements in international documents and with **principles of ethical action governing the relation between cultural and natural systems** and thus provide a baseline of operative principles of action

Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations need to provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to national, provincial and regional issues. In addition, NGOs and CBOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings. In the “Charter of Obligations” (J. Russow (1995), Charter of Obligations, Global Compliance Research project), a preliminary (i) content analysis of some of the international agreements, (ii) delineation of systemic constraints, (iii) development for principle-based decision

making and education have been documented. The proposed research in Environmental Ethics carries this preliminary research further, and builds on a literature review in interdisciplinary studies into “‘Interprimes’—common and idiosyncratic processes and principles in different disciplines”. This project will provide a comprehensive synthesis of principles within the framework, and will carry the project past the synthesis of principles to the determining of what would constitute adherence to principles in policy formation and implementation related to environmental ethics. It is essential to become aware of the principles but it is equally essential to understand what would constitute compliance, and to be able to recommend policy formation and implementation based on an extensive foundation of principles from the various disciplines.

Conceptual Approach

The conceptual approach involved in this proposed research project could be described as “interdependent incrementalism”, in that all the components and objectives of the project will be integrated of as being interdependent, and their examination undertaken concurrently. Each phase will have the current level of interdependence of components and the project will be altered incrementally but always as a whole of interacting interdependent components. The approach is also collaboration investigation

METHODOLOGY

The above objectives will be carried out concurrently so that all the components of the project are integrated as the project develops as the basic principles are uncovered, and also so that the project can be presented at different phases². **Several papers related to the project will be submitted to various conferences as a basis for a symposium.**

The first phase of the project will be prepared and presented to various government offices and to NGOs and to CBOs across Canada, and will be prepared and presented at various workshops across Canada for the lead up to the Fifth Anniversary of the United Nations Conference on Environment and Development in 1997. The first phase will have a preliminary version of all the objectives. The second phase will be in place for the 1998 50th anniversary of the Universal Declaration of Human Rights where the phase 2 version will be used for promoting the preservation, conservation and the protection of the environment, and the preservation of natural heritage as a human right of future generations as has been undertaken since at least 1972. Environmental Ethics will be explored as a significant component of Human rights—to explore what is perceived to be a conflict between ecology and equity within the comprehensive interdisciplinary framework of principles.

The third phase will be prepared for 1999—the culmination of the decade devoted to international law. This version will form the basis of an international Conference on Global Compliance with international agreements: National, Provincial, and Regional Policy Formation and Implementation proposed to be held in Victoria.

² The term phase is used rather than stage because the research process will be concurrent not sequential

1. to establish a comprehensive interdisciplinary framework of principles related to environmental ethics.

A series of principles drawn from the discourse from different disciplines will form an intellectual frame of principles to then be combined with the principles of derived from stated obligations and expectations. In this project a series of significant expectations related to environmental ethics will be discerned.

1.1. To establish an intellectual frame of principles from different disciplines, the researchers will carry out the following set of processes:

1.1.1. Uncover the range of meaning of the term “principle” through sampling discourse from a range of disciplines. To determine the range of meaning, a specialist in analytic philosophy will be consulted about methodology... for background literature on definitions... and will then in the various fields for amass a bibliography of discourse from different disciplines

1.1.2. Stipulate a working definition for the term” principle” in the context of environmental ethics. A synthesis of all the meanings and entailments of the term principle will be carried out, and a definition of the term “principle” will be stipulated.

1.1.3. Carry out an analysis of the content from the various disciplines and extract a body of principles from the following disciplines through the following process:

(i) Examine a wide range of disciplines including biological sciences—including ecology, genetics, socio-genetics—, physics, chemistry, philosophy, linguistics, semiotics, literature, law, public administration, economics and political science etc. Each member of the research group will be responsible for generating a list of principles from various disciplines with which he or she is familiar, and be responsible for contacting and consulting with researchers in other disciplines not sufficiently covered through the backgrounds of the research group. For example, the laws of thermodynamics as applied to biological systems (bio-energetics. Leininger), and Nemes—ideas and artifacts created by human beings with genetic like properties (Richard Dworkin); Another example as set of principles from “Equity” could be (i) “equity imputes an intention to fulfill an obligation” and (ii) equity looks to the intent rather than to the form”; or equity looks on that as done which ought to be done” (Maxims of Equity, (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). Similarly, principles such as those of proportionality, minimum harm, distributive justices, and restitutive justice (**derived from “Competing claims and priorities principles”, source?**). The set of principles will then be put on various professional list serves through the internet and a request will be made for additional principles. This framework will also be developed on a computer graphic program and thus will evolve, and accommodate changes during the project.

1.2. to establish a frame of principles of action drawn from a content analysis of statements in international agreement, and from codes of ethical action governing the relation between cultural and natural systems. s

To establish a framework of principle of action from international agreements, the researchers will carry out the following set of processes:

- (i) A preliminary examination of international agreements has been carried out and principles have been extracted (see J. Russow (1992), Content Analysis UNCED). and J. Russow (1995) "Charter of Obligations". J. Russow (1996). Principles of Compliance: obligations incurred and Expectations Created. A further examination will be carried out specifically looking for principles that could be applicable to environmental ethics, as well as the applicability of international principles to policy formation and implementation at the national, provincial and regional levels.
- (ii) Principles will also be extracted from IUCN World Conservation resolutions and recommendations. In particular a content analysis will be carried out on the set of resolutions and recommendations. from January 1994 and the October 1996 Annual General Meeting.

1.3. to integrate the interdisciplinary principle, with international principles of action, and principles of ethical action governing the relation between cultural and natural systems to form a comprehensive interdisciplinary framework of principles

The preparation of this Comprehensive interdisciplinary framework will contribute to a body of research material that will be relevant to the project but also of use to other researchers. The body of research material will be stored and made available on disks. The comprehensive framework will be prepared both in written and in graphic form.

2. Determine what would constitute adherence to and fulfillment of these principles within the comprehensive interdisciplinary framework.

For this section, the researchers will organize a series of workshops with community groups (CBOs) and environmental non-governmental organizations (ENGOS). At these workshops the researchers will introduce the current phase of the comprehensive interdisciplinary framework of principles of the project; select specific principles related to the expertise of the group; discuss and document proposals for policy formation and implementation that would be necessary for the fulfilling of principles, and generate criteria of compliance with obligations. There will also be a consultative process with the International Affairs Caucus of the British Columbia Environmental Network (BCEN), and other ENGOS across Canada.

3. Delineating the significant dilemmas within the complexity of environmental ethics and policy

Many dilemmas have already been identified by the researchers as a result of previous research by project investigators. and other dilemmas will emerge as a result of the project research.

For example, a segment of the "environment industry" sustains itself through the perpetuation of environmentally unsound practices, advocates deregulation, and promotes non-performance-based, non-mandatory non-normative standards. Years of waste from environmentally unsound practices has accumulated; technology is being developed to

dispose of the waste in what is deemed to be an environmentally sound manner. The dilemma arises when the environment industry that has developed the “clean up” will be used by the waste producing industries to justify the continued production of the waste.

1.4. Discerning, and clarifying the systemic constraints preventing adherence to and fulfillment of these principles

Review and critically examine theory from various disciplines, such as that from Political science (power politics realist models), which support or justify practices that undermine the policy formation and implementation necessary for change. —change related to the recognition and acceptance of environmental ethics; and criticize policy formation and implementation that contribute to systemic constraints. An initial set of systemic constraints related to individual, and institutional action and inaction has been prepared. (Russow, 1992, 1994). This set of constraints will be reassessed and expanded and synthesized. An example of a systemic constraint is that nation states sign and ratify conventions yet they fail to enact the necessary legislation to ensure compliance

It is also a systemic constraint that nations states undertake to eliminate the production and consumption of a substance , redefine consumption to exclude recycled material, and then use the ability to recycle to justify the revisiting of the original obligations to cease production; this systemic constraint is occurring in the area of the international obligation to cease the production and consumption of CFCs (See the Convention on the Elimination of Ozone Depleting Substances 1985, and subsequent protocols (Montreal, London, Copenhagen).

Reference will then be made to the devices that have been used to maintain the status quo and that have led to practices that have undermined environmental ethics; and to proposals that will be made for counteracting these devices through the formation and implementation of policy to promote environmental ethics. **The most obvious devices are those that have been designated as reflecting anti-environmental thought (See Boston, T, 1994-6) ; the less obvious are models from disciplines such as “power politic realist “ model from US international relations theory which, through devising models based on power politics have argued that the vested interest vision not only is the only existing model but also that it would be unrealistic to strive to have it overturned.**

1.5. Recommending policy to overcome the individual, institutional and governmental constraints

In this section the application of the Doctrine of Legitimate Expectations will be examined. (see Annex I) In the area of policy, international agreements, national agreements, regional and local agreements statement made often create expectations which have yet to be fulfilled an important element of policy related to environmental ethics is the governmental duty to fulfill expectations (Doctrine of Legitimate Expectations).

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 Annex for additional

components of this Doctrine). When an expectation is created there must be the ability to fulfill the promise it implies (Introduction, Ombudsman Annual Report, British Columbia, Canada, 1991)

1.6. Grounding a collaborative principle-based decision-making process

Advocate collaborative principle-based decision making

The concept of collaborative principle-based decision making has been contrasted with vested interest-based decision making. The interdisciplinary framework of principles established during the project should help to formulate broadly-based principles for collaborative principle-based decision making

The Science Council of Canada made an important distinction between a reasoned outcome and a negotiated outcome in its 1982 publication, "Regulating the Regulators":

Negotiated or reasoned outcomes?

An outcome is 'negotiated' if a committee member can act as a delegate for an interest group and can 'horse-trade' on its behalf. An outcome is 'reasoned' if the committee member is asked to free his or her mind of bias and decide on the basis of the information available. (1982, 38)

Many scientific controversies include issues that involve risk to human life or health. In these controversies a reasoned articulation of the scientific aspects is essential before negotiations. and other approach [negotiated] is morally irresponsible. 39, 1982

We recommend that the choice between reasoned and negotiated outcomes in the functioning of policy advisory bodies be clearly and explicitly identified, and that both the public and the [decision making] body be made aware of this choice at the outset. (39, Regulating the Regulator 1982)

Round table multistakeholder decision making creates an arena of competing vested interest and public concerns under the presumption that each interest or concern is of equal ethical merit. Similarly, conflict resolution is based on the premise that neither one of two or more positions advanced has greater merit. In principle-based decision-making principles reflecting environmental ethics will under-gird the decision-making process.

The process is described as collaborative in that those involved in the decision-making process are also involved in determining the terms of reference, and in participating throughout the process. The participants in this process are drawn from individuals and groups with varying experience and expertise.

1.7. Broaden and foster our understanding and appreciation of the complexity and interdependence of environmental ethics within a comprehensive interdisciplinary framework of principles

1.7.1. Develop cooperative principle-based education, and informational programmes for the schools and the lay-public

Collaborative principle-based education has been developed (Rusow, 1985), and will be further expanded in the light of the research in the Environmental Ethics project. In principle-based education global/local issues are explored through selecting, examining and exploring issues within a principle-based framework. Also, students and members of the public 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 and members of the public will examine the components of these agreed-to principles and to analyze the role of environmental ethics.

The emphasis in this program will be on becoming knowledgeable about the principles and their application; investigating the implications of these principles; analyzing and synthesizing information on current issues in the light of these agreed to principles; clarifying the role of environmental ethics in relation to these principles, and proposing a range of possible solutions to practical problems emerging from the issues. In the program students and members of the public will be encouraged to investigate local issues within this framework of principles. Also, in the program, the current lack of information for the public at present will be examined, and the means whereby the general public may become better informed in these areas. will be assessed.

This program will entail (1) examining principles enunciated in primary source material, (international documents); (2) Examining the role of environmental ethics 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 within or to environmental ethics; (9) determining appropriate moments for integrating issues into the curriculum; (10) developing lesson plans and educational materials based on issue-principle analysis; (11) applying knowledge of 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 working cooperatively and independently

COMMUNICATION OF RESULTS

Academic Community

Papers related to the project will be sent to relevant journals

Papers will be submitted each year to the learned societies conferences, and to other relevant conferences, as part of a proposed symposium, Environmental Ethics: from principles to policy formation and implementation.

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

DISK: The data base for the Comprehensive Interdisciplinary framework will be on disk, available on MacIntosh and IBM, and will be part of a Web site.

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IDEAGRAPH

1. several large diagrams displaying the comprehensive interdisciplinary framework of principles will be prepared... This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

REPORT

A comprehensive report on the principles will be prepared through the different phases

Non-academic

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

DISK: The data base for the Comprehensive Interdisciplinary framework will be on disk

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IDEAGRAPH

1. several large diagrams displaying the interdependent interaction of principles will be prepared. of the framework of principles. This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

REPORT

A comprehensive report on the principles will be prepared through the different phases

POLICY FORMATION AND IMPLEMENTATION RECOMMENDATIONS

The project will have three phases. The first phase will be the introduction of preliminary version to various provincial ministries across Canada, and the distribution for comment prior to the major events leading up the 5th anniversary of the United Nations Conference on Environment and Development, in 1997. The second phase will be in 1998 where a revised version of the project documentation will be in the form of a submission to the 50th anniversary of the Universal Declaration of Human Rights where the right to a safe environment and the right of future generations to the preservation of natural heritage will be promoted by the Moral Code of action will be advocated. The third phase will be prepared for a and the final version of the research will be circulated at a special session on environmental ethics and policy at a conference to be proposed in Victoria on "Global compliance: from principle to policy and action" in 1999—the culmination of the decade devoted to the furtherance of international law.

MEMBERS OF THE RESEARCH GROUP

Rod Dobell, Ph.D. Economics MIT. Winspear Chair, School of Public Administration, University of Victoria. From 1984-91, he was president of the Institute for Research and Public Policy. He is currently, president, North American Institute, Canadian Branch, (NAMI) Coordinator of numerous research grants; including major "Social Learning" grant. He will be involved through **all phases of the project on translating the principles into policy formation and implementation. EXPAND**

Joan Russow,

Ph.D. in Interdisciplinary Studies, sessional lecturer, Global Issues, University of Victoria) Senior researcher for the Global Compliance Research Institute, member of the IUCN Commission on Education and Communication, Chair, International Affairs Caucus, British Columbia Environmental Network (BCEN). Since 1992, she has co-taught an interdisciplinary course in Global issues, in the Environmental Studies Program at the University of Victoria. A substantial part of the course has been on the relevance of International principles on local issues. She initiated the Global Compliance Research Project in 1994, and the associated Global Compliance Research Institute. In 1994-95, the Global Compliance Research (GCR) project received a \$50,000 CIDA grant to (a) carry out a content analysis of international agreements, and to prepare a compilation of the research for distribution at the UN Conference on Women: Equality, Development and Peace, and (b) set up a national and an international network related to Compliance...

The GCR Project completed the "Charter of Obligations" which had become a 350-page compilation in English (and a 200-page French version) of 50 years of obligations incurred, and expectations created internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind national governments of the member states at the UN conference that many of the presumably forward looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents.

For over 30 years Russow has been involved with extracting principles from different disciplines through interdisciplinary research, and looking for patterns and themes within different disciplines. She will be responsible for administering the project and for ensuring that the objectives will be carried out. As a result of years of policy analysis related to the environment, and human rights, and of carrying out content analysis of international instruments, Russow will be involved in carrying out the content analysis of the extensive number of international instruments and for extracting principles from these instruments. Though her research for her doctorate in interdisciplinary studies, she has provided background information on a range of processes, "Inter-primes" from a wide range of disciplines; these interprimes will be a starting point for the research into principles from different disciplines. She will be working on the synthesis of principles from the research into principles from different disciplines and the principles from international documents,

and she will also be responsible for preparing the computer diagrams for the comprehensive interdisciplinary framework of principles. She has placed national, provincial, and regional policies within the context of international obligations and expectations, will be involved in determining what would constitute compliance and will assist in the organization of the Community based sessions. She had prepared a 12-page report on systemic constraints that will be an initial discussion piece for the section on systemic constraints (see Annex). For her Masters in Curriculum development she worked on principle-based education placing human rights, environmental and peace issues in the context of international obligations., and will use this background in principle-base education to contribute to the broadening and fostering of understanding and appreciation of the complexity and interdependence of environmental ethics with a comprehensive interdisciplinary framework of principles.

Fred Knelman

(Ph.D., Chemistry and Physics) full professor and initiator of an interdisciplinary course on Science and Human Affairs. Concordia University. Currently, still active at 75, Fred Knelman is a Sessional Lecturer, Global Issues in the Environmental Studies Program at the University of Victoria, and continues to author responses to government policy through the newspaper and publications. He has always been a forerunner in environmental issues; in 1972 he was one of 40 scientists and humanists selected to participate in a conference parallel to the UN Conference on Humans and the Environment in Stockholm. Author of the Science Council publication, Conservation of energy, 1976, and author of "Anti-nation: transition to Sustainability(1978) , and treaties on ethics. He has published extensively and lectured widely on issues of equity and ecology and peace. He also has received two SSHRC grants, two HCSD grant, numerous grants in occupational health Department of National Health and Welfare; participated in major research projects at the Gamma Institute, along with other university-based grants; has published over 400 articles, papers and addresses, and written numerous chapters in books, and published five books. He will be involved with having constant intellectual input into the development of the project. Knelman has also received awards for his contributions to peace and the environment. He will draw upon his extensive knowledge and experience in environmental ethics relating equity and ecology. He will be making a contribution to the synthesis of the findings for the publications of the findings, and will assist in recommending policy formation and implementation. In addition, he will make a contribution to principle-based education by introducing principles from his collection of metaphors, and myths to a means of teaching ecology in the principle-based education.

Bruce Cumming

Ph.D., in Biology specializing in environmental biology. Former chair of the Biology department, University of New Brunswick. Has taught at University since 1964 (University of Western Ontario from 1964-1971. Research officer, Agriculture Canada 1956-64 in Environmental Physiology. Representative for Biological Sciences having input into the first international meeting of interdisciplinary Task Group on Space and Time Dependent Data. He has served on numerous national and international committees especially in his capacity. Worked as a research officer with Agriculture Canada for eight years. Chair of

the Department of Biology at the University of New Brunswick. He has published in over 100 articles in referred journals, written numerous chapters for books, and published numerous reports. From 1957 to present. He has received over 13 National Research Council grants and contracts, and five NSERC grants. He has been one of two Canadians representing Canada the International Union of Biological Sciences congresses He has submitted briefs on environmental issues to Federal, provincial and municipal governments. He has developed a working thesis regarding environmental ethics supporting biocentrism (vs anthropocentrism), and in relation to the concept of conscious cultural evolution (Waddington the Ethical Animal).

He has traced the religion underpinning of human views contributing to anthropocentrism. He will be contributing to the intellectual direction. He will be undertaking an analysis of discourse in the biological sciences., and assisting in the synthesis of the principles selected for the comprehensive interdisciplinary framework. With his knowledge of biochemistry and plant physiology, he will be able to relate the research contribution to an understanding of the fundamental physio-chemical laws. that govern life on planet earth. He has been involved with biocentrism and the ethical dimensions of biocentrism, and has prepared a major monograph tracing the societal and religious contribution to anthropocentrism.

He will be involved in the intellectual direction of the project, and in particular in the extraction of principles from scientific disciplines, and in contributing to all aspects of the project.

Michael Stevens

(M A. Political Science, from Queen's University. Through his thesis work he carried out comprehensive research pertaining to the Canadian experience with foreign investment regulations. Through his four-year work experience in a computer firm he has conducted various searches on the internet., and has acquired a data basis from various federal government sources. He will be involved in carrying out research into principles from different disciplines and will be responsible for contacting different professional list serves, within which he will list the principles related to the different disciplines, and for documenting the input from the internet into the comprehensive interdisciplinary framework of principles He will thus extend the range of principles and assist in the synthesizing of the comprehensive interdisciplinary framework of principles.

Erin Kemper

(4th Year Philosophy) and Lara Reynolds (4th year English) will work together as research assistants on determining the different uses of the term "principle" in different disciplines. They will be carrying out a sample analysis of different disciplines for extracting principles, and working in conjunction with the co-investigators.

CONSULTANTS;

Alan Drengson

Ph.D. in Philosophy. Recently retired professor in the department of philosophy and environmental studies. Leading theorist in environmental ethics, responsible for the environmental ethics course at the University of Victoria. He is the founding editor of two

quarterlies, the Trumpeter: Journal of Eco Sophy, and the International Journal of Eco forestry as well as a founder of the Eco forestry Institute. His recent books include The Deep Ecology Movement: An Introductory Anthology co-edited with Yuichi Inoue, 1995, and the Practice of Technology (SUNY Press 1995). He is currently involved with a course in "Comprehensive Values Inquiry: An Eccentric Approach. He will be involved in contributing principles from a wide range of areas within environmental ethics, such as principles from deep ecology. He will also be involved with the intellectual direction of the project. He will draw upon his experience with "Comprehensive Values Inquiry" to examine the influence of values in a multicultural society on the understanding and interpretation of principles.

Saul Abbess (PhD. Anthropology, Master in Education, B.C. Teaching certificate. Professor of anthropology and sociology at Camosun College. He will be examining cultural ecology within which adaptation and sustainability interact. He will be **abstracting the principles of ethical action governing the relation between cultural and natural systems. He will extract principles from a number of cultural systems, and examine the remarkable consistency among the underlying cultural ethical principles of action.**

Tim Boston B.A in Environmental studies, MA in Environmental Studies at Waterloo to be completed April 1997 (involved in project after April 1997). Has researched environmental ethics and published widely during his undergraduate and graduate work. He is specializing in Environmental ethics, and Anti-environmental thought. He will be consulted on the intellectual direction of the project.

David White, environmental educator, and environmental activists, high school and community educator will be working in collaboration with Russow in developing principles-based education

Consultant Groups

Members of community groups will be consulted about what would constitute fulfillment of principles, and about what are the systemic constraints preventing change. One of the groups consulted will be the International caucus of the BCEN

Researcher assistants one a master's student in political science will play a dual role; carrying out research into different principles from different disciplines and monitoring and submitting the principles to the Internet and interacting with the response to expand the network

IMPORTANCE OF THE GROUP APPROACH

The research group approach is essential because the theme environmental ethics has to be conceived not within narrowly defined disciplinary boundaries, but within a comprehensive interdisciplinary framework. The translation of principles into recommendations for policy formation and policy implementation is extremely complex, and requires involves a wide range of input from different areas of experience and

expertise. **Research projects of this complexity require a meeting of minds over issues that are involved derived, applicable to and come from different disciplines.**

BIBLIOGRAPHY

(See the Convention on the Elimination of Ozone Depleting Substances 1985, and subsequent protocols (Montreal, London, Copenhagen).

the Trumpeter: Journal of, and the International Journal of Ecoforestry as well as a founder of the Ecoforestry Institute. His recent books include *The Deep Ecology Movement: An Introductory Anthology* co-edited with Yuichi Inoue, 1995, and *The Practice of Technology* (SUNY Press 1995). He is currently involved with a course in "Comprehensive Values Inquiry: An Eccentric Approach." (39, *Regulating the Regulator* 1982)

(Waddington the Ethical Animal).

The most obvious devices are those that have been designated as reflecting anti-environmental thought (See Boston, Tim BIBLIOGRAPHY...) Waltz, K. (1979)

Theory of International Politics. Reading: Mass: Addison-Wesley

(Article 4 Convention on the protection of Cultural and Natural Heritage, 1972); to eliminate the production of weapons of mass destruction (Art. 26 UNCHE); to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); to prevent the 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); to not do anything on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); to invoke the precautionary principle which states that in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Art. ? Conventions on Biological diversity) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: to reduce the ecological footprint (Art. 27 b); to protect fragile ecosystems and environmentally vulnerable areas (27e) to prevent anthropogenic disasters (27 i); to prevent environmental damage through knowledge of eco-cycles (Art. 135); etc.

Agenda 21, and adopted by Canada in 1991, through Chapter 36, Agenda 21, UNCED).

NGOs and CBOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings. In the "Charter of Obligations" (J. Russow (1995), *Charter of Obligations*, Global Compliance Research project), a preliminary (i) content analysis of some of the international agreements, (ii) delineation of systemic constraints, (iii) development for principle-based decision making and education have been documented. The proposed research in *Environmental Ethics* carries this preliminary research further, and builds on a literature review in interdisciplinary studies into "'Interframes'—common and (Keynote Address, Digby McLaren, Past President of the Royal Society of Canada, 1991). S

(See Russow. Court submission on the applicability of International law).

Brent Parfit, Ombud's office, 1995, Personal Communication); Also, it has been held that "when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991).

Budget

Principal investigator

Rod Dobell	14,000	14,000	14,000
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co-investigator s

Joan Russow	14,000	14000	14,000
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Fred Knelman	10,000	10,000	10,000
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Bruce Cumming	10,000	10,000	10,000
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Saul Abbess	4000	4000	4000
Alan Denson	4,000	4,000	4,000
Tim Boston	4,000	4,000	

student research	4000	4000	4000
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100-person day			
student research	4000	4000	4000

student research	4000	4000	
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per diem for community			
participants	5000	5000	5000

Travel	5000	5000	5000
publication Bibliography total cost of publication			
draft version first cycle	2000		

second phase		2000	
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third phase		2000	
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final		5000	
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layout		1000	
computer technical services		1000	
International conference on compliance conference		3000	
	81,000	81,000	85,000

() THAT, IN 1996, I participated in the 1996 IUCN AGM IN Montreal

ENCOUNTER WITH Jean Parras ABOUT PRINCIPLE BASED EDUCATION
Jean Parras from Learning for a Sustainable Future attended the IUCN Commission on Education and Communication. He works very closely with industry. After my presentation on principle based education when I criticized chapter 36 in agenda

CHANGE THROUGH AWARENESS AND EDUCATION PRINCIPLE

Through international standards an educational program called principle-based education could be expanded. Principle-based education is based on a conceptual framework of international principles.

In chapter 36 of Agenda 21, 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)

COMMENT

1996 IUCN

RAISED ISSUE OF DOCTRINE OF legitimate expectation at the IUCN Commission on Environmental law, and drafted a resolution on compliance which was put on the floor of the plenary by the chair of the commission prepared an emergency resolution on the implementation of the 1996 decision by the International Court of Justice that the use or the threat to use nuclear weapons was contrary to International humanitarian law. the petition was signed by numerous participants and put on the floor by a member from Ecuador. The government house of the IUCN voted against it. Raised questions from the floor related to the need for compliance and mandatory international regulations not "voluntary compliance" through schemes such as ISO 14,000

ENCOUNTER WITH Jean Perras ABOUT PRINCIPLE BASED EDUCATION

Jean Perras from Learning for a Sustainable Future attended the IUCN Commission on Education and Communication. He works very closely with industry. After my presentation on principle based education where I criticized corporate intrusion into education, he lost his cool and severely criticized me saying that I was known across Canada for my intransigence.

Press conference

Sheila Copps arranged a press conference to discuss the need to resume seal hunting. I had a proclamation related to Clayoquot Sound, and I slipped into her conference. She looked at me with disdain and exclaimed that this is my press conference and if you

want to speak you can organize your own press conference. I persisted and passed on the petition about Clayoquot sound. The Gazette printed a picture was my mop profile and Sheila Copps staring at me with disdain, and ?? from Park Canada --one of the ones who had been at the IUCN meeting in Argentina

Re: Resolution 121 related to Clayoquot Sound.

This time the BC government was at the IUCN conference

Vicky Husband, Adrian Carr, US group etc. had been meeting with communities, unions and first nations in Clayoquot, Sierra club. Toby from Minister of the Environment was attempting to weaken the resolution, and she persuaded the environmentalist to go along with the compromised resolution. I contacted a scientist in the IUCN Commission on Parks and Wilderness and asked if the resolution as modified would address the issue and he advised me to encourage them to go for the following wording:

Proposed operative clause

"There are a number of protected areas that exist in Clayoquot Sound, but not enough to cover the full range of representative ecosystems. To establish a biosphere reserve in its true form it would be necessary to designate additional pristine areas as part of the core. Activities in the buffer and transition zones shall be consistent with the biodiversity convention".

I passed this on to the environmental groups but they were more concerned about working with the government. I phone Valerie Langdon from Friends of Clayoquot Sound

() THAT in 1996, I submitted a project to Earth Watch
EXHIBIT

PROJECT APPLICATION FOR EARTHWATCH

OCTOBER 29 1996

CONTACT: Dr Joan E. Russow, Coordinator, Global Compliance Project
1230 St Patrick St, Victoria, B.C. V8S 4Y4

BACKGROUND OF THE GLOBAL COMPLIANCE PROJECT

For over fifty years through international agreements, the member states of the United Nations have undertaken: to promote and fully guarantee respect for human rights, including equality between women and men; to prevent environmental degradation and 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 disarmament, and to enable socially equitable and environmentally sound development. International agreements include both

obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference Action Plans and General Assembly Resolutions. If these fifty years of obligations had been discharged, and if these fifty years of expectations fulfilled, 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. In international agreements member states of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

In 1994-95, the Global Compliance Research (GCR) project received a \$50,000 CIDA grant to (a) carry out a content analysis of international agreements for a book, "The Charter of Obligations" to be distributed at the UN Conference on Women: Equality, Development and Peace, and (b) set up an international network of women. At the New York Prep Com for the UN Conference on Women, the GCR Project circulated a 100-page draft version of the "Charter of Obligations", along with a resolution calling for state compliance with obligations and expectations (Global Compliance Resolution). Also at the Prep com, the GCR Project had the opportunity of addressing the UN Commission on the Status of Women on the necessity of linking the Platform of Action with precedents reflecting obligations and expectations, and on the necessity of states' undertaking to discharge obligations and fulfill expectations at the co-incidence of the UN Conference on Women and the 50th anniversary of the United Nations.

The GCR Project completed the "Charter of Obligations" which had become a 350-page compilation in English (and a 200-page French version) of 50 years of obligations incurred internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind states at the UN conference that many of the presumably forward-looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents. The purpose of the Charter was not only to encourage states to move beyond what they had already agreed to but to persuade the non-Governmental Organizations to not ask for less than states were already obliged to do through previously negotiated, signed, or ratified conventions, treaties and covenants, or less than states were expected to do through adopted Conference Agendas and Action plans or through passed General Assembly Resolutions. The GCR project also prepared a set of three 4' x 5' Global Compliance charts with the states of the United Nations across the top and the Human Rights, peace,

and Environment documents down the side. For this chart information was gathered on which states had not signed, which states had signed but not ratified, and which states had both signed and ratified. This chart was placed in the NGO lounge at the UN Conference on Women, and displayed at numerous conferences and meetings including the March 1996 meeting of the UN Commission on the Status of Women. A copy of the charts is in the Women's Centre library at the United Nations in New York. The GCR project gave a workshop on the project at the NGO Forum, and co-conducted a workshop on "Bringing the Conventions to the Grassroots"; the essence of the GCR project has been to call upon states to translate the words of rhetoric into the action of compliance, implementation and enforcement.

In June, 1995, at the "We the Peoples," Conference in San Francisco, the GCR Project initiated a workshop on the Global Compliance resolution, and circulated the Global Compliance Resolution; the Global Compliance resolution was adopted by the plenary and forwarded to The Secretary General of the United Nations, Dr. Boutros Boutros Ghali who subsequently sent a letter of support for the resolution. The Global Compliance resolution called upon states to demonstrate the political will on the 50th Anniversary to the United Nations to discharge 50 years of obligations and fulfill 50 years of expectations by signing what they have not yet signed, by ratifying what they had not yet ratified, by enacting the necessary legislation to ensure compliance and implementation, and by undertaking to enforce and monitor the enforcement of the legislation. Letters with a Global Compliance Resolution were sent to all the state contacts for the UN 50th Anniversary. The Compliance resolution was also circulated in Beijing, and at subsequent meetings and conferences.

The GCR project also did a content analysis of the Platform of Action and in particular an analysis of specific language related to action such as "implementation": A "Covenant of Implementation" (12 page scroll on single space 9 point type), was prepared and presented at a community meeting in Victoria, at the Praxis Women's conference at the University of Victoria, and then circulated it internationally.

The GCR project also participated at the follow-up meeting of UN Commission on the Status of Women in New York in March 1996. The GCR project proposed, at one of the plenaries discussing optional protocols, a call for an International Court of Compliance where citizens could take evidence of state non-compliance. The GCR Project organized a workshop on the International Court of Compliance, presented the proposal to the NGO in the NGO briefing session, and then circulated a petition to state delegations.

The GCR Project also participated in the Habitat II Conference, and prepared a 150-page book; "A comment on the Habitat II Agenda: Moving Beyond Habitat I to discharging obligations and fulfilling expectations." This book included the articles of the Habitat II Agenda in sequence, placing each of the bracketed sections of the draft Habitat II Agenda in the context of Habitat I and in the context of previous obligations and expectations. This document was distributed to state delegations at the Habitat II Conference in Istanbul. At this conference, the GCR Project initiated a Global Compliance Caucus where the Global Compliance

resolution and the petition for an International Court of Compliance were reviewed, revised and distributed, chaired the urbanization caucus, and was on the editorial committee for preparing the NGO submission to Committee II. The GCR Project also made several interventions to Committee II on the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) Practices, and on the need to substantially reduce the military budget and transfer the funds, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

At the end of the of the Beijing and Habitat conferences, the GCR Project had a network of over 100 representatives from over 70 states worldwide. It is undertaking to increase the representation to over 150 states. There is a network of over 20 women in Canada, involving representatives from Universities and research institutions from a wide range of disciplines. The GCR Project is currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II, and adding additional international obligations and expectations omitted in the previous publication or incurred or created through recent International agreements. In addition, the project is (a) extracting international principles and delineating proposals on what would constitute compliance with these international obligations, and expectations; and (b) undertaking to do a comparative analysis among states of the systemic constraints that are preventing states from the discharging of obligations and from the fulfilling of expectations.

To celebrate the 51st Anniversary of the United Nations, The GCR made a presentation sponsored by the United Nations Association in Victoria. on "Habitat II: Community participation within a framework of internationally agreed-to principles."

3. THE INSTITUTION

This phase of the Global Compliance Research Project will be in collaboration with the United Nations Association in Victoria, and will be housed and administered by the United Nations Association.

4. TITLE OF THE PROJECT

Obligations Incurred and Expectations Created.: Knowledge of International Agreements as an Instrument of Change (Principle-based Education).

5. NATURE AND OBJECTIVES

GENERAL OBJECTIVES OF THE PROJECT

Objective 1: For over 50 years significant obligations have been incurred and significant expectations created. Now that the final conference—the Habitat II Conference, of the Series of major United Nations conferences has occurred, it is important to do a synthesis of the major obligations incurred through the Charter of the United Nations, conventions, treaties and covenants; and of the major expectations created through conference agendas and action plans, declarations and General Assembly resolutions. The compiling of this information is to be carried out in a series of phases culminating with a series of books, educational material, advocacy documents for the 5th Anniversary of the United Nations Conference on the Environment and Development in 1997; the 50th anniversary of the Universal Declaration of Human Rights in 1998, and for the culmination of the decade dedicated to international law, in 1999.

SPECIFIC OBJECTIVES FOR WHICH FUNDING IS BEING SOUGHT FROM THE HAMBER FOUNDATION

objective 1: to create educational materials for University teacher training and for community awareness on obligations incurred and expectations created through international agreements. There will be a series of draft booklets expanding on key principles extracted from international documents. (See Annex on Principle-based education).

Objective 2. to distribute the draft material through a series of workshops with members of community groups, and to present this material at a university workshop for curriculum developers, educators, students and government representatives. The book that is developed will be presented at a university workshop entitled “International agreements as instruments of change”

6. OTHER INDIVIDUALS OR GROUPS COOPERATING IN THIS WORK

The Global Compliance Project and the United Nations Association of Victoria will be the principal groups involved in this phase of the project. The Global Compliance project will develop the educational draft material in consultation with the United Nations Association. The United Nations Association will be

responsible for project consultation, for contacting community groups for the workshop, and for administrating the grant. Each month different community groups with relevant areas of expertise and experience will be contacted about being involved in the development of the educational material. Representatives from Community groups involved with peace, environment and human rights issues will be invited to participate in the workshops where the draft educational material will be distributed.

7. ESTIMATED TIME REQUIRED TO COMPLETE THE PROJECT, OR FINISH PHASE WITH WHICH THIS GRANT WOULD BE CONCERNED

There will be 10 workshops occurring each month from January to June 1997 and from September to December 1997

Time line:

1. November 15. preparation of first draft document for circulation prior to January workshop
2. January 15. preparation of second draft document for circulation prior to February workshop
3. February 15 preparation of third draft document for circulation prior to March workshop ETC.

The draft will be circulated one month prior to the work shop.

In January 1998 workshop documents will be revised and printed for presentation at a workshop at the University

8. IF THE PROPOSED GRANT WILL NOT COMPLETE THE PROJECT WHAT PROVISION IS TO BE MADE FOR ITS CONTINUATION WHEN REQUESTED FUNDS EXHAUSTED? (BE AS SPECIFIC AS POSSIBLE)

The Global compliance project is an on-going project. The Global Compliance project has applied for additional funding to maintain and expand network of international advisers. The educational material will be reprinted after input from the workshops. and distributed to representatives from the international committee.

9. WHAT PREPARATIONS HAVE ALREADY BEEN MADE TO UNDERTAKE THE WORK, OR WHAT FACILITIES ARE NOW AVAILABLE WITH WHICH TO BEGIN?

The Global Compliance Project received a 50,000 grant from CIDA to carry out a content analysis of international instruments related to peace, human rights and environment; and prepared a 350-page book, including an initial outline of principle-based education. The information from this research will form a core set of principles around which the educational program will develop

10 PROPOSED BUDGET FOR THIS PROJECT; DETAILS OF PROPOSED USE OF FUNDS (TYPES OF USE AND AMOUNT)

3000 administration costs workshop organizations
 Coordinator to contact groups for participation in workshops
 Correspondence and fax communication

2000 research into developing material for distribution

2000 printing charges for 10 draft documents (about 35 pages) circulated for comment and for participation in workshop

3000 for printing of synthesis of draft documents

ANNEX: PRINCIPLE-BASE EDUCATION

To address the urgency of the global situation, for over 50 years, the United Nations and member states of the United Nations, have incurred obligations through conventions, treaties, and covenants, and have created expectations through declarations, conference action plans, and General Assembly resolutions. 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 Social, Cultural and Economic Rights, 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” education.

Principle-based education is an introductory course on the examination and exploration of global/local issues through selecting, examining and exploring issues within a principle-based framework. 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 will examine 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 the course will be 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. In the course students will be encouraged to investigate local issues within This framework of principles.

This course will entail (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 of 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

COMPONENTS OF PRINCIPLE-BASED CONCEPTUAL FRAMEWORK:

Principle-based education encompasses several components within a principle based conceptual framework:

Component 1:

Exploration of Principles Related to Global/Local Issues

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 from a complex of globally adopted principles over the period of the existence of the United Nations.

In Principle-based education, complex and controversial issues reflecting the urgency of the global/local situation are discussed in the classroom within a principled-based conceptual framework. 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.

In this course 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.

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." Since 1985 a set of principles have been extracted from the International instruments and compiled in a series of documents: "*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.

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 this course 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

Component 2:

Appreciating the Complexity-interconnection-integration and interdependence of issues, and the Interdisciplinary nature of Issues

A second component of the principle-based conceptual framework is the encouraging of students to appreciate that Global/local issues are complex, interconnected, and interdependent. Global/local 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. Solutions to the Global situation will be not in isolating and fragments the global but in appreciating and understanding the complexity, interconnection and interdependence of the issues within the global problem.

Complexity-interconnection-integration of Issues

Interconnection Integration of Issues

The students will be encouraged to appreciate the interconnection and integration of issues through the following processes:

- focusing on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues
- experiencing the full complexity and interaction of aspects of issues within a principle-based framework
- Integrating different environmental issues, and integrating environment with other issues.

Adoption of Interdisciplinary and Trans-disciplinary Perspective

Students will be encouraged to integrate global issues into various subject areas, and 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

Students will be required to develop a knowledge base related to issues by doing the following:

- carrying out research into evidence about issues, and examining underlying assumptions
- documenting the global/local environmental effects resulting from science and technology

Component 3:

Stimulation of Thinking about Issues Through Engaging in Analytic Processes and Decision Making within a Principle-based Framework

Thinking, Decision Making, and Analytical Processes

Stimulation of Thinking about Issues Through Engaging in Analytic Processes within a Principle-based framework

Students will be encouraged to develop a disposition of analysis and synthesis and reflection action through, and 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 processes²

- Selection of issues to be examined
 - Examination of principle-diagram to determine if there is an international principle addressing the issue

² Note: These processes, without naming them, would be used throughout primary, and intermediate program (example drawn from Grade 6 project)

- 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 principle, and on identifying 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.

Investigation of an Alternative Decision-Making Process

Principle-based decision making which moves away from the current model of the "multistakeholder 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 is proposed.

Component 4: Action- solutions

An integral component of the principle-based conceptual framework is the linking between theory and practice (between principle and action):

Translation of Principle into Principle of Action

Principle could be translated into action through the following actions:

- investigating the application of international principles to local issues
- developing a basis for examining issues within an international context rooted in rights, obligations and responsibilities
- determining criteria for the translating of these principles into action
- examining the nature of actions that have to be taken to ensure that states live up to the principles enunciated in the documents
- examining the lag between the enunciation of principles to address the issues and the political will to actually address the issues
- indicating for which issues obligations have not yet been undertaken
The issues that are not being dealt with through international documents
- evaluating the "environment industry." Prevention technology. the solution as part of the problem

Justification of Actions

Students could also be involved with determining the legitimacy of the actions undertaken through the following activities:

- exploring criteria for evaluating the justification of actions
- helping students become motivated to actively participate in ecosystem preservation, protection of the environment, prevention of pollution, protection human rights, and in prevention of conflict

- understanding the linking between life style, type of consumption patterns and the existence of global issues
- recognizing the nature of action that has to occur to bring the principles into action

MOVE MOVE MOVE

In 1996 building on the 1995 resolution

52/1 Proclamation of the International Year of Global Compliance

The General Assembly

Whereas 1999 is the culmination of the decade devoted to the furtherance of International law

Whereas the General Assembly has decided unanimously to proclaim solemnly, on the Fifty-second Anniversary of the United Nations, 1999 to be the International Year of Global Compliance

Whereas 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 have created expectations through General Assembly Resolutions, declarations and Conference action statements.

Whereas, if these 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 these year 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, and the fulfilling of these expectations

Whereas the Fifty-second 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 incurred through the Charter, Covenants, Conventions, and to fulfill previous expectations created through Declarations, General Assembly Resolutions, and Conference Action statements.

Now, therefore,

The General Assembly, and its member states
Solemnly proclaim 1999 the International Year 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 discharge obligations undertaken through the Charter, Conventions, Treaties, and Covenants, and to fulfill expectations created through Declarations, General Assembly Resolutions and conference Action statements;

- to sign and ratify what they have not yet signed and ratified, to enact the necessary legislation and enforcement measures to ensure the discharging of these obligations
- to fulfill additional expectations created through globally adopted UN Conference action plans, and programs of action.

October 25, 1996

GREENS PICKET PETRO-VILLANS

Green Party acts against Shell-Payless stations

Time: Saturday, October 26, 10:30.

Place: Shell Station 3393 Douglas

Time: Saturday, October 26, 10:30

Place: Payless Station 3351 Douglas

12 noon on the same day at 3949 Shelbourne Avenue

Payless is a wholly owned subsidiary of Shell Canada Ltd. Shell Investments Ltd. controls about 78% of the shares of Shell Canada Ltd. Shell Canada's earnings in 1995 were \$523 million. Much of this money went to Royal/Dutch Shell Oil Company which is active in Nigeria.

Dr. Owen Wiwa will be speaking at the UVic Environmental Law Conference "Trade and the Environment: Strong Communities and Shifting Markets" from 5-6:30pm at the UVic Law School (Begbie Building) on Saturday, Oct. 26th. His talk is called "Shell Oil & Environmental Activism in Nigeria: The Ogoni People's Struggle for Justice"

Shell supports the Nigerian dictators, even to the point of arming them. The Ogoni have struggled against the massive degradation of their lands by the multinational; many have been killed by the Nigerian government. While it may be that currently Nigerian-sourced oil isn't entering Canada, the profits of the local Shell operations (including Payless on the island) do return to the multinational which invests in Nigeria.

Shell has admitted to arming the Nigerian police with guns to protect its oil installations - but once imported the guns are the property of the Nigerian police to do with as they please. A Shell spokesperson said that the Nigerian police do not have sufficient funds to equip themselves.

Former Chief of Defence Staff in Nigeria, Lieutenant-General Alani Akinrinade said that the Nigerian police are well equipped and do not need anyone to import arms for them. He pointed out that the mobile force are 'armed to the teeth', and that "There is no excuse for anyone to have a private army in Nigeria". The mobile force, known in

Nigeria as the Kill and Go Squad' killed fifteen protesters in 1990, in the village of Umuechem, where the villagers are angry about pollution.

HUMAN RIGHTS WATCH WORLD REPORT 1996
Excerpt

The refusal to address broader human rights concerns outside the factory walls can also come back to haunt multinational businesses. Royal Dutch Shell, in calling on Nigerian security forces to protect its oil installations from Ogoni protesters, set in motion a series of military abuses that included brutal attacks on Ogoni villages and the internationally condemned execution of writer Ken Saro-Wiwa and eight other Ogoni activists on November 10. Despite Shell's tremendous influence as the company responsible for nearly half of Nigeria's oil production, it refused to engage in anything but "quiet diplomacy" to end the atrocities and consequently is now left with a dark stain on its reputation. Unocal and Total face similar issues as they proceed with plans to build a gas pipeline across Burma. The widespread use of bonded child labor in South Asia must also be addressed by businesses manufacturing there.

The Arms Trade

The New York Times, (13 February'96, A1) in a front page article examining the role of the Royal/Dutch Shell Oil Company in Nigeria, focused on worldwide reaction to the suppression of the Ogoni people who have attacked the company for its pollution of their land. Last November, Ogoni leader Ken Saro-Wiwa was executed, to the dismay of the international human rights and environmental communities.

From: "MARLENE FERNANDES" <MARLENE@ibam.org.br

() THAT in 1996, I recirculated the components of Principle based education:

COMPONENTS OF PRINCIPLE-BASED EDUCATION FRAMEWORK:

Principle-based education encompasses several components within a principle-based framework:

Component 1:

Exploration of Principles Related to Global/Local Issues

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 from a complex of globally adopted principles over the period of the existence of the United Nations.

In Principle-based education, complex and controversial issues reflecting the urgency of the global/local situation are discussed in the classroom within a principled-based conceptual framework. In 'principle-based education'¹, principles related to preventing (i) the violation of human rights (ii) the escalation of war, (iii) the destruction of the environment, 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. In this course educators, students, and members of the public 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. In this course 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

Component 2:

Appreciating the Complexity-interconnection-integration and interdependence of issues, and the Interdisciplinary nature of Issues

A second component of the principle-based conceptual framework is the encouraging of students to appreciate that Global/local issues are complex, interconnected, and interdependent. Global/local issues defy the traditional disciplinary boundaries, and are primarily interdisciplinary. Global issues could be introduced through the analytical processes in principle-based education into any discipline or subject area. Solutions to the Global situation will be not in isolating and fragments the global but in appreciating and understanding the complexity, interconnection and interdependence of the issues within the global problem.

Complexity-interconnection-integration of Issues

Interconnection Integration of Issues

The students will be encouraged to appreciate the interconnection and integration of issues through the following processes:

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." Since 1985 a set of principles have been extracted from the International instruments and compiled in a series of documents: "*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.

- focusing on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues
- experiencing the full complexity and interaction of aspects of issues within a principle-based framework
- Integrating different human rights issues, and integrating human rights issues with other issues.

Adoption of Interdisciplinary Perspective

Students will be encouraged to integrate global issues into various subject areas, and to draw upon different disciplines to assist in the analysis of human rights 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

Students will be required to develop a knowledge base related to issues by doing the following:

- carrying out research into evidence about issues, and examining underlying assumptions
- documenting the global/local issues drawing upon different disciplines

Component 3:

Stimulation of Thinking about Issues Through Engaging in Analytic Processes and Decision Making within a Principle-based Framework

Thinking, Decision Making, and Analytical Processes

Stimulation of Thinking about Issues Through Engaging in Analytic Processes within a Principle-based framework

Students will be encouraged to develop a disposition of analysis and synthesis and reflection action through, and 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 systemic constraints that could prevent the adherence to these principles.

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Component 4:

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Justification of Actions

Students could also be involved with determining the legitimacy of the actions undertaken through the following activities:

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ANNEX II

COPIES OF LETTERS FROM

DR NOEL BROWN (UNEP)

DR. ARTHUR CAMPEAU FORMER CANADIAN AMBASSADOR TO THE UN
DR BOUTROS BOUTROS GHALI SECRETARY GENERAL OF THE UNITED
NATIONS

() THAT in 1996 , I supported the World Court Initiative— to declare the illegality of nuclear weapons— is an attempt to criminalize nuclear weapons by a declaration of the International Court of Justice. Canada has refused to support this initiative.

() in 1996 In Addition, at a recent meeting of the IUCN World Conservation Union —an international organization with government and non-government membership from over 130 countries, a resolution related to the dangers of nuclear power was on the floor of the IUCN Assembly. I submitted it as an emergency resolution.

In this resolution it was affirmed that no satisfactory method has been found for disposing of radioactive wastes generated by commercial sources, and that no satisfactory method has been found to guarantee safe operation of nuclear power plants in the event of employee negligence or sabotage.

“the resolutions called upon States to end all subsidies for nuclear power and begin to assist in the process of phasing out commercial nuclear power
We call upon the member states of the United Nations:

In fact, all the major uranium mines in the world are civilian mines. They produce uranium under civilian auspices and are regulated by civilian laws. They export uranium for civilian uses, and are safeguarded by bilateral or multilateral treaties or through the Nuclear Non-Proliferation Treaty administered by the International Atomic Energy (IAEA) in Vienna. Canada is a major exporter of uranium in the world and uranium is the ultimate source of all nuclear weapons

Canada can proudly confirm that “there is a little bit of Canadian Uranium in every nuclear weapon” (Knelman, 1989, in Environmental and Nuclear Issues and the Law)

() THAT It is incontrovertible that Canada's decision to sell two CANDU reactors to China is in direct violation of its international commitments on nuclear proliferation but also of the public policy connections of this country vis a vis nuclear disarmament.

As early as 1968, the 160 countries including Canada made a commitment to move to nuclear disarmament."

Article VI of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons signed by more than 160 states, calls for "negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

Since 1972, in Stockholm, when Canada and the rest of the global community endorsed principle 26, Canada also made a commitment to eliminate weapons of mass destruction:

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.

Concurring with UNCED that "Energy is essential to economic and social development and improved quality of life. Much of the world's energy, however, is currently produced and consumed in ways that could not be sustained if technology were to remain constant and if overall quantities were to increase substantially. The need to control atmospheric emissions of greenhouse and other gases and substances will increasingly need to be based on efficiency in energy production, transmission, distribution and consumption, and on growing reliance on environmentally sound energy systems, particularly new and renewable sources of energy./1/ All energy sources will need to be used in ways that respect the atmosphere, human health, and the environment as a whole (9.9. Atmosphere, UNCED).

OCTOBER OCTOBER

() THAT in 1996 I continued to follow the OUTCOME OF THE CANDU OPTION

Comment

From April 19 to 20,, the G7 leaders met in Moscow to consider, among other issues, a number of proposals related to the disposal of weapons-grade plutonium from

dismantled Russian nuclear armaments. There was a proposal on the table described as , the “CANDU option”, an option strongly advocated by the Canadian Government, and other Canadian nuclear proponents. The CANDU option involves the transfer of weapon-grade plutonium from dismantled nuclear armaments in Russia in the form of MOX (mixed oxide fuel) to be used in CANDU reactors in Canada. The promoters of this option have developed what they refer to as a “communications strategy” which entails a public promotional campaign claiming that the CANDU option will transfer “Megatons into megawatts” or “Swords into Plowshares” to “enhance public acceptability and support” (R. Tariq).

Dr Fred Knelman, in responding to the CANDU option, has countered that :
 “ Plutonium should not be used as a fuel for current or future nuclear power reactors. Aside from the fact that such use would tend to perpetuate and support an expansion of civil nuclear power, it would also not solve the problem because some further plutonium would be produced in the process, There would be increased traffic in plutonium either as the mixed oxide fuel (MOX) or en route to and from the mixing plant. A diversion of MOX would permit the separation of weapons grade plutonium”.

Although we do not have CANDU reactors on Vancouver Island, the nuclear issue is of vital importance to residents of Vancouver Island . Victoria has had over the years approximately 160 day visits a year of nuclear powered and nuclear arms-capable vessels in the urban ports of Esquimalt and Victoria. Nuclear powered vessels are floating nuclear plants, and await potential disaster. The Canadian government had been requested to fulfill its responsibility to the protection of the population and carry out a public non-Department of Defence (DND) environmental assessment review of the these visits. Bob Moore Stewart, lawyer for the Vancouver Island Peace Society, revealed that “in 1991, the Federal Cabinet bypassed the process and issued an order in council to permit the continued visits without a public environmental assessment review, relying on an in-house DND assessment that suggests against all common sense that there is no appreciable risk to harbouring these nuclear vessels in our urban harbours”.

Norm Abbey from the Nanoose Conversion Campaign, and Vancouver Island Peace Society, has raised the question:“What if we were to look at Chernobyl ten years BEFORE the disaster. Would it not look remarkably similar to "Whiskey Golf" at Nanoose Bay?

How little we have learned from the lessons of Chernoybl.
 Brackets usually used to oppose what needs to be done

Dr Joan E. Russow

A director, Vancouver Island Peace Society

From April 19 to 20,, the G7 leaders met in Moscow to consider, among other issues, a number of proposals related to the disposal of weapons-grade plutonium from dismantled Russian nuclear armaments. There was a proposal on the table described as , the “CANDU option”, an option strongly advocated by the Canadian Government, and other Canadian nuclear proponents. The CANDU option involves the transfer of weapon-grade plutonium from dismantled nuclear armaments in Russia in the form of MOX (mixed oxide fuel) to be used in CANDU reactors in Canada. The promoters of this option have developed what they refer to as a “communications strategy” which entails a public promotional campaign claiming that the CANDU option will transfer “Megatons into megawatts” or “Swords into Plowshares” to “enhance public acceptability and support” (R. Tariq).

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THE LESSONS OF CHERNOBYL: NOT LEARNED BUT IGNORED

CIVIL NUCLEAR REACTORS ARE NEITHER THE SOLUTION NOR AN OPTION

1996 April 26 10th Anniversary of Chernoybl

piece published in the Times Colonist

THE LESSONS OF CHERNOBYL: NOT LEARNED BUT IGNORED

April 26 will be the 10th Anniversary of the Chernobyl disaster. Tens of 1000s have died as a result of the disaster. over 6,000 of Chernobyl's cleanup veterans: the liquidators' have reportedly died, Thousands of children and adults in Ukraine and Belarus experienced symptoms of acute radiation sickness. Over 4.5 million hectares of productive agricultural land was contaminated. Over 130,000 residents were permanently evacuated in a 30 Km radius around Chernobyl, while more than 1.2 million still live on lands contaminated by 'low-level' radiation. In addition, centuries of future unanticipated consequences from the Chernobyl disaster could lie ahead.

Many thought that the Chernobyl accident would sound the death knell for the civil nuclear industry, and would lead to a global endorsement of the precautionary principle of science and ethics which embraces the notion that we do not have to wait until there is scientific certainty that human and environmental disasters would occur for the global community to act to prevent the potential disasters—such as those that could occur with the further development and use of civil nuclear reactors. Dr. David Marples of the University of Alberta, a specialist in the social impacts of the disaster in Chernobyl noted on April 18, at a public symposium at the University of Victoria, that “the Chernobyl disaster should have forced us to look at alternatives to civil nuclear reactors.” Dr. Fred Knelman—who initiated a Nobel Laureate Declaration in which there was the call to phase out nuclear energy, concurred, “surely the Chernobyl lesson should have been to phase out nuclear power and develop alternative energy sources”.

Yet since that time the nuclear energy proponents along with sympathetic administrations and regulatory agencies such as the International Atomic Energy Agency (IAEA), are actively promoting the use of nuclear energy as the solution to the problem of climate change and growing world energy consumption even though the future ecological consequences have not been effectively addressed or admitted. Canada has, through its Prime Minister and nuclear promoters, become an active

apologist and vendor of CANDU reactors. Dr. David Marples, at the April 18 Symposium, decried the folly of Canada's having sold and continuing to sell civil nuclear reactors to Eastern Europe". Dr. Marples expressed alarm about the CANDU reactor sales in Romania, and described the sale as a "shameful exercise", and added that "nuclear power has never justified, the expenditures spent on it" Dr. Walter Saimaniw who also participated at the April 18 symposium expanded on Dr. Marples remark and added that the purported "benefits of civil nuclear reactors do not outweigh the risks".

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Dr Joan E. Russow
Director, Vancouver Island Peace Society

1996. Currently synthesizing principles from obligations incurred and expectations created through international agreements, examining systemic constraints preventing the adherence to these principles, determining what would constitute compliance with these principles, and proposing policy initiatives

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Brackets ususally used to oppose what needs to be done

Dr Joan E. Russow
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() THAT, in 1996 ON October 24 statement about the anniversary of the United Nations

EXHIBIT

Whereas 1999 is the culmination of the decade devoted to the furtherance of International law

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Whereas, if these 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 these year 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, and the fulfilling of these expectations

Whereas the Fifty-second 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 incurred through the Charter, Covenants, Conventions, and to fulfill previous expectations created through Declarations, General Assembly Resolutions, and Conference Action statements.

Now, therefore,

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- to sign and ratify what they have not yet signed and ratified, to enact the necessary legislation and enforcement measures to ensure the discharging of these obligations
- to fulfill additional expectations created through globally adopted UN Conference action plans, and programs of action.

NOVEMBER NOVEMBER

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

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We call upon the member states of the United Nations:

• to require all energy sources to be used in ways that respect the atmosphere, human health and the environment as a whole

For more information on the Green Party action, contact
David White or Joan Russow(250 -598-0071)

1996 October November ran UNSUCCESSIVELY FOR SCHOOL for the school board

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October 25, 1996

ISTANBUL MANIFESTO OCTOBER 28

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DRAFT :PARTIALLY COMPLETED FOR CIRCULATION

BY DR JOAN E. RUSSOW, CHAIR, URBANIZATION CAUCUS

1230 ST. PATRICK ST. V8S 4Y4. TEL/FAX (604) 598-0071

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TO THE MEMBERS OF THE URBANIZATION CAUCUS AND GLOBAL COMPLIANCE CAUCUS THAT WERE FORMED IN ISTANBUL IN SEPTEMBER 1996

COMPLEMENTARITY OF COMMUNITIES: INTERNATIONAL AND LOCAL

ARTICLE 5

During the course of history, urbanization has been associated with economic and social progress, *the promotion of literacy and education, the improvement of the general state of health, greater access to social services, and cultural, political and religious participation.* **Unfortunately urbanization and progress have also been associated with increased violations of human rights, unmitigated environmental degradation, perpetuated unsustainable patterns of economic consumption, widened gaps between the rich and poor (the enfranchised and disenfranchised), increased abuse of the marginalized, and increased incidents of conflict, violence and crime.** The growth of cities and towns causes social, **economic and environmental changes that go beyond city boundaries, through urban sprawl** The growth of cities and towns causes social, **economic and environmental changes that go beyond city boundaries, through urban sprawl and industrial conversion of productive land and of areas worthy of preservation.**

Cities and towns have been engines of growth **often beyond the carrying capacity of the ecosystem that contains them** and incubators of civilization **or destroyers of culture** and have facilitated **or repressed** the evolution of knowledge, culture and tradition, *as well as of industry and commerce.*

Urban **communities settlements**, properly planned *and managed*, **in harmony with rural communities, within the carrying capacity of the ecosystem and within a system of preserved ecosystems could** hold the promise for **socially equitable and environmentally sound** human development and for **the preservation of nature and for** protection of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Habitat II deals with all settlements - large, medium and small - and reaffirms the need for universal improvements in living and working conditions. **While** decentralized, participatory planning *and management which* are important features of a successful

urban future, **the planning should be grounded in fundamental principles related to the enshrining and guaranteeing of human rights, the ensuring of social justice, the preserving, protecting and conserving of the environment, and the promoting of peace.** It should be acknowledged that although there has been some increased participation by individuals and groups of civil society in bringing about the necessary global changes for the establishment of socially equitable and environmentally sound development of communities, there is a long way to go to achieve the necessary *Democratization has enhanced such access and meaningful participation and involvement for* **of civil society actors, and for public-private partnerships;**

ISTANBUL MANIFESTO

PREAMBLE

On June 2, the Secretary General of the Habitat Conference, Dr. Wally N'Dow stated that solutions do not lie in the recipes of the past.

The urgency of the global situation has been acknowledged throughout the United Nations documents: the continuing violation of human rights, the continuing destruction of the environment- ozone depletion, climate change, desertification, species extinction, deforestation, toxic hazardous, atomic waste production, the continuing escalation of war and conflict, and production of arms including weapons of mass destruction , and continuing human misery - many dwellers live in absolute poverty, lacking adequate access to housing, to potable water and sanitation in overcrowded cities.

Yet when called upon to seriously address the urgency by rejecting old recipes, many states lack the necessary resolve.

Systemic Constraints Preventing Change

The lack of the necessary resolve is reflected in the perpetuation of the following systemic constraints:

The lack of political will of states to discharge obligations incurred through treaties, conventions, and covenants, and the lack of political will to fulfill expectations created through General Assembly resolutions, Conference Action Plans and Declarations.

The failure of states to sign instruments, to sign instruments without ratifying them, to ratify instruments without enacting the necessary legislation to ensure compliance, or to enact the necessary legislation without enforcing the legislation.

The failure of states to establish mandatory international standards based on long-standing principles established by the UN to guarantee human rights of citizens, to preserve, protect and conserve the environment, to prevent war and conflict and to

enable social equity, equality and justice; and the reluctance of states to revoke the charters of corporations for failing to adhere to these standards.

The failure on the part of states to accept the authority of international bodies reflected particularly in the lack of willingness to appear before the International Court of Justice and being willing to disregard the rulings of the International Court of Justice.

The fact that there is no clear agreement on the relationship between the authority of international bodies and sovereign states.

The lack of vision to go beyond existing obligations and expectations, and to undertake new commitments that will fundamentally change the recipes of the past.

The final systemic constraint is that those who are in a power to bring about change are those that benefit most from the perpetuation of the recipes of the past.

A CALL TO ACTION

"The challenge is to search for imaginative, practical and effective measures" to make cities habitable (Demirel, President of Turkey). "The recipes of the past can no longer suffice (Wally N'Dow)

Cities will be habitable when there is the international political will to make fundamental global change to provide for essential needs. Both humans and ecosystems have basic identifiable needs for survival and quality of life and function.

The urbanization caucus suggests the following overarching broad changes and measures to eliminate fundamental systemic constraints that perpetuate the recipes of the past.

UNDERTAKING COMPLIANCE

Mindful that the member states of the United Nations have through various international instruments and agreements undertaken to address environmental problems that impact on human settlements. For example, various obligations have been incurred related to the elimination or reduction of ozone depleting substances (Vienna Convention, 1985); the reduction of carbon dioxide and the conservation of carbon sinks (Framework Convention on Climate Change); the identification of biodiversity and the environmental impact assessment review of anything that could contribute to the loss or reduction of biodiversity (Convention on Biological Diversity, 1992); Conventions on the Prevention of disasters, Convention on the combating desertification. In addition in Agenda 21 all the states undertook to prevent the transfer of substances and activities that are harmful to human health and to the environment to other states (Principle 14 UNCED,)

Mindful that at the United Nations Conference on Women, and the Habitat II Conference, members states have undertaken "to ensure that corporations including

transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws” (Art 167).

Concerned that unfortunately many states have not as yet signed these agreements, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations.

Concerned also that certain irresponsible Industries, particularly those whose violations are most egregious have been lobbying governments to allow for voluntary conformance rather than mandatory performance. Nevertheless, there is a growing community of responsible enterprises which promote regulations for the common good. We draw your attention to ...adhere to and promote

Noting that in Habitat II states agreed that “All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good.... (Article 79 Habitat II)

We call upon member states of the United Nations:

- to sign and ratify all existing environmental agreements, enact the necessary legislation and ensure the discharging of the obligations.
- to establish Mandatory International Normative Standards that will ensure industrial compliance
- to clarify that the transfer of toxic, hazardous and atomic waste would be included in the category of substances that are harmful to the environment, and extend this principle to cover the transfer of harmful substances within areas within the same state; for example the transfer of nuclear waste onto indigenous lands

RESOLUTION TRANSNATIONAL CORPORATIONS COMPLYING WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME STATES OR INTERNATIONAL STANDARDS WHICH EVER ARE HIGHER

Aware that some states have limited capacity to monitor and regulate the activities of transnational firms in primary, secondary and tertiary sectors of their economics to minimize environmental and social impacts of poor practices or misconduct;

Noting that developments by such corporations, particularly in the primary and secondary sectors, are often of a nature and scale which are not in keeping with the development status, aspirations or regulatory capacity of host countries and communities in those areas where they are planned or located;

Mindful that different countries have different environmental standards, based on different policies and procedures, both regulatory and voluntary, for setting and ensuring compliance with such standards, but that States share a common goal of achieving the highest environmental standards and lowest pollution loads;

Mindful also that significant principles can be drawn from obligations undertaken through the Charter of the United Nations, through Conventions, treaties, and covenants, and from expectations created through General Assembly resolution and conference action plans, and that these principles could form a basis for Mandatory International Normative Standards

Aware that, in general developed countries, within which most transnational corporations have their home base, usually have higher standards and superior capacity to monitor and regulate such corporations compared to developed countries within which most of their operations are often located.

Asserting, as a matter of principal, that corporations operating overseas from their home or base country are morally and should be legally obliged to operate to environmental standards at least as high as those prevailing within the territorial jurisdiction of their home country, or with international standards which ever are higher

Concerned that often transnational corporations threaten to move their operations from their home base when environmental regulations are stiffened,

Concerned also that states lower environmental standards or fail to enforce standards to attract industry

We call upon the state of the United Nations

- to undertake to establish Mandatory International Normative Standards drawn from the highest tenable practices and from the highest tenable principles extracted from the body of international obligations and expectations related to the guaranteeing of human rights, the preservation, conservation and protection of the environment, the prevention of conflict and war, and the achievement of social equity and justice
- To ensure that corporations including transnational corporations comply with these Mandatory International Normative Standards
- To revoke charters of transnationals that fail to guarantee human rights, the preservation, conservation and protection of the environment, the prevention of conflict and war, and the achievement of social equity and justice

COMPENSATION PRINCIPLE

Through mandatory international normative standards (MINS) , states shall require corporations including transnationals to pay compensation for environmental degradation, and human rights violations.

Given that throughout the member states of the United Nations corporate-sympathetic government regimes have failed in the past both to ensure corporate compliance with international obligations, and to enforce their own statutory legislation, and given that there has been resultant environmental degradation, states shall now seek environmental compensation from companies that can be shown to have contributed to environmental degradation or human rights violations. The funds from environmental compensation shall be put into a restoration fund, into developing BEST (Best Ecologically Sound techniques) and into addressing human rights violations.

Often industries that have contributed to environmental degradation seek compensation from states when areas are taken out of production for environmental reasons. Any potential compensation shall be assessed against the estimate of previous ecological consequences.

States shall ensure that the cost of potential compensation is not used as justification for not fulfilling the duty to preserve, protect, and conserve the environment

REGULATIONS AND STANDARDS

supporting regulations and compliance

Establishing policies, laws and regulations

Governments at all appropriate levels, including local authorities have a responsibility to ensure access to education and to protect their population's health, safety and general welfare. This requires, as appropriate, establishing policies, laws and regulation for both public and private activities...(19)

Establishing and adopting a regulatory framework

establish and adopt a regulatory framework, and provide institutional support for facilitating participation and partnership arrangements at all levels. (50 e)

Establishing legislative and regulatory frameworks

* 180 (a) Establishing legislative and regulatory frameworks, institutional arrangements and consultative mechanisms for involving organizations in the design, implementation and evaluation of human settlement strategies and programmes;

Ensuring of compliance of private sector

148 * e Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction and development of shelter, infrastructure, health, education

and other basic services through, inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a - discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on a equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children

Facilitating dissemination of regulatory frameworks and best practices

* 153. [To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas. including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. The United Nations Centre for Human Settlements (Habitat) should, within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at the national and international levels could be explored.

64Basic infrastructure and services at the community level include the delivery of safe water, sanitation, waste management, social welfare, transport and communications facilities, energy, health and emergency services, schools, public safety, and the management of open spaces. The lack of adequate basic services, a key component of shelter, exacts a heavy toll on human health, productivity and the quality of life, particularly for people living in poverty in urban and rural areas. Local and state/provincial authorities, as the case may be, have the primary responsibility to provide or enable delivery of services, regulated by appropriate legislation and standards.(Habitat II 64)

promoting compliance and enforcement

*75 (d) Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups

DOCUMENTATION OF PRECEDENT

GUARANTEEING OF HUMAN RIGHTS

Mindful that states have agreed to guaranteeing the following rights through various human rights instruments:

DOCUMENT OF PRECEDENTS: ENUNCIATION OF RIGHTS

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:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of **meaningful** 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;
- (f) 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.
(Elimination of all forms of discrimination, 1965)

We call upon the member states of the United Nations:

- To sign, and ratify all international human rights instruments, and to enact and enforce the necessary legislation for compliance
- To ensure of the rights of all members of the global community are recognized through human rights instruments, including the international covenant of social, cultural, economic rights.
- To ensure that the protection from discrimination should be inclusive of additional grounds that have been recognized since the adoption of the Universal Declaration of Human Rights in 1948. In this Declaration, there were listed a series of grounds concluding with the expression “Other status” which indicated the intention to include other grounds as they arose. Through various human rights instruments, states have recognized the following grounds of discrimination: race, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. In other documents “sexual orientation’ has also been included, but remained bracketed,. In keeping with the intention of ‘other status’, the UN should include this ground.

RESPECTING THE RIGHTS OF FUTURE GENERATIONS

Mindful that member states through various documents have been committed to undertaking to respect the rights of in previous documents such as the UN Convention for the Protection of Cultural and Natural Heritage (1972), the UN Conventions on Humans and the Environment (1972), and in the General Assembly Resolution the World Charter for Nature (37/7 1982) where it appeared in the following form: 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)

Noting also that the rights of future generations is affirmed in the following way in Agenda 21 in Chapter 8

...Its goals [sustainable development strategy] should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situation and initiatives (Article 7, Chapter 8. Integrating of Environment and Development, Agenda 21)

We call upon member states of the United Nations:

- To consult with the youth in all areas affecting their rights
- To ensure the rights of future generations to their cultural and ecological heritage

(10)

PRECAUTIONARY PRINCIPLE

Through mandatory international standards, states shall invoke and ensure compliance with the precautionary principle.

The precautionary principle has been enunciated in international documents since at least the 1972 United Nations Conference on Humans and the Environment (Stockholm Convention), where it appeared in a rudimentary form; it was then reinforced in the 1982 UN Resolution 37/7, the World Charter of Nature, and then re-enunciated throughout the UNCED documents.

The precautionary principle has been enunciated ” as follows:

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

(Note: that the precautionary principle shall not be misconstrued to mean” that there is evidence but not scientific certainty that a particular practice, substance or activity is causing harm therefore we shall continue the practice; or the precautionary principle should not be used to justify not using an environmentally sound practice because it is not scientifically based.)

The precautionary principle shall be applied to all potentially harmful emissions, contaminants, agents of pollutants, or re-concentrated substances—created through imbalance in bio-geochemical cycles

(11)

ANTICIPATORY PRINCIPLE

States shall ensure that in all their activities and in the activities of corporations including transnational corporations there is adherence to the anticipatory principle.

In the international documents different aspects of the anticipatory principle are enunciated: proceeding with doubt, prevention and avoidance of costly subsequent means:

11.1. ENSURING DOUBT-DRIVEN ACTION

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 not proceed (General Assembly Resolution, 37/7, 1982)

11.2. ENSURING PREVENTIVE MEASURES

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)

11.3. TAKING INTO ACCOUNT CRADLE-TO-GRAVE APPROACH

taking into account the cradle-to-grave approach **by phasing out and eventually eliminating the production and consumption of hazardous waste to the management of hazardous wastes, in order to identify BEST practices for phasing out and eventually eliminating options for minimizing the generation of hazardous wastes, through safer handling, storage, disposal and destruction** (20.20 e Hazardous wastes, Agenda 21).

11.4. ENSURING THE MONITORING FROM CRADLE TO GRAVE

Governments, in collaboration with industry and appropriate international organizations, and **through the establishment of Mandatory International Normative standards** should develop procedures for monitoring the application of the cradle to grave approach, including environmental audits (20.20 e Hazardous wastes)

11.5. ENSURING FULL LIFE CYCLE CARE

promote efficient use of materials and resources, taking into account all aspects related to life cycles of products **including the phasing out and eventual elimination of toxic chemicals and the ensuring of BEST (Best Environmentally Sound Traditions) practices** (19.15 e, Toxic Chemicals, Agenda 21)

11.6. PROMOTING A 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)

11.7. ENSURING RESPONSIBLE CARE

Industry **shall be required** *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)

11.8. REVISITING 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)

11.9. RECOGNIZING THE NEED OF ANTICIPATORY POLICIES

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 trans-boundary context (Convention on Environmental Impact Assessment in a Transboundary Context, 1994)

The anticipatory principle shall be followed as a pro-active measure to ensure that substances and processes which are harmful to the environment or to human health are prevented from entering the environment. One aspect of the anticipatory principle is to determine in advance before extracting resources whether the extraction causes environmental harm or is culturally inappropriate to indigenous peoples whose territory is beyond the treaty frontier.

(12)

PREVENTION PRINCIPLE AND “REVERSE ONUS “ PRINCIPLE

Through mandatory international normative standards (MINS), states shall ensure that in all its activities and in the activities of corporations, including transnational corporations, there is adherence to the prevention principle and “reverse onus “ principle

12.1. PREVENTION PRINCIPLE

Mandatory standards and technical regulations will be developed to prevent adverse effects of substances 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, bioaccumulation, 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, thermal discharges, hormone mimicry, egg-shell thinning
Adverse effects include the above environmental effects and effect and impacts on human health.

PROMOTING THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL, MENTAL AND ENVIRONMENTAL HEALTH

Human health and quality of life are at the centre of the effort to develop sustainable human settlements. We therefore commit ourselves to promoting and attaining the goals of universal and equal access to quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care **and Universal Health care (Habitat II 22 ter)**

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)

PREVENTION OF DISASTERS

Concurring with Habitat II on the need for ensuring adequate regulatory and other measures to prevent disasters including technological disasters, and to avoid their occurrence and to reduce the impacts of natural disasters and other emergencies on human settlements

Concurring also with Habitat II on promoting the use of tools for disaster prevention

Noting that in Habitat II there was a call for immediate removal of anti-personnel land mines following the cessation of armed conflict”, **and concerned that this should be extended to include the immediate ban of the production and use of land mines**

Recognizing that the impact on people and human settlements of natural and human-made disasters is on the increase. Disasters are frequently caused by vulnerabilities created by human actions, **such as the consumption and production of ozone-depleting substances, of green-house gas emissions, of toxic, hazardous and atomic wastes**; such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas, **and such as the continued production of arms and weapons of mass destruction, and the continued visits of nuclear powered vessels in urban ports.**

Convinced that since the development of nuclear technology the most significant preventable anthropogenic disaster has been the preventing of nuclear-related disasters, and convinced that the outcome of nuclear hazards, accidents or disasters, from the mining of uranium, from the use of MOX from weapons grade plutonium from dismantled nuclear reactors, from the production and testing of nuclear arms and from the use of nuclear civil nuclear power, has had irreversible consequences that cannot be considered to have been remediated from transport from acts of malice such as terrorist

Aware of the undertaking by members states of the United Nations in 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws”. This undertaking was reaffirmed and extended in the Habitat II Agenda to include the “private sector”.

Mindful that at the 1972 UN Conference on Human Environment (UNCHE) held in Stockholm the states globally adopted the commitment to “eliminate the production of weapons of mass destruction” and twenty years later a Nobel Laureates Declaration called for the phasing out of civil nuclear power.

Aware of the call from the NGOs at the Habitat II Conference for the instituting of the reverse onus principle. With this principle the proponents of an intervention into the ecosystem for their own benefit have the affirmative duty to demonstrate safety, rather than leaving the burden of protecting the environment solely on those acting on behalf of the public trust from having to come forward and prove harm.

Mindful of the existence of numerous general Assembly resolutions as an expression of democratic international will calling for the elimination of the production and testing of nuclear weapons

Concerned that and for the time bound elimination and that whenever there has been a time-bound phasing out of nuclear arms in the General Assembly has voted with the nuclear weapons states,

Call upon the member states of the United Nations:

- to ensure that **significant public concern about an activity or technology that could lead to preventable disaster be taken seriously and the activity or technology shall be prevented or banned**
- to ensure that **regulations that will prevent preventable anthropogenic disasters and encourage continued domestic and international resources for disaster reduction activities for non-preventable disasters**
- to embark upon the prevention of preventable disaster, by preventing the mining of uranium, the continued production of nuclear arms, for the producing of nuclear arms, the testing of nuclear arms, the circulating and harbouring of nuclear-armed or nuclear-powered military vessels, the using of civil nuclear reactors, the use of MOX from weapons-grade plutonium from dismantled nuclear weapons in civil nuclear reactors
- to ban the further production and consumption of all ozone depleting substances, and to ensure that the recycling of these substances not be used as a justification for the continued production and consumption
- to immediately ban of the production and use of land mines
- to re-submit a general Assembly resolution on a time-bound phasing out of nuclear arms in the General Assembly

]

DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS

PEACE, DEVELOPMENT AND GLOBAL CHANGE IN THE CONTEXT OF HABITAT II

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:

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)

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)

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)

7.11. 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)

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*** REDUCTION AND TRANSFER OF THE MILITARY BUDGET**

Concerned that currently the Global Community spends \$800 billion on the military budget at a time when the right to housing, the right to food, the right to health care, the right to equality of all , the right to education, the right to safe drinking water, and the right to a safe environment have not been fulfilled.

Noting that the commitment was made to transfer a substantial proportion of the military budget to social programs (as undertaken through expectations created in general Assembly resolutions from 1981)

Noting also that

- in 1981, in general assembly resolution entitled the reduction of the military budget, the majority of the member states reaffirmed the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget.

-in 1981, the majority of states recognized that the military budget constituted a heavy burden for the economies of all nations, and have extremely harmful consequences on international peace and security.

-in 1981 the majority of states undertook to make a collective effort aimed at strengthening peace and international security by eliminating the threat of war.

- in 1981 the majority of states through a general assembly resolution Reiterated 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 (Resolution on the Reduction of Military budgets, 1981)

Reminded that this request was further reinforced in a 1983 General Resolution on the Relationship between disarmament and development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries. Also in this resolution state considered 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.

We call upon the member states of the United Nations

- to immediately reduce the military budget to 50% of what it currently is and to transfer these funds into socially equitable and environmentally sound development
- to embark on plans for military conversion with the remaining 50%, and with the setting up of alternative structures for preventing conflict and war through an international regime that respects the rule of international law, and through establishing an international court of compliance where citizens could take evidence of state non-compliance with international law

ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ABOLITION OF NUCLEAR WEAPONS BY THE YEAR 2000

Mindful to the decision from the International Court of Justice that the threat or threat to use nuclear weapons is illegal and contrary to international humanitarian law,

Mindful also that in 1972 at the UN Conference on Humans and the Environment, states undertook to eliminate the production of weapons of mass destruction (Art. 21, UNCHE, 1972)

Noting with concern that numerous General Assembly resolutions have been passed on total nuclear disarmament, and that these resolutions have been continually ignored by the nuclear arms states:

We call upon the member states of the United Nations: those with nuclear arms capability

- To immediately cease all production of nuclear arms

*To achieve the abolition of nuclear weapons by the year 2000

ESTABLISHMENT OF MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS

Concurring with the necessity of establishing of mandatory international normative standards to drive corporations, including transnationals to BEST (Best Environmentally sound Traditions) practices.

Mindful that at the United Nations Conference on Women, and the Habitat II Conference, members states have undertaken “to ensure that corporations including transnationals, comply with national laws and codes... applicable international agreements and conventions, including those related to the environment and other relevant laws” (Art 167). In Habitat II this undertaking was reaffirmed and then extended to include the “private sector” (Article 148). Underlying this undertaking is the assumption that each state government would itself comply with its own national codes and would discharge its own international obligations.

We call upon the member states of the United Nations:

- to establish Mandatory International Normative Standards drawn from United Nations principle to drive industry to BEST (Best Environmentally Sound Traditions) practices
- to revoke charters of transnationals that have failed to comply with international law by violating human rights, causing environmental degradation, or have contributing to conflict or war
- to carry out environmental audits linked to Mandatory International Normative Standards, and the factor into development the costs of ecological consequences (as agreed to in Agenda 21)

THE INSTITUTION OF ENVIRONMENTAL MEASURES

Concurring with the recognition of the inherent worth of nature beyond human purpose as was done in the World Charter of Nature;

Advocating the shifting of the onus of proof from the opponents of an intervention having to demonstrate harm to the proponents having to demonstrate safety

Mindful of the precautionary principle and its associated measures:

The precautionary principle has been one of the key principles of sustainable development, and has been enunciated in the Convention on Biological Diversity in the following way

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

The precautionary principle has been associated with various key measures and elements of the anticipatory principle such as “Ensuring preventive measures”(18.45); Embodying environmental care (6.1); Taking into account cradle to grave approach (20.21); Taking account of “live cycles of products” (19.15e); “Promoting a culture of safety” (7.60); “Developing responsible care” (19.51,b) etc.

Mindful of the recognition in Agenda 21 that “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)

Aware of the environmental measures promoted through Habitat II Agenda: In the Habitat II Agenda new environmental measures associated with sustainable human settlements development were endorsed: Preserving of peri urban and urban biodiversity (Article 98 bis a, Habitat II Agenda); Providing “green spaces (Article 27 f, Habitat II Agenda); ” Protecting Fragile ecosystems and environmentally vulnerable areas (Article 27e, Habitat II Agenda); Reducing the ecological footprint (Article 27b, Habitat II Agenda); Ensuring Green spaces (Article 83 bis, Habitat II Agenda); Knowing ecocycles (Article 134h, Habitat II Agenda) preventing environmental damage (Article 135, Habitat II Agenda); Preventing anthropogenic disasters (Article 27 i, Habitat II Agenda).

Noting that states indicated that “sustainable human settlements development incorporates... the precautionary principle, pollution prevention, respect for the carrying capacity of ecosystems and preservation of opportunities for future generations. (16, Habitat II).

Respecting the carrying capacity of ecosystems also entails acknowledging that there are limits to growth, and respecting the inherent worth of nature, and thus does not justify increased pollution in pristine areas, or give a licence to pollute less polluted areas.

Concurring with Habitat II that the need for “promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlement”

Aware of the undertaking by members states of the United Nations in 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, to ensure that “all corporations including transnational corporations, comply with national laws and codes, social

security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws". This undertaking was reaffirmed and extended in the Habitat II Agenda to include the "private sector".

We call upon governments- the Member States of the United Nations:

- **to respect the carrying capacity of the ecosystem**
- **to ensure that this principle is not used to justify increased pollution in pristine or less polluted areas**
- * to phase out all environmentally unsound practices, to institute regulations that will phase out and eventually ban all environmentally unsound practices that contribute to the ecological footprint
- to drive industry to BEST (Best Environmentally Sound Traditions) practices
- **to adopt, through mandatory international standards, the reverse-onus principle. With the reverse onus, the onus of proof shall shift from the opponents of an intervention having to demonstrate harm to the proponents of an intervention having to demonstrate safety.**

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

THE REQUIREMENT OF CONDITIONAL FUNDING

Understanding that for over 50 years states since the formation of the United Nations, member states have incurred obligations through the founding Charter of the United Nations, through treaties, conventions and covenants; and member states have create expectations through declarations, conference action plans and General Assembly Resolutions. This obligations and expectations have been reflected in international instruments undertaking to guarantee the enshrining and respect of human rights; to preserve, protect and conserve the environment, to prevent conflict and war, to achieve social justice and to enable socially equitable and environmentally sound development and communities.

Mindful that for years international funding agencies have not placed conditions (related to the human rights, peace and the environment) on their funding

We call upon the member states of the United Nations

- * The ensuring that funding agencies institute conditional funding based on guaranteeing the enshrining and respect of human rights; preserve, protecting and conserving the environment, preventing conflict and war, achieving social justice and enabling socially equitable and environmentally sound development and communities.

CONDEMNING THE UNSUSTAINABLE PATTERN OF CONSUMPTION

Recognizing the concern expressed in Habitat I about excessive consumption "Human settlement policies and programmes should define and strive for progressive minimum

standards for an acceptable quality of life. These standards will vary within and between countries, as well as over periods of time, and therefore must be subject to change in accordance with conditions and possibilities. Some standards are most appropriately defined in quantitative terms, thus providing precisely defined targets at the local and national levels. Others must be qualitative, with their achievement subject to felt need. At the same time, social justice and a fair sharing of resources demand the discouragement of excessive consumption (III 16 Habitat I, 1976)

Concurring with Agenda 21, UNCED, that “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, UNCED)

Concurring also with the subsequent reaffirmation in the Platform of Action, UN Conference on

...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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

Noting in Habitat II that member states of the United Nations undertook to reduce the ecological footprint

We call upon the member states of the United Nations, particularly those in the developed countries to reduce the ecological footprint

RESOLUTION: COMPENSATION

Through mandatory international normative standards (MINS) , states shall require corporations including transnationals to pay compensation for environmental degradation, and human rights violations.

Given that throughout the member states of the United Nations corporate-sympathetic government regimes have failed in the past both to ensure corporate compliance with international obligations, and to enforce their own statutory legislation, and given that there has been resultant environmental degradation, states shall now seek environmental compensation from companies that can be shown to have contributed to environmental degradation or human rights violations. The funds from environmental compensation shall be put into a restoration fund, into developing BEST (Best Ecologically Sound techniques) and into addressing human rights violations.

Often industries that have contributed to environmental degradation seek compensation from states when areas are taken out of production for

environmental reasons. Any potential compensation shall be assessed against the estimate of previous ecological consequences.

States shall ensure that the cost of potential compensation is not used as justification for not fulfilling the duty to preserve, protect, and conserve the environment

RESOLUTION: PERSISTENT ORGANIC POLLUTANTS

Aware of the mounting evidence that reveals the global scale and severity of toxic persistent organic pollutant (POP) contamination of all life forms and ecosystems, in all regions of the planet;

Further aware that fish, reptiles, birds and mammals, including humans are all affected by POPs via a growing list of actual and suspected effects that includes cancer, damage to immune and reproductive systems and developmental problems.

Appreciative of the special attention that the United Nations Environment Programme (UNEP) has given to POPs, in the context (a) of its May 1995 Governing Council Decision 18/32 that established an expedited assessment process for prioritized list of POPs, and (b) the Washington Conference on Protection of the Marine Environment from Land Based Activities, which agreed, among other things that "international action is needed to develop a global legally binding instrument, among other international and national actions, for the reduction and/or elimination of emissions and discharges, whether intentional or not, and where appropriate, the elimination of the manufacture and use of, and illegal traffic in "priority toxic persistent organic pollutants;

Appreciative also of the Fourth Session (1996) of the Commission on Sustainable Development's endorsement of the Washington conference's global Programme of Action, including recognition of the intention of governments to take action to develop a global, legally binding instrument to regulate POPs, with special consideration for countries in need of assistance;

Call on the member states of the United Nations to support the establishment of an Intergovernmental Negotiating Committee (INC) with a mandate to meet several times during 1997, and beyond as a matter of high priority, and

(b) support in the INC for the negotiation of a legally binding, comprehensive POPs instrument that:

(i) has as its overall goal the elimination of the POPs listed as priorities in Decision 18/32 with implementation measures that are rapid, equitable and enforceable;

(ii) includes mechanisms for adding other POPs beyond the original, prioritized ones, based on scientific, social, economic and moral considerations;

(iii) includes, as a matter of priority mechanisms for special financing, technology transfer and capacity building for the benefit of countries in need of assistance; and

(iv) promotes information exchange, transparency and effective civil society participation in decision making.

(from original resolution by Friends of the Earth International, and Greenpeace Australia proposed for consideration at the IUCN World Conservation Union meeting in Montreal 1996.

RE: ELIMINATING SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

Whereas no satisfactory method has been found for disposing of radioactive wastes generated by commercial sources;

Whereas no satisfactory method has been found to halt nuclear proliferation or prevent diversion of nuclear material by subversive or terrorist elements;

Whereas the costs and problems associated with decommission nuclear power plants have not been properly analysed or accounted for in the costs of nuclear power, and governments are using taxpayers' money to subsidize nuclear power;

Whereas no satisfactory method has been found to guarantee safe operation of nuclear power plants in the event of employee negligence or sabotage;

Whereas the enormous environmental and health damage caused by uranium mining have not properly been considered.

Calls on all states to end all subsidies for nuclear power and *begin to assist in the process of phasing out* commercial nuclear power

Calls on All states to assist in the rapid closing of especially dangerous nuclear power plants and to obtain a halt to further investments in nuclear power throughout the world.

(from proposal for IUCN meeting 1996, supported by a range of groups)

RE: THE PROMOTION OF ORGANIC AGRICULTURE

Recognizing that the Green Revolution has failed because it could not ensure global food security and to a high extent has caused and promoted the accelerated degradation of the earth's natural ecosystems. More than ever before, the harmonization of human activity and its natural environment ...is the key to the survival of many living communities, including human kind. IFOAM (International Federation of Organic Agricultural Movements) promotes the constructive integration of organic agriculture and nature conservation.

Welcoming that organic agricultural therefore, replaces chemo-synthetical conventional agricultural by means of the extension of bio-intensive organic farming, in order to pressure from highly valued centres of biodiversity which are adjacent to densely populated agricultural areas. Site-specific and environmentally sound organic agricultural methods thus minimize pollution, habit-destruction and degradation of soils.

Call upon member states of the United Nations to develop an international action plan to implement the principal standards and aims of organic agricultural as set out in the IFOAM Basic Standards of Organic Agriculture and Food Processing.

(Excerpts from original resolution by International Federation of Organic Agriculture and others proposed for consideration at the IUCN World Conservation Union meeting in Montreal 1996.

THE REQUIREMENT OF BEST PRACTICES

Aware that In Habitat II the promotion of BEST Practices has been advocated “through exchanging of regional and international experience of best practices and facilitate[ing] the transfer of planning, design and construction techniques (69c); Through setting up structures for the selection of the best practices with participation by non-governmental organizations active in the urban development field (142b); Through promoting best practices for community-based land management inhuman settlements (84(j)); Through cooperating in south-south, north-south and south-north exchanges of best practices (145); Through exchanging experiences particularly on best practices, foster the development of technology and technical skills and to increase the efficiency of shelter and human settlements policies and management, with backing of coordinated and complimentary support from multilateral and bilateral arrangements; (152c). The component of BEST Practices was most clearly articulated in Article 153

To face the challenges of the rapidly urbanizing world, there is need to ensure that international and regional networks facilitate more effectively the exchange and transfer of knowledge and experience on institutional, legal and regulatory framework, and to disseminate best practices on sustainable human settlements in rural and urban areas including inter alia, those reflected in the outcome of the Dubai International Conference on Best Practices for Improving the Living Environment, held in November 1995. the United Nations Centre for Human Settlements (Habitat) should , within its mandate, act as a catalyst in the mobilization of technical cooperation. Opportunities for improved dissemination and exchange of ideas on technical cooperation at national and regional levels could be explored.]

We call upon the member states of the United Nations:

- to ensure that all corporations including transnationals and the private sector immediately be required to phase out socially inequitable and environmentally unsound practices and to adopt BEST practices

RE: the Promotion of organic Agriculture

THE CANCELLATION OF DEBT TO BE COMPLETED

* The replacing of structural adjustment program with a program of reparation through debt forgiveness for the violation of human rights, for the environmental degradation or for the contributing to violence and war

RESOLUTION: REDUCTION OF ENVIRONMENTALLY HARMFUL SUBSIDIES

Aware of the obligations incurred and expectations created in relation to renewable environmentally sound energy

Concurring with the recent reports indicating that there continues to be a substantial subsidy given to both nuclear energy and to fossil fuel energy.

We call upon the member states of the United Nations :

- to immediately cease all subsidies to civil nuclear energy (as proposed by the Standing committee) , and to the fossil fuel industry; and to begin a full subsidy program on environmentally sound energy
- to commence to phase out civil nuclear energy (as proposed in the Noble Laureate declaration to UNCED) and fossil fuel energy (As proposed in Habitat 1)

THE NON-TRANSFERENCE OF HARMFUL SUBSTANCES AND ACTIVITIES

Aware that the members states of the United Nations agreed through the Rio Declaration that they should prevent the transfer of substances and activities that cause environmental degradation or are harmful to human health to other states (Principle 14, Rio Declaration)

Noting that toxic, hazardous and atomic wastes as well medical products that have been banned or restricted for use in the country of origin could be deemed to be harmful to human health and could cause environmental degradation

Noting also that within states the siting of industries that produce or emit substances or carry out activities that cause harm to human health or environmental degradation is usually within the areas of the disfranchised

Concurring with Habitat II in the “seeking to ensure that the process of technology transfer avoids the dumping of environmentally-unsound technologies on the recipients and that the transfer of environmentally-sound technologies and corresponding know-how in particular to developing countries, is on favourable terms, as mutually agreed, taking into account the need to protect intellectual property rights (151 b Habitat II)

The Rio Declaration (Principle 14) calls upon states to not transfer substances or activities that could cause environmental degradation or be harmful to human health to other states; This should include the transfer of toxic, hazardous and atomic wastes.

Through various international instruments states have undertaken to ban the use of production and consumption of ozone depleting substances (Vienna Convention on depletion of the ozone layer, 1985); to reduce the production of greenhouse gases and to conserve carbon sinks (Framework Convention on Climate Change, 1992); to identify biodiversity and to carry out an environmental impact assessment of activities that could contribute to the loss or reduction of biodiversity; to combat desertification (Convention on the Combating of desertification); to promote renewable energy (Chapter 9, Agenda 21) and to phase out fossil fuel (Habitat 1). To preserve cultural and natural heritage (Convention on the Protection of Cultural and Natural Heritage, 1972)

In addition states have agreed to the precautionary principle, the anticipatory principle, the internalizing of environmental costs (environmental audit). Yet few states if any have taken the necessary measures.

We call upon the member states of the United Nations:
to implement principle 14 of the Rio Declaration and immediately cease the transfer of toxic, hazardous and atomic wastes as well medical products that have been banned or restricted for use in the country of origin to other states

to in addition immediately cease the siting of these industries in the areas of vulnerable and disenfranchised population

HEALTH AND ENVIRONMENT

Reducing environmental health hazards

* 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

Acknowledging that the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease

Preventing diseases as important as availability of ... medical treatment

Placing holistic approach to health prevention and care within the context of environmental policy

93 * Sustainable human settlements depend on the creation of a better environment for human health and well-being, which will improve the living conditions of people and

decrease disparities in the quality of their lives. [people are entitled to a healthy and productive life in harmony with nature [culture and spiritual heritage]. [note this section was deleted on June 14]. the health of the population depends at least as much on the control of environmental causes of poor health as on clinical responses to disease. Children are particularly vulnerable to harmful urban environments and must be protected. Measures to prevent ill health and disease are as important as the availability of appropriate medical treatment and care. It is therefore essential to take a holistic approach to health, whereby both prevention and care are placed within the context of environmental policy, supported by effective management systems and plans of action incorporating targets that reflect local needs and ca

Acknowledging that health problems are related to adverse environmental conditions

Providing and environmentally sound infrastructure

* 94 health problems related to adverse environmental conditions, including a lack of access to safe water and sanitation, inadequate waste management, poor drainage, air pollution, and exposure to excessive noise levels, as well as ineffective and inadequate health services, exact a heavy toll on the quality of life and the overall contribution to society of millions of people. They may also aggravate social tension and inequity and increase the vulnerability of people to the effects of disasters. An integrated approach to the provision of environmentally sound infrastructure in human settlements, particularly for people living in poverty in rural and urban areas, is an investment in sustainable human settlements development that can enhance the quality of life, reduce negative impacts on the environment, improve the overall health of a population, and reduce the burden of investment in curative health and poverty alleviation.

96 (e) Raise awareness of the inter-dependencies between environment and health and develop within communities the knowledge, attitudes and practices needed to improve personal and community health, with special attention to hygiene; (Habitat II)

97 (i) Raise awareness of environmental issues and develop within communities the knowledge, attitudes and practices needed **for socially equitable and environmentally sound sustainable** human settlements *development*;

Including environmental characteristics as being a quality of “livability”

* 95 quinquens. The livability of the built environment has an important bearing on the quality of life in human settlements. Quality of life implies those attributes catering for diversified and growing aspirations of citizens that go beyond the satisfaction of basic needs. Livability refers to those spatial, social and environmental characteristics and qualities that uniquely contribute to people’s sense of personal and collective well-being and to their sense of satisfaction in being the residents of that particular settlement. The aspirations for livability vary from place to place, and evolve and change in time; they also differ among the diverse populations that make up communities. There, conditions for livable human settlements presuppose a working democracy in which processes of participation, civic engagement and capacity-building mechanisms are institutionalized.

INVESTMENT

Encouraging socially and environmentally responsible community investment

* 157 e bis Encourage public-private partnerships in socially and environmentally responsible community investment and reinvestment in shelter and sustainable human settlements programmes and make publicly available and accessible the data and best practices developed through them;

promoting socially and environmentally responsible corporate investment (31 d)

Strengthening regulatory and legal frameworks to enable markets to work, overcome market failure and facilitate independent initiative and creativity, as well as to promote socially and environmentally responsible corporate investment...(31 d)

ENVIRONMENTAL SOUNDNESS

Providing environmentally sound shelter

adequate shelter for all ...through the development and improvement of shelter that is environmentally sound (2 bis)

integrating a gender perspective in the design and implementation of environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas (27 d)

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

promoting indigenous planning and design techniques

69(a) Encourage and support research and studies to promote and develop indigenous planning and design techniques, norms and standards to match with the actual needs of local communities, **and as agreed in the “Establishment of a New Economic Order, to support the use of natural material, and as agreed in Habitat I to support the use of endogenous technology;**

Encouraging and supporting the use of ...local building materials

152 * c bis merged with d bis) Encouraging and supporting the use of appropriate building technology and the production of local building materials, as well as supporting the development of international, sub-regional and regional networks of institutions involved in research, production, dissemination and commercialization of locally produced building materials;

strengthening the indigenous building materials industry

strengthening the indigenous building materials industry, based as far as possible on locally available resources. (51 d)

Provide data base on adverse environmental effects of building materials (51d)

Promoting environmentally sound technologies

promoting education about, and training on, environmentally sound technologies, materials and products (27 f quarter)

73 *(b) Establish laws and regulations aimed at preventing discrimination and barriers and, where such laws and regulations already exist, ensure their enforcement

Developing environmentally sound land-use strategies

*85 (d) Develop, with the participation of all interested parties, comprehensive and environmentally sound land-use strategies at the local level.

stimulating ...environmentally sound use of land

56 (d) Apply transparent, comprehensive and equitable fiscal incentive mechanisms, as appropriate, to stimulate the efficient, accessible and environmentally-sound use of land, and utilize land-based and other forms of taxation in mobilizing financial resources for service provision by local authorities

[[82 Land is essential for the provision of food, water and energy for many living systems, and it is critical to human activity. In rapidly growing urban areas, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. The rising costs of urban land and other factors prevent persons living in poverty and members of other *vulnerable marginalized* and disadvantaged groups from gaining access to suitable land, the location of which does not pose economic, environmental or health risks to the residents because of such reasons as proximity to polluting industrial facilities in appropriate geographical conditions or susceptibility to natural disasters. Bringing the development of urban areas into harmony with the natural environment, **especially within the carrying capacity of the ecosystem** and the overall system of settlements is one of the basic tasks to be undertaken in achieving a **socially equitable and environmentally sound sustainable** urbanized world. The *tools means to for achieving* a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, **and revitalization and management**. National, sub-national and local policies and problems need to be integrated. [The precautionary principle/*approach* and the use of environmental and social impact assessment are essential].

Protecting water resources from harmful effects of human settlements

* 82 bis Land-use is closely related to water resource management because of the critical need to protect aquifers and other fresh-water resources from the harmful effects of human settlements. Special attention should be paid to guiding potentially hazardous activities away from the fragile areas. Oceans and coastal areas should be protected from land-based sources of pollution.

The use and transfer of environmentally sound technologies is a prerequisite
ARTICLE 151

151. [The use and transfer of environmentally sound *technologies practices* which have a profound impact on consumption and production patterns is one of the prerequisites for **socially equitable and environmentally sound sustainable** human settlements *development*. Advanced **BEST (Best Environmentally Sound Traditions) practices and appropriate technologies** and the knowledge-based systems which support their application offer new opportunities for more efficient use of human, financial and material resources, *more sustainable industrial practices* and new sources of **meaningful** employment. International agencies including UNCHS (Habitat) have an essential role in disseminating and facilitating access to information on **BEST practices available technologies** and options for their transfer. It is understood that the transfer of *technology BEST practices* includes assurances of adequate protection of intellectual property and mutually agreed allocation of *commercial* benefits, particularly those benefits that shall **accrue to developing countries for traditional practices including those related to biodiversity, and biotechnology**].

151 * the use and transfer of environmentally-sound technologies that have a profound impact

consumption and production patterns are prerequisites for sustainable human settlements development. Advanced and appropriate technologies and the knowledge-based systems that support their application offer new opportunities for more efficient use of human, financial and material resources, more sustainable industrial practices and new sources of employment. International organizations have an important role to play in disseminating and facilitating access to information on technologies available for transfer. It is understood that the transfer of technology will take into account the need to protect intellectual property rights.

REDUCTION OF CAR-DEPENDENCY

Noting the undertakings in Habitat II "To encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures (Article 104 c, Habitat II Agenda)

Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing

The prevention of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resource

The creation of an environmental sound infrastructure that makes walking, cycling and public transportation safe, accessible and convenient, and that moves away from car-dependency. The right to public transit in contrast to the privilege of car use.

We call upon member states of the United Nations:

- To move away from car-dependency, by instituting appropriate regulations, phasing out the use of the automobile and the adopting of environmentally sound transportation such as bicycle paths

TRANSPORT promoting environmentally sound transportation

environmentally sound transportation systems (27 d)

Reducing transport demand through promoting of spatial development

promotion of spatial development patterns and communications policies that reduce transport demand (27 d)

* 102 Transport and communication systems are the key to the movement of goods, people, information and ideas, and to access to markets, employment, schools and other facilities and land use, both within cities and between cities, and in rural and other remote areas. The transportation sector is a major consumer of non-renewable energy and of land and is a major contributor to pollution, congestion and accidents. Intergrated transport and land-use policy and planning can reduce the ill effects of current transport systems. People living in poverty, women, children, youth, older persons, people with disabilities are particularly disadvantaged by the lack of accessible, affordable, safe and efficient public transport systems HABITAT II

Encouraging and researching development and use of non-motorized or low-energy transport systems

101 (d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

Exchanging knowledge on environmentally sound substitute for lead gasoline

(e) Encourage countries, in particular developing countries, to cooperate in exchanging knowledge, experience and know-how in the phasing out of lead gasoline, including the use of biomass ethanol as an environmentally sound substitute;

Reducing negative effects of transport on the environmet

Reducing unnecessary travel

Developing alternatives other than the automobile

Developing alternative fuels

102 * Managing transport in human settlements should be done in a way that promotes good access for all to places of work, social interaction and leisure and facilitates important economic activities, including obtaining food and other necessities of life. This should be done while reducing the negative effects of transport on the environment. Transport-system priorities should be given to reducing unnecessary travel through appropriate land-use and communication policies, developing transport policies that emphasize mobility alternatives other than the automobile, developing alternative fuels and alternative fuel vehicles, improving the environmental performance of existing modes of transport, and adopting appropriate pricing and other policies and regulations.

Promoting affordable, efficient and energy-saving modes of transport

* 103 bis. Non-motorized transport is a major mode of mobility, particularly for low-income, vulnerable and disadvantaged groups. One structural measure to counteract the socioeconomic marginalization of these groups is to foster their mobility by promoting affordable, efficient and energy-saving modes of transport

Reducing the need to travel

104 * (b) Coordinate land-use and transport planning in order to encourage spatial settlement patterns that facilitate access to such basic necessities as workplaces, schools, health care, places of worship, goods and services, and leisure, thereby reducing the need to travel

Promoting communications and transport planning to reduce demand for transport

* 84(g) Promote the integration of land-use, communications and transport planning to encourage development patterns that reduce the demand for transport

* 84 (g) bis Develop and implement integrated coastal zone management plans to ensure the proper development and conservation of coastal resources

Encouraging the use of an optimal combination of modes of transport

104 * (c) Encourage the use of an optimal combination of modes of transport, including walking, cycling and private and public means of transportation, through appropriate pricing, spatial settlement policies and regulatory measures

Promoting and implementing disincentive measures that discourage the increasing growth of private motorized traffic

Acknowledging that congestion is damaging environmentally

Encouraging alternative transport methods

104 * (d) Promote and implement disincentive measures that discourage the increasing growth of private motorized traffic and reduce congestion, which is damaging environmentally, economically and socially, and to human health and safety, through pricing, traffic regulations, parking and land-use planning and traffic abatement methods, and by providing or encouraging effective alternative transport methods, particularly to the most congested areas;

Giving priority to collective means of transport with adequate carrying capacity and frequency

104 * e Provide or promote an effective, affordable, physically accessible and environmentally sound public transport and communication system, giving priority to collective means of transport with adequate carrying capacity and frequency that support basic needs and the main traffic flows;

Promoting , regulating and enforcing quiet use efficient and low-polluting technologies

104 (f) **Promote, regulate, and enforce BEST—Best Ecologically Sound Traditions— practices, and , during conversion,** promote, regulate, and enforce quiet, use-efficient and low-polluting technologies, including fuel-efficient engine and emissions controls and fuel with a low level of polluting emissions and impact on the atmosphere and **actively fund and promote** other alternative forms of energy;

98(a) Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality;

* brackets removed

98(a bis.) Ensure that clean water is available and accessible to all human settlements by the year 2000 through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98a bis Ensure that clean water is available and accessible to all human settlements as soon as possible through, inter alia, the adoption and improvement of technology, and ensure that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds;

* 98 bis (c) Reduce significantly the degradation of the marine environment emanating from land-based activities, including municipal, industrial and agricultural wastes and run-off, which have a pernicious impact on the productive areas of the marine environmental and coastal areas

promoting environmentally sound renewable energy

66* (f) Access to sustainable sources of energy

Reducing energy consumption

* 69 (h) Provide incentives for engineers, architects, planners and contractors and their clients to design and build accessible energy-efficient structures and facilities by using locally available resources and to reduce energy consumption in buildings in use

* 71 [(a) Intensify and support research efforts to find substitutes for or optimize the use of non-renewable resources, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

71 [(a) Intensify and support research efforts to find substitutes for *or optimize the use of* non-renewable resources, particularly fossil fuels, and to reduce their polluting effects and paying special attention to recycling, re-use of waste materials and increased reforestation;]

Reaffirm the obligation undertaken in 1981 through the General Assembly Resolution at the UN Conference on New and renewable Sources of Energy to

move through “the transition form the present international economy based primarily on hydrocarbons to one based increasingly on new and renewable sources of energy. In addition establish a time-table for the phasing out of the use of fossil fuel and of civil nuclear energy as proposed in the 1992 Nobel Laureate Declaration.

DOCUMENTATION OF PRECEDENTS

RE: DEVELOPING SAFE AND SOUND RENEWABLE ENERGY SOURCES

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, March 1992)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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 Resolution1. United Nations Conference on New and Renewable Sources of Energy, 1981)

RE: 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)

RE: RECOGNIZING THE ADVERSE EFFECTS OF CLIMATE CHANGE

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).

RE: TREATING WASTE AS A RESOURCE

recommendation C13

Waste management and prevention of pollution

(a) The growing amount of waste material is one of the by-products of urbanization, industrialization and the consumer society; the environmental hazards it creates, together with the need to economize resources, has rendered profligate waste-generating life styles obsolete (Rec. C 13 (a) (Habitat I)

(b) In the development of human settlements the quality of the environment must be preserved. Pollution should be prevented by ;minimizing the generation of wastes; wastes which cannot be avoided should be effectively managed and whenever possible turned into a resource. (Habitat I)

(i) Adoption of pollution control measures including incentives and disincentives for location of waste-generating enterprises, and measures to selectively discourage production of materials which add unnecessarily to the waste load; (Habitat I)

(ii) better use of existing technology and development of new technology to reduce the volume of waste material generated, along with better design and choice of materials destined to become waste; (Habitat I)

(iii) Innovative use of unavoidable waste as a by-product (Habitat I)
 (vi) Use of sources of energy which have a low or no waste production (Habitat I)

(vii) Re-exploration of traditional uses of waste materials and study of their potential uses in contemporary society; (Habitat I)

ARTICLE 100

[100. The use of energy is essential in urban centres for transportation, **services, industrial BEST practices production**, and household and office activities. Current dependence on fossil-fuel-based [note that fossil=fuel was deleted in Istanbul] energy sources in most urban centres [can lead] change in Istanbul] leads to climate change, air pollution, and consequential environmental and human health problems, and [may] represent a serious threat to **socially equitable and environmentally sound development. sustainable development.** Sustainable energy production and use *can be enhanced by encouraging* **shall be undertaken through energy conservation, energy efficiency, by such means as pricing policies, fuel switching, alternative energy, mass transit and public awareness, and through the phasing out of the use of non-renewable or unsafe sources of energy. The socially equitable and environmentally sound development of Human settlements and energy policies should be actively coordinated. Regulations driving the phasing out of non-renewable and unsafe sources of energy will be essential to foster the promotion and development of BEST practices in the area of renewable environmentally sound alternative energy sources.**

* brackets removed with noted changes in Istanbul

* 101 In order to promote efficient and sustainable energy use, Governments at the appropriate levels, in partnership with the private sector, non-governmental organizations, community-based organizations and consumer groups, should, as appropriate:

* 101 (a) Promote urban and rural planning and design solutions that are conducive to efficient uses of energy and that pay due attention to end users and their attitudes and practices;

* 101 (b) Introduce appropriate measures to promote the use of renewable and safe sources of energy and to improve the efficiency of energy use in human settlements, while ensuring that people living in poverty and their families are not disadvantaged.

101 (c) Promote **energy conservation and** energy-efficient systems, for example, by introducing or supporting innovative energy-efficient measures in the generation, distribution and use of energy, such as combined heating and cooling

systems that make use of waste heat recovery, and co-generation of heating and electricity **providing co-generation is not used to justify the continued use of non-renewable or unsafe energy.** ;

101 (d) **Promote through regulations use of renewable sources of energy** and *Encourage and* research, development and use of non-motorized or low-energy transport systems and the use of renewable energy sources and technologies, such as solar, wind and biomass energy; **developed states shall not transfer non-renewable, obsolete, or unsafe sources of energy to developing states.**

101 (g) Stimulate, through fiscal incentives or other measures, and adopt energy-efficient and environmentally sound technologies in the rehabilitation of existing industries and services and in the construction of new ones;

101 (h) *Support programmes for* **Undertake the prevention,** reduction and neutralization of emissions of polluting gases, originating in the generation, transportation and use of energy;

101 (i) Provide for public education and media campaigns to encourage recycling, reuse and reduced energy consumption, **and to prepare the public for the required changes needed for the phasing out of non-renewable unsafe sources of energy;**

101 (j) Encourage the use of solar heating, cooling and electric technologies, energy efficient design, ventilation, and improved insulation of buildings, to reduce the consumption of energy in buildings, **by requiring the phasing out of non-renewable unsafe sources of energy;**

101 (k) Encourage the **cautious** use of safe industrial and agricultural waste products and other types of low-energy and recycled building materials in construction **providing that this “environment industry” is not used to justify the continued production of toxic, hazardous, or atomic wastes, or to discourage the needed change to the production of safe renewable resources from production;**

101 (l) Encourage and promote the development and dissemination of new and environmentally sound technologies, including the reduction of metal compounds as part of transportation fuels, and good practices in the use of energy.

Promoting environmental protection and public health

* 98 b bis Dispose as soon as possible, within both rural and urban areas, of sewage, waste waters and solid wastes, including hazardous wastes, in a manner that conforms with national or international environmental quality guidelines

* 98 (c) Promote environmental protection and public health by proper treatment and the recycling and re-use of environmentally compatible sanitation and treatment/disposal of waste water and solid waste;

* c bis Make a concerted effort to reduce the generation of wastes and waste products by, inter alia, setting national and local goals for the reduction of packaging

paying special attention to the built environment

(c) [95 quart. The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The large-scale development of high-rise housing can affect the micro-climate in an adverse way; it often has an alienating effect on social life; it reduces children's access to safe outdoor play; and it is difficult to maintain and operate such a habitat. The large-scale development of high-rise housing requires proper maintenance, regular technical inspection, and social control and safety measures.]

* 95 quart The design of the built environment is recognized as having an impact on people's well-being and behaviour and, thereby, on people's health. Good design in new housing and in upgrading and rehabilitation is important for the creation of sustainable living conditions. The design of high-rise housing should complement the context of the neighbourhood in which it will be located. In particular, the large-scale development of high-rise housing can bring social and environmental disadvantages; therefore special attention should be paid to the quality of its design, including scale and height, proper maintenance, regular technical inspection and safety measures.

promoting environmentally sound building materials

71 * (b) Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures

51 (c) Encourage the development of environmentally sound and affordable construction methods and production and distribution of building materials, including strengthening the indigenous building materials industry, based as far as possible on locally available resources;

51 (d) Promote the free exchange of information on the entire range of the environmental health aspects of construction, including the development and dissemination of databases on the adverse environmental effects of building materials, through the collaborative efforts of **governments and individuals and groups of civil society**. *the private and public sectors.*

70. To promote and support an adequate supply of locally produced, environmentally sound, affordable, and durable basic building materials, Governments at the appropriate levels, in cooperation with all other *[stakeholders, individuals and organizations of civil society with a wide range of experience and expertise, including particularly*

those marginalized members of society who may be adversely affected by any decision] should:

70(a) Where appropriate, encourage and support the establishment and expansion of environmentally sound, small-scale local building materials industries and the expansion of their production and commercialization through, inter alia, legal and fiscal incentives, provision of credit, research and development, and information;

70 (b) As required, provide policies and guidelines to facilitate fair market competition for building materials with enhanced participation of local *[[stakeholders]]* **individuals and organizations of civil society with a wide range of experience and expertise, including particularly those marginalized members of society who may be adversely affected by any decision.** and establish a public mechanism to enforce them;

70 (c) Promote information exchange and flow of appropriate, environmentally sound, affordable and accessible building technologies and facilitate the **intertransfer of BEST (Best Ecologically Sound Traditions) practices *technology* recognizing that in many cases traditional practices could be the most ecologically sound.**

ARTICLE 109

109. Urban economies are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating **meaningful** employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities world wide. If other factors, such as population growth of and migration to cities, are addressed effectively through, inter alia, **requiring cities not to exceed the carrying capacity of the ecosystem that sustains them**, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way through **the establishment and enforcement of mandatory standards drawn from international principles in United Nations instruments *industry, together with trade and services,* will** provides the main impetus to this process. **by driving businesses to engage in socially equitable and environmentally sound practices.**

RE: GENERATING OF MEANINGFUL EMPLOYMENT

In fact, the very construction of the physical components of human settlements- be they rural or urban, in the form of dwellings or roads, with traditional or modern technologies — in sufficient volume to meet the needs of society could become a leading sector of the economy and a major generator of meaningful employment, instead of being treated as a residual of so-called “productive” activities. (Chapt II A. 5 Habitat 1)

Promoting environmentally sound practices and technologies

65 * g Environmentally sound technologies, and the planning, provision and maintenance of infrastructure, including roads, streets, parks and open spaces

67 * (c) involve, encourage and assist, as appropriate, local communities, particularly women, children and persons with disabilities, in setting standards for community facilities and in the operation and maintenance of those facilities

promoting environmentally sound waste management

65 [(b) * Adequate sanitation and environmentally sound waste management based on perceiving “waste” as a resource, and on drawing upon innovative traditional practices.

non transference of substances or activities that are harmful to human health or to the environment

promoting alternatives to heavy metals

* 95 bis bis Exposure to heavy metals, including lead and mercury, may have persistent and harmful effects on human health and development and on the environment.

Children and people living in poverty are often particularly vulnerable, and it is of special concern that the effects of high lead levels on children’s intellectual development are irreversible. Effective and affordable alternatives to many of the uses of these metals are available. Appropriate alternatives should be sought for those products where exposure to lead can neither be controlled or managed. Habitat II

*PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING

ARTICLE 130 (2)

2. Decentralization shall be carried out within a framework of globally agreed to principles drawn from the body of United Nations instruments related to the enshrining and guaranteeing of human rights, the preserving, and protecting the environment and the fostering of peace and cooperation. Globally established mandatory standards based on these principles shall be established

Decentralization and strengthening of local authorities and their associations/networks

131. To ensure effective decentralization and strengthening of local authorities and their associations/networks **within a framework of international principles based on the enshrining and guaranteeing of respect for human rights, the preserving, conserving and protecting the environment, the ensuring of social equity and justice, and the enabling of peace and prevention of war**, Governments at all appropriate levels, including local authorities, **shall should:**

(a) Adopt and adapt, *as appropriate*, policies and legal frameworks from other Member States that are effectively implementing decentralization **while adhering to**

international principles, and contribute innovative local practices to other states that could benefit from this insight;

(b) Review and revise, as appropriate, legislation **to ensure compliance with international obligations**, increase local autonomy **participation** in decision-making, implementation, and resource mobilization and use, especially with respect to human **rights, allocation of funding for socially equitable and environmentally sound development** *technical and financial resources and local enterprise development*, within the overall framework of **international**, national, and local principles, obligations and undertakings *social, economic and environmental strategy* **and encourage genuine community involvement and participation in decision-making regarding their safe, healthy and environmentally sound communities** *city neighbourhood or dwellings*;

(c) Seek **additional funding from reducing the military budget, and from requiring corporations including transnational corporations to pay deferred taxes, and thus support** local authorities reviewing revenue generating mechanisms;

(d) Facilitate the **inter-transfer of BEST (Best Environmentally Sound Traditions) Practices** *exchange of technology, experience and management expertise* between local authorities in the delivery of services, expenditure control, resource mobilization, partnership-building and local enterprise development with businesses **that comply international obligations and demonstrate BEST practices, that have not violated human rights, caused environmental degradation or contributed to violence and conflict.**, *inter alia*, through technical twinning and **inter-transfer** *exchange* of experience programmes, **recognizing that the solutions to socially equitable and environmentally sound development could be found throughout the world**;

(e) Enhance the performance of local authorities **by requiring BEST practices**, and by undertaking comparative analysis of, and disseminating of innovative **BEST practices** in, the delivery, operation and maintenance of public goods and services, **and in fostering and developing** *and in exploiting the fiscal other* potential of their cities;

(f) *Help institutionalize* **Ensure and implement** broad-based participation in decision-making and management processes at the local level **with genuine community involvement and participation in determining the terms of reference and in having input throughout the process**;

(g) **Ensure and** strengthen the capacity of local authorities **to seek, respect and rely on genuine community involvement and participation** *engage the local private and* community sectors in goal-setting and establishing local priorities and environmentally sound standards for infrastructure development and services delivery, and local **socially equitable and environmentally sound development** *economic development*;

(h) Promote **genuine community involvement and participation in a** policy dialogue ~~between~~ **among** all levels of Government, **within a framework of governance principles, the private and community sectors** to improve planning and coordination **in implementing socially equitable and environmentally sound development;**

* hbis Within the framework of governance, establish public-private-citizens' partnerships for urban innovation and analyse, evaluate and disseminate information on successful partnerships

(i) Collect, analyse and disseminate, through **public channels**, as appropriate, comparative data on the performance of local authorities in providing for the needs of their citizens; **and facilitate the opportunity for citizens to present evidence of non compliance with obligations through national and international mechanisms**

(j) Reinforce measures to increase the participation of **indigenous peoples, migrant workers, women, children and youth and other disenfranchised groups.** Eradicate corruption and ensure greater transparency **through efficient genuine community involvement and participation in the socially equitable and environmentally sound development** of local resources;

*j Reinforce measures to eradicate corruption and ensure greater transparency, efficiency, accountability, responsiveness and community participation in the management of local resources

(k) Enable local authorities and their associations/networks to take initiatives in national and international cooperation **within a framework of international principles** particularly to share good **BEST** practices and innovative approaches to **socially equitable and environmentally sound development sustainable human settlements management**; and

133. To encourage and support civic engagement and the fulfillment of government **obligations, expectations, duties, commitments, undertakings and** responsibilities, national governments, local authorities and/or civil society organizations, as appropriate, should put into effect institutional and legal frameworks which facilitate and enable broad-based **genuine involvement and** participation of all ~~citizens~~ **people** in decision-making, **including in the determining of the terms of reference and in having input throughout the decision making process, implementation and** monitoring of human settlements *strategies*, policies and programmes, **and in presenting evidence through legal channels of non-compliance with obligations and expectations;** these institutional and legal frameworks would be specifically aimed at; *inter alia*:

133 * To encourage and support participation, civic engagement and the fulfillment of governmental responsibilities, national governments, local authorities and/or civil society organizations should put into effect, at appropriate levels, institutional and legal frameworks that facilitate and enable the broad-based participation of all people and their community organizations in decision-making and in the implementation and monitoring of human settlements strategies, policies and programmes; these institutional and legal frameworks would be specifically aimed at, inter alia

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RE: FREEDOM OF INFORMATION ACT

133 (c) Providing full, timely and comprehensible information, without undue financial burden to the applicant;

The ensuring of genuine involvement and participation of the community in decision making from the determination of the terms of reference and throughout the process. The facilitation of citizens' awareness of the causes of their problems and of their capacity to solve the problems.

* Ensure adequate opportunity for public participation by all interested parties at all levels of environmental decision-making

* Believing that the rights to information and participation need to be guaranteed through legally binding measures in combination with effective mechanisms ensuring public participation access to information and access to justice.

Underlining the rights of citizens to access to information about the environment, in the access to information about the environment in the absence of a compelling reason for keeping such information from public scrutiny;

Welcoming the decision to develop a UN/ECE Convention on Access to Environment Information and public Participation in Environmental decision making.

We call upon States of the United Nations to develop a global Convention within the framework of the United Nations, ensuring that the democratic right to information and participation are upheld throughout the world.

on all States in the world to adopt and implement national legislation to this effect.

Ensure the right of access applies to any person, irrespective of, for example, citizenship, residency and without their having to prove an interest

The definition of information covered should be sufficiently broad to ensure that all significant information is covered

(iv) exemption of information should only be permitted under explicit and narrowly defined circumstances where non-disclosure can be shown to be in the public interest;

(information should be supplied within 10 working days of the request, and in the form specified by the person making the request (for example on paper, on disk) provided it is held in that form

(iv) charges levied for providing information should not exceed the material costs of copying and supplying the information with fee waiver provisions for small amounts of easily accessible information

(v) a person refused or overcharged for information should be able to contest the decision through an appeals process which is timely, low-cost, transparent, binding, independent and comprehensive.

(viii) officials wrongfully withholding information should face the risk of penalties for example, in the form of disciplinary action

B. Measures are introduced to ensure that public authorities are themselves in possession of adequate information; Such measures should include the supply of information to public authorities on a mandatory basis through mechanisms.

(c) The “passive” obligation to respond to public requests for information is complemented by an active obligations to keep the public informed on matters related to issues.

(d) Provisions relating to public participation ensure that:

(i) the right to participate extends in principle to any natural or legal person as well as organisations

(ii) the range of decisions in which public participation occurs is sufficiently broad to encompass all decisions that have significant implications.

(iii) financial barriers do not prevent meaningful participation or lead to imbalances in participation

(iv) public consultation commences early in a given decision-making process with due public notice given and a reasonable time allowed for public comment; and with the opportunity to assist in the determination of the terms of reference

(v) a reasoned decision is published addressing each of the substantive arguments raised in the decision making process.

(vi) the public have the right to appeal a decision, or the manner in which it was arrived at, through an appeals process which is low-cost, independent and transparent and which preceded confirmation and implementation of the decision.

(g) All states provide individuals and organizations with effective access to the courts and administrative appeals processes to contest any action presenting a threat or considered to be breach of law, at a reasonable cost

(i) rights of access to judicial or administrative proceedings should include for any person without their having to prove an interest.

the right of access to administrative review of an administrative decision proposal, where the possibility of such a review exists within the national legal system, if an administrative act is believed to violate a rule of law.

the right to seek a judicial review of a decision or act of a public body (including a failure to act) considered to be in breach of the law

The right to take action directly against those carrying out, having carried out or about to carry out harmful activities who are considered to be in breach of the law

(ii) Where judicial remedies are sought, states should provide for the possibility of effective interim relief.

(iii) the cost of administrative and judicial proceedings, including lawyers' and expert's fees and possible security deposits, should not present a barrier to the commencement or continuation of such proceedings. In particular, a successful plaintiff should be entitled to recovery of all cost reasonably incurred. If the action is unsuccessful, but has been brought on the basis of an arguable case and in good faith, the plaintiff should not be required to pay court fees or the cost of other parties.

TO BE COMPLETED

THE ESTABLISHMENT OF PRINCIPLE-BASED DECISION MAKING

* The ensuring of the genuine involvement and participation of the community in decision making from the determining or the terms of reference and all throughout the process.

* The facilitating of citizen's awareness of the cause of their problems and of their capability of solving the problems.

SPECIFIC MEASURES

* The ensuring of socially equitable and environmentally sound communities within the carrying capacity of the environment

* The restoring of natural areas, preserving of significant ecosystems and the freezing of development in agricultural land

- * The establishing, preserving and restoring wild life corridors for ranging and migratory animals, and continuity of plant species.
- * The identifying of biodiversity, the carrying out of environmental assessment reviews of activities that could contribute to loss or reduction of biodiversity, and the invoking of the precautionary principle
- * the controlling and regulating of space to grow, and the identifying of areas designated for specific purposes such as agriculture and housing, and providing green spaces, and green buffer zones and pathways
- * The designing of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy
- * The preventing of the production of wastes which are harmful to human health, which cause environmental degradation or which cannot be reused as a resources.
- * The creating of a transportation infrastructure that makes walking, cycling and public transportation safe, convenient and accessible, and that moves away from car-dependency. The right to public transit in contrast to the privilege of car use

The ensuring of the reversal of the transferring of citizens from rural areas to urban areas by providing some of the benefits from the urban to the rural areas

- * The setting up of a needs-oriented approach underlying all design of human communities so that health and livability are always proactively supported
- * The recognizing that learning by doing provides integrated understanding and longterm commitment to place a new community -based approach to planning, and development of ? which harnesses the skills of developers and urban designers as community servants rather than imposers of structure.
- * The establishing of guidelines for mixed income communities
- * The ensuring that community plans are binding and enforceable
- * the ensuring that intermittent use of land does not interfere with the cultural patterns in the community
- * The preserving of the village and city integration in social and functional terms

The banning of the use of pesticides in community land, agricultural and forest areas

The elimination of crime through reducing mistrust, alienation and marginalization

The providing of human including all forms of family friendly cities

DIRECTION OF URBANIZATION TOWARDS SOCIAL JUSTICE AND ENVIRONMENTAL HEALTH

Mindful that the driving force causing the growth of the city is the dynamic of urbanization, governments must be constantly aware that individuals come to the city seeking personal growth and employment opportunities. It is the challenge and opportunity of the Federal, State and Local governments to ensure that all citizens have open and free access to the greatest number of educational, social and employment opportunities. And that these activities take place in a safe, healthy, affordable ecologically sustainable environment.

It is the responsibility of the local government to develop and promote an appropriate Vision Statement which reflects the highest hopes and aspirations of its population and to create the policies and practices appropriate to the vigorous implementation of these goals and plans. Of specific importance should be policies and actions that promote healthy, happy, successful family community life.

Cities should develop long range, area wide, comprehensive plans, that include specific means for compliance and implementation, without which plans are mostly useless. Political officials must implement enforcement processes by which they themselves will be held accountable to the highest moral, ethical and managerial standards.

The planning process must start from the bottom up, and must be citizen based. Citizens must be at the center of the process at all levels, and in all respects.

Understanding that the modern city is caught in the rip tide forces that often include of serving, profiteering developers on one hand and inept and corrupt politicians on the other, and overwhelming population on the third, and inadequate resources on the fourth, the challenges are immense. Additionally, because the city is dynamic and ever changing, plans and implementation must be flexible.

Cities should implement regulations and plans that call for multi-layer planning to integrate all major elements of the urban fabric. Social, financial, and functional integration should be required of any new development. Current zoning regulations that prevent these practices should be abolished. Specifically, financial integration should be practiced in all residential housing and neighborhoods. The majority of people's daily and weekly needs should be within easy walking distance of their dwelling unit. The goal is to break the dependence on the automobile.

The achievement of these visions, goals and objectives will require major reform and structural changes in the system as they now exist. It is the responsibility of governments to lead the way in initiating and funding socially equitable and environmentally sound research, facilitating, implementing and enforcing these reforms. Government should also drive research through regulations that will foster BEST (Best Environmentally Sound Traditions) practices.

We, the participants of the NGO Forum the urbanization caucus held in Istanbul May 30 to June 15, 1996 have prepared statements in support of the implementation of the Habitat Agenda and action Plan.

The process of urbanization is affecting the human sphere. Urbanization should not be focused on one sided economic growth and technological development, economically and environmentally. Increased economic production and the technological revolution did not bring about a better life for people as development strategies has promised. On the contrary, there was extensive human misery, dehumanization and oppression and wide spread ecological deterioration as never before experienced.

We believe that the key to the redirection of urbanization lies in their active participation in decisions that affect their own lives, their growth in community, and this meant having control of and access to resources.

SPECIFIC MEASURES RELATED TO URBANIZATION

Ensuring socially equitable and environmentally sound communities within the carrying capacity of the environment

The provision in all habitat development work for the consideration of the bio-regional, sociocultural historic and detailed ecological context and design to respect and enhance these qualities

The restoration of natural areas, preservation of significant ecosystems and the freezing of development on agricultural land

The establishment, preservation and restoration of wildlife corridors for ranging and migratory animals, and continuity of plant species.

The pre-identification of the elements and internal connectivity of habitats and their biodiversity, the environmental impact assessment of activities that could contribute to loss or reduction of biodiversity, and the invocation of the precautionary principle in all developmental enterprises

The control and regulation of space to grow, and the identification of areas designated for specific purposes such as agriculture and housing, and provision of green spaces, and green buffer zones and pathways

The design of cities for energy conservation, the phasing out of fossil fuels, and other non-renewable form of energy, and the phasing out of nuclear energy

CANCELLING DEBT

The cancelling of third world debt by the replacement of structural adjustment programs with programs of reparation through debt cancellation for the violation of human rights, for the causing of environmental degradation for the contributing to violence and war

DEBT FORGIVENESS

61 (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to

social development programmes and projects in conformity with Platform priorities;

***PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING**

COMMON GOOD

All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good.... (Habitat II19)

NOVEMBER NOVEMBER 1996

() **THAT** in 1996 in November I sent in a comment to the Post Habitat II meeting in Toronto

() THAT in 1996 at the end of the Beijing and Habitat conferences, the Global Compliance Research Project had a network of over 100 representatives from over 70 States worldwide. There is a network of over 20 women in Canada, involving representatives from Universities and research institutions from a wide range of disciplines, and activists. The GCR Project is currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II.

**EXHIBIT
1996 NOVEMBER**

Subject: Re: Habitat II Follow-up
MIME-Version: 1.0
Status: RO
X-Status:

() THAT in 1996, I made a comment about the editorial Board at habitat II On a personal note. I was a member of the editorial committee for the NGO document that will be included along with the Committee II government document. I was appalled at the behaviour of a fundamentalist women, from "Real Women" from Toronto who undermined the whole NGO editing process. Thanks to her bigotry, and narrowness the NGO document was extremely weak. I suppose I could add thanks to her, the need for an Istanbul Manifesto became essential to supplement the NGO document

counteract the weakened NGO submission.

Thank you for letting me
know about the meeting in Toronto

Dr Joan E. Russow
Sessional lecturer, Global Issues, Environmental Studies, University of
Victoria
Coordinator, Global Compliance Research project
Chair, Urbanization Caucus, NGO forum Habitat II

(include) THAT in On Mon, 4 Nov 1996, Nicholas Volk wrote:

Dear Friends of Habitat II,

A cordial invitation to anyone and everyone in our Toronto, Canada area
on Thursday, November 14, 1996 to our Habitat II follow-up session:

"BRINGING THE HABITAT AGENDA HOME - FROM ISTANBUL TO TORONTO"
A forum on the United Nations Conference on Human Settlements

1730 - 2130 (7:30 PM to 9:30 PM)

at the Toronto Baha'i Centre

288 Bloor Street, West

For more information please contact

Joell Vanderwagen tel: 416-482-9328

Our Non-Governmental Organizations in the Toronto area who had been to
Istanbul (and those unable to go) believe it is essential to keep the
pressure on our governments to work toward and meet their commitments
made at Istanbul, and to work toward achieving the action outlined in the
final Agenda.

As such, we are holding this session open to all in our metropolitan
area (about 4 1/2 million in the Greater Toronto Area).

The questions we will be exploring and the questions we will be answering
are:

"What agreements were achieved at Habitat II ?" "What was gained and what
was lost ?" "Who is implementing the Habitat Agenda and how is it being
done ?" "How can the Habitat Agenda be used to improve our cities in the

face of increasing fiscal restraint and deregulation ? "

Speakers will include reps from

- International Council on Local Environmental Initiatives
- Centre for Equality Rights and Accommodations
- Grass Roots Women Organizing Together
- Rooftops Canada (Barry Pinskey)

What is your group doing to follow-up on Habitat II ?

Many kind regards and best wishes,

Nick

Nicholas Volk

Metropolitan Toronto
Habitat for Humanity
18 Coldwater Road
Toronto, Ontario, Canada
M3B 1Y7

Society for St. Vincent de Paul
Toronto Central Council
240 Church Street
Toronto, Ontario, Canada
M5B 1Z2

Contact:

Telephone 416-924-2160

Fax 416-924-2722

e-mail cf354@freenet.toronto.on.ca

() THAT I 1996 at the conference , there was a religious panel with a First nation representation, a catholic priest , a member of the Bahai and a buddhist

I posed the question: in your faith what would you do if someone with views contrary to your faith worked in an area contradicting your principles wanted to become a member the first nations opposed the person from being a member, with the Bahai I pointed out "the inconsistency that Dupont had become a Bahai". There response was:" t does not matter what a person does outside". The Buddhist said once there was a scientist who worked on the development of chemical weapons. Initially, they did not want him to be a member but they changed their minds, and he ended up working on the banning of chemical weapons. The priest did not respond.

() THAT in 1996,

I had grave reservations about having contributed to the approval of Jack Littlepage's CIDA project in Santa Catalina Brazil

() THAT in 1996 I gave a talk to the visiting Brazilians from Santa Catalina and found out that Dr Jack Littlepage discounted their concerns about the environmental impacts of the project in Santa Catalina and whether it would be socially equitable and environmentally sound

COMMENT

Jack Littlepage's Brazil project received funding, and several Brazilians associated with the project came to Victoria, and I was invited to give a talk on the environment. After I gave my talk, many of the Brazilians expressed concern about the environmental impact of the project and at the meeting I felt compelled to indicate that I shared many of their concerns. I was never contacted again by Jack Littlepage .

JACKLITTLE PAGE IS IN THE FACULTY OF GLOBAL AFFAIRS WHOSE DIRECTOR IN 1996 WAS DIRECTOR I WAS GORDEN SMITH

NOTE in 1996 Gordon Smith' background before joining the Centre of global affairs

Dr. Gordon Smith received his Ph.D. from the Massachusetts Institute of Technology where he studied international security and global interdependence. After his graduation, he returned to Canada and began what would become a long and distinguished career as a public servant.

Initially, Dr. Smith worked on Canada's relationship with NATO and the North American Aerospace Defense Command (NORAD) within the Ministry of Defence and Department of External Affairs, but was soon promoted to work in the Privy Council Office. In 1979, Dr. Smith became the Deputy Under-Secretary of State at External Affairs, and in 1985, the Deputy Minister. Shortly thereafter, he was dispatched to Brussels and became the Permanent Representative and Ambassador to the Canadian delegation to NATO. He was subsequently named Canada's Ambassador to the European Union.

Dr. Smith returned to Canada in 1994 and was appointed deputy minister of Foreign Affairs. It was during this time that he began his personal involvement with the G7/G8, as the Sherpa (personal representative) for the Prime Minister at the G7/G8 summits in Halifax, Lyon, and Denver.

After retiring from the Government of Canada in 1994, Dr. Smith joined the University of Victoria as the Executive Director of the Centre for Global Studies, and was appointed chair of the Board of Governors at the International Development Research Centre.

Once he concluded his time at CFGS in 2010, he joined the Centre for International Governance Innovation as a Distinguished Fellow, and has since been a key contributor to its G20 research activities, events, and publications.

When he was the director there probably would have been CORPORATE funding which could have influenced the source of funding

[I always remember at a meeting attended by Gordon Smith, at UVic, I defended the UNGA and he responded would we want decisions to be made by countries like ANGOLA

DECEMBER DECEMBER 1996

TITLE OF THE PROJECT

Synthesis of **Obligations Incurred and Expectations Created.: Knowledge of International Agreements as an Instrument of Change**

() THAT in 1996, the GCR Project also participated in the Habitat II Conference, and prepared a 150-page book, "A comment on the Habitat II Agenda: Moving Beyond Habitat I to discharging obligations and fulfilling expectations." This book included the articles of the Habitat II Agenda in sequence, placing each of the bracketed sections of the draft Habitat II Agenda in the context of Habitat I and in the context of previous obligations and expectations. This document was distributed to state delegations at the Habitat II Conference in Istanbul. At this conference, the GCR Project initiated a Global Compliance Caucus where the Global Compliance resolution and the petition for an International Court of Compliance were reviewed, revised and distributed, chaired the urbanization caucus, and was on the editorial committee for preparing the NGO submission to Committee II. The GCR Project also made several interventions to Committee II on the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) Practices, and on the need to substantially reduce the military budget and transfer the funds, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

At the end of the of the Beijing and Habitat conferences, the GCR Project had a network of over 100 representatives from over 70 states worldwide. It is undertaking to increase this representation to over 150 states. There is a network of over 20 women in Canada, involving representatives from Universities and research institutions from a wide range of disciplines, and activists. The GCR Project is currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II, and adding additional international obligations and expectations omitted in the previous publication or incurred or created through recent International agreements. In addition, the project is (a) extracting international principles and delineating proposals on what would constitute

compliance with these international obligations, and expectations; and (b) undertaking to do a comparative analysis among states of the systemic constraints that are preventing states from the discharging of obligations and from the fulfilling of expectations.

GOALS AND OBJECTIVES OF THE PROJECT

The overall goal of the Global Compliance Research Project is to carry out extensive and continuing research into significant obligations incurred and expectations created through international agreements, and to disseminate this information to a global wide network of academics/researchers/activists. Through the publication and distribution of the "Charter of Obligations" and the "Habitat II" document, the Global Compliance research project has attempted to disseminate information about the nature and substance of the international principles extant in international agreements. What is needed now is a synthesis of the principles with an accompanying delineation about what would constitute compliance or non-compliance with these principles.

Since the Beijing and Habitat conferences numerous requests have been made for the CIDA funded material, the "Charter of Obligations." Since both the Charter of Obligations, and the Habitat Agenda Comment, were designed specifically for those conferences, they have become somewhat dated. What is needed now for distribution is a synthesis of the international agreements drawing upon and expanding on the original research.

A synthesis of principles will be prepared from international agreements drawing upon obligations incurred through the Charter of the United Nations, the UN Conventions, treaties, and covenants, and the expectations created through declarations, conference action plans, and General Assembly resolutions. In addition, to synthesizing the international obligations and expectations an analysis will be done on This synthesis will draw on previous work done by the Global Compliance Research project in consultation with the international advisory committee. A survey will be carried out to determine key principles to be examined in this phase of the project. Istanbul manifesto

A content analysis of the systemic constraints will be carried out including a comparative analysis of systemic constraints that are peculiar to a particular state, region etc. A synthesis of these systemic constraints will be carried out and integrated with the systemic constraints delineated in the Global Compliance Research of Obligations." A comparative analysis will be carried out to determine what actions need to be taken to overcome these constraints; in addition, an analysis of what systemic constraints might be in place to prevent the actions from being carried out.

The actions in this phase of the project will be linked to significant international events such as the 5-year review of UNCED in 1997, the 50th Anniversary of the Universal Declaration of Human Rights, the culmination of the decade devoted to the furtherance of international law, 1999 (Global Compliance Resolution). and the year 2000 the beginning of a decade devoted to promoting and fully guaranteeing respect for human rights, including equality between women and men; to preventing

environmental degradation and to ensuring the preservation and protection of the environment; to creating a global structure that respects the rule of law, to achieving a state of peace, justice and disarmament, and to enabling socially equitable and environmentally sound development.

RESULTS

If there is to be global change, it is essential for civil society to become aware of the principles established through international agreements. This project, through the new synthesis of international principles, will provide civil society with a knowledge base from which to propose change through international instruments. In addition, the expansion of the principles to include what would constitute compliance or non-compliance will be essential for policy makers.

The international advisory committee of the Global Compliance Research project is composed primarily of women academic/activists throughout the different regions of the world. The women involved in the project have realized the importance of disseminating information about the obligations incurred and expectations created as instruments of change.

() **THAT in 1996**, December, with Dr Fred Knelman, I co-authored and distributed a criticism of the sale of CANDU reactors to China

EXHIBIT

1996 DEC

CANDU SALE TO CHINA VIOLATES CANADA'S INTERNATIONAL UNDERTAKINGS

The sale of CANDU reactors to China violates principles that Canada along with the other member states of the United Nations has undertaken to fulfill. through various Conventions and Conference Agendas or Action plans.

At the United Nations Conference on the Environment and Development (UNCED, 1992) Canada agreed to the precautionary principle which states:

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, UNCED 1992)

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 (Rio Declaration, UNCED, 1992)

There is sufficient evidence that the continuation of civil nuclear power results in threats of serious or irreversible damage because of serious and far-reaching

environmental and health consequences of civil nuclear reactor accidents; because of the inability to safely dispose of nuclear wastes; because of the inability to ensure that there will not be sabotage, and because of the uncontrollable linking between civil nuclear reactors and nuclear arms.

In 1992, in a Declaration submitted by 37 Nobel Laureate scientists to the United Nations Conference on Environment and Development, there was a call to phase out nuclear energy.

Also, at the United Nations Conference on the Environment and Development, the members states of the United Nations undertook to prevent the transfer of substances and activities that cause environmental degradation or are harmful to human health to other states (Principle 14, Rio Declaration)

Numerous studies have been conducted indicating the environmental degradation and harm to human health caused from the disposition of nuclear wastes, or from nuclear accidents.

At the recent Habitat II conference, (1996) Canada along with other member states of the United Nations undertook to prevent disasters, promote a culture of safety, and promote environmentally sound energy such as solar, wind, etc.: All these undertakings have been ignored in the sale of CANDU reactors to China.

Concern has also been expressed internationally about the linking of civil call to phase out nuclear energy.

Also, at the United Nations Conference on the Environment and Development, the members states of the United Nations undertook to prevent the transfer of substances and activities that cause environmental degradation or are harmful to human health to other states (Principle 14, Rio Declaration)

Numerous studies have been conducted indicating the environmental degradation and harm to human health caused from the disposition of nuclear wastes, or from nuclear accidents.

At the recent Habitat II conference, (1996) Canada along with other member states of the United Nations undertook to prevent disasters, promote a culture of safety, and promote environmentally sound energy such as solar, wind, etc.: All these undertakings have been ignored in the sale of CANDU reactors to China.

Concern has also been expressed internationally about the linking of civil nuclear reactors with the proliferation of nuclear arms. In a World Conservation Union (IUCN) resolution at the recent World Conservation meeting in Montreal, it was affirmed that no satisfactory method has been found to halt nuclear proliferation or to prevent diversion of nuclear material by subversive or terrorist elements. In fact the US bans the export of reactors to China because of China's record in

providing nuclear military technology to countries which are known to have dedicated programs to build nuclear weapons. China's record is thus a total violation of the principle of nuclear non-proliferation.

Through industry-driven commitments, Canada has pursued an historical role of placing the commercial aspects of nuclear reactor sales of CANDU above its oft-avowed support for the non-proliferation of nuclear arms. More recently Canada failed to protest further nuclear tests by China in order to protect a multi-billion-dollar sale of CANDU reactors. It is inevitable that China will extract plutonium from waste fuel to manufacture weapons. Given that the five nuclear weapons states are immune from inspection under the non-proliferation Treaty.

Dr. Joan Russow Coordinator, Global Compliance Research Project, Chair, BCEN (British Columbia Environmental Network) International Affairs Caucus, Member of the IUCN (World Conservation Union) Commission on Education and Communication) (250) 598-0071

Dr. Fred Knelman, Director, Vancouver Island Peace Society, Vice-president of the Whistler Foundation for a Sustainable Environment

()THATin 1996 in December 12, I was invited to submit comments

()1996 **SUBMISSION TO ENVIRONMENT CANADA MADE TO THE RIO+5 INTERSESSION ISECTION BY SECTION COMMENT**

NOTE THAT COMMENTS BY JOAN RUSSOW ARE IN CAPITAL LETTERS.

NOTING STILL THAT THE URGENCY REMAINS

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).

THIS IS THE TIME TO ENSURE THAT THE DOCUMENTS FROM UNCED WHICH ATTEMPTED TO BE ALL-EMBRACING FULLY INCORPORATE THE ADVANCES MADE IN OTHER CONFERENCES. OTHERWISE THE WHOLE REVIEW PROCESS OF UNCED WILL BE RETROGRESSIVE. IN ADDITION TO INTEGRATING RECOMMENDATIONS FROM RECENT CONFERENCES INCLUDING HABITAT II, THE UN SHOULD MOVE BEYOND UNCED BY INTEGRATING THE OBLIGATIONS INCURRED THROUGH THE,CHARTER OF THE UNITED NATIONS, CONVENTIONS, TREATIES AND COVENANTS; THE EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS, AND DECLARATIONS, AND THE COMMITMENTS MADE THROUGH CONFERENCE ACTION PLANS.

AS IT IS THE DOCUMENT THAT RECENTLY EMERGED HAS REGRESSED FROM THE DOCUMENTS

DRAFT REPORT OF THE AD HOC INTERSESSIONAL WORKING GROUP
OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT
(New York 24 February - 7 March 1997)

INTRODUCTION

In accordance with the mandate given by the United Nations General Assembly and reconfirmed by the Fourth session of the CSD, the goal of the meeting of the Ad Hoc InterSessional Working Group was to assist the Fifth session of the CSD in the preparations for the Nineteenth Special Session of the Assembly to be held in accordance with its resolutions 50/113 and 51/181 in June 1997 for the purpose of an overall review and appraisal of the implementation of Agenda 21.

The document entitled "Proposed outcome of the Special Session" contained in this report is a compilation of the main proposals made and concerns expressed during the meeting by the participants regarding the key issues that should be addressed in the context of further preparatory work for the Special Session. It was prepared by the Co-Chairmen of the Working Group on the basis of detailed discussions held during the meeting. It is not a negotiated text.

It was agreed that the document would be further studied by all delegations and groups, including in their capitals, during the period between the Ad-hoc Working Group and the Fifth Session of the CSD and would serve as the starting point for further discussion at the High-Level Segment of the CSD.

Proposed Outcome of the Special Session.
IT SHOULD BE RECOGNIZED INITIALLY THAT STATES HAVE INCURRED OBLIGATIONS FROM CONVENTIONS, TREATIES, AND COVENANTS THAT SHOULD FORM THE BASIS OF THE REASSESSMENT.
IN ADDITION, STATES HAVE CREATED EXPECTATIONS THROUGH GENERAL ASSEMBLY RESOLUTIONS AND DECLARATIONS,
AND MADE COMMITMENTS FROM CONFERENCE ACTION PLANS

NOTING THAT THE YEARS OF ACCRUED STATE OBLIGATIONS TO IMPROVE THE QUALITY OF LIFE THROUGH RECOGNIZING THE RIGHT TO SHELTER, THE RIGHT TO SOCIAL SECURITY, THE RIGHT TO EQUALITY, THE RIGHT TO PEACE AND THE RIGHT TO A SAFE ENVIRONMENT HAVE NOT YET BEEN DISCHARGED.

IN 1974 THROUGH GENERAL ASSEMBLY RESOLUTIONS WE RECOGNIZED "UNITED DETERMINATION TO WORK URGENTLY FOR THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER BASED ON EQUITY, INTERDEPENDENCE, COMMON INTEREST AND COOPERATION WITH SYSTEMS WHICH SHALL CORRECT INEQUALITIES AND ADDRESS EXISTING INJUSTICES... AND TO ENSURE STEADILY SOCIAL DEVELOPMENT AND PEACE AND JUSTICE FOR PRESENT AND FUTURE GENERATIONS (PREAMBLE, DECLARATION ON THE ESTABLISHMENT OF AN NEW INTERNATIONAL ECONOMIC ORDER, 1974).

I. Statement of commitment

1. This could be either a Preamble to a "consolidated text" or a self-standing concise declaration to which other part(s) could be annexed or cross-referred to. The statement inter alia should:

- be politically attractive, forward looking and provide a clear focus,
- reaffirm the final documents of Rio as the foundation and long-term policy framework for sustainable development,
- highlight the main achievements since UNCED at international, national and institutional level, and the significant contribution made by the major groups;
- address the vicious circle of poverty, lack of capacity and resources in developing countries and the importance of global partnership and international cooperation to support their efforts to achieve sustainable development;
- reiterate the need for changing consumption and production patterns;

RESOLUTION: CONDEMNATION OF THE UNSUSTAINABLE PATTERN OF CONSUMPTION, AND PROVIDING FOR SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RECOGNIZING THE CONCERN EXPRESSED IN HABITAT I ABOUT EXCESSIVE CONSUMPTION "HUMAN SETTLEMENT POLICIES AND PROGRAMMES SHOULD DEFINE AND STRIVE FOR PROGRESSIVE MINIMUM STANDARDS FOR AN ACCEPTABLE QUALITY OF LIFE. THESE STANDARDS WILL VARY WITHIN AND BETWEEN COUNTRIES, AS WELL AS OVER PERIODS OF TIME, AND THEREFORE MUST BE SUBJECT TO CHANGE IN ACCORDANCE WITH CONDITIONS AND POSSIBILITIES.

SOME STANDARDS ARE MOST APPROPRIATELY DEFINED IN QUANTITATIVE TERMS, THUS PROVIDING PRECISELY DEFINED TARGETS AT THE LOCAL AND NATIONAL LEVELS. OTHERS MUST BE QUALITATIVE, WITH THEIR ACHIEVEMENT SUBJECT TO FELT NEED. AT THE SAME TIME, SOCIAL JUSTICE AND A FAIR SHARING OF RESOURCES DEMAND THE DISCOURAGEMENT OF EXCESSIVE CONSUMPTION (III 16 HABITAT I, 1976)

CONCURRING WITH THE PLATFORM OF ACTION ABOUT THE CONTINUED IMPACT ON ENVIRONMENTAL DEGRADATION ARISING FROM UNSUSTAINABLE PRODUCTION AND CONSUMPTION PATTERNS: "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" (ART 246, ADVANCE DRAFT, PLATFORM OF ACTION, UN. CONFERENCE ON WOMEN, MAY 15)

CONCURRING WITH AGENDA 21, UNCED, THAT "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, UNCED)

CONCURRING ALSO WITH AGENDA 21, UNCED, 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)

CONCURRING ALSO WITH THE SUBSEQUENT REAFFIRMATION IN THE PLATFORM OF ACTION, UN CONFERENCE ON 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), AND REAFFIRMED IN ART. 37 OF THE PLATFORM OF ACTION, UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT AND PEACE)

NOTING IN HABITAT II THAT MEMBER STATES OF THE UNITED NATIONS UNDERTOOK TO REDUCE THE ECOLOGICAL FOOTPRINT

RECOGNIZING THE FAILURE OF CORPORATE VOLUNTARY PROGRAMS WHICH HAVE TOO OFTEN BEEN REPLACED THE GOVERNMENT REGULATORY ROLE. THROUGH THE CANADIAN STANDARDS ASSOCIATION SUPPORT FOR ISO 14000 THE GOVERNMENT

IS MOVING AWAY FROM WHAT IS DESCRIBED BY INDUSTRY AS "COMMAND AND CONTROL". FOR YEARS THROUGH SYMPATHETIC ADMINISTRATIONS, CORPORATIONS HAVE BEEN ABLE TO CONTROL THE MODEL OF CONSUMPTION. ISO 14000 REFLECTS THE RELEGATION OF GOVERNMENT RESPONSIBILITY. ISO 14,000 IS NON-MANDATORY NON-NORMATIVE AND NON-PERFORMANCE BASED (IN CONTRAST TO THE EMAS). IN ESSENCE WITH THE ISO 14000 INDUSTRY ESTABLISHES ITS OWN ENVIRONMENTAL POLICY AND THEN IS ASSESSED BY "ENVIRONMENTAL AUDITORS" ON HOW WELL THE INDUSTRY CONFORMS TO ITS SELF INITIATED STANDARDS.

NOTING THAT IN THE PLATFORM OF ACTION FROM THE UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT AND PEACE (1995) AND IN THE HABITAT II AGENDA FROM THE HABITAT II CONFERENCE (1996) MEMBER STATES HAVE UNDERTAKEN "TO ENSURE THAT CORPORATIONS, INCLUDING TRANSNATIONAL CORPORATIONS, COMPLY WITH NATIONAL LAWS AND CODES, SOCIAL SECURITY REGULATIONS, APPLICABLE INTERNATIONAL AGREEMENTS AND CONVENTIONS, INCLUDING THOSE RELATED TO THE ENVIRONMENT, AND OTHER RELEVANT LAWS. (ARTICLE 167). IN HABITAT II THIS UNDERTAKING WAS REAFFIRMED AND THEN EXTENDED TO INCLUDE THE UNDERTAKING BY STATES TO ENSURE THAT THE "PRIVATE SECTOR" ALSO COMPLY (ARTICLE 148).

WE CALL UPON THE MEMBER STATES OF THE UNITED NATIONS, PARTICULARLY THOSE IN THE DEVELOPED COUNTRIES, TO REDUCE THE ECOLOGICAL FOOTPRINT BY CHANGING THE CURRENT MODEL OF CONSUMPTION

THE SIGNIFICANCE OF THE ORIGINAL EARTH SUMMIT WAS THAT FOR THE FIRST TIME AT A CONFERENCE THERE WAS A WILLINGNESS TO EXAMINE THE COMPLEXITY AND INTERDEPENDENCE OF ISSUES, BUT THE LACK OF POLITICAL WILL TO ADDRESS THE MILITARY CONTRIBUTED TO THE UNDERMINING OF THE WHOLE ENDEAVOUR. . ALTHOUGH MANY OF THE ISSUES THAT NEEDED TO BE ADDRESSED WERE EXAMINED, THE RESOLVE TO ACT TO BRING ABOUT CHANGE APPEARED TO BE LESS IN MANY CASES THAN WHAT HAD BEEN EXPRESSED IN OTHER PREVIOUS UN INSTRUMENTS.

IN THE FIRST SUMMIT AS HAS BEEN THROUGHOUT THE UNITED NATIONS, DOCUMENTS EMERGE AS WELL-CRAFTED STATEMENTS AND PRINCIPLES WITH AN ABUNDANCE OF "NOTWITHSTANDING" AND "AS APPROPRIATE" CLAUSES". UNFORTUNATELY, MANY OF THE STRONG PRINCIPLES HAVE BEEN PERCEIVED MORE AS GUIDELINES OR GOALS AND NOT AS OPERATIVE PRINCIPLES OF ACTION. OFTEN THESE PRINCIPLES ARE ENUNCIATED BUT WHAT WOULD CONSTITUTE COMPLIANCE WITH THE PRINCIPLE IS NOT CLEARLY DETERMINED.

CORPORATIONS INCLUDING TRANSNATIONALS WITH THE SUPPORT OF SYMPATHETIC ADMINISTRATIONS HAVE CONTINUED TO DISREGARD PRINCIPLES. WHAT IS NEEDED NOW IS COMPLIANCE WITH PRINCIPLES REFLECTED IN

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PREVIOUS OBLIGATIONS, EXPECTATIONS AND COMMITMENTS. FOR EXAMPLE, A STRONG PRINCIPLE SUCH AS PRINCIPLE 14 OF THE RIO DECLARATION, THAT "STATES SHOULD PREVENT THE TRANSFER TO OTHER STATES OF SUBSTANCES AND ACTIVITIES THAT CAUSE ENVIRONMENTAL DEGRADATION OR ARE HARMFUL

TO HUMAN HEALTH" HAS NOT BEEN IMPLEMENTED AND COMPLIED WITH. STATES HAVE NOT PREVENTED THE TRANSFER OF TOXIC, HAZARDOUS, AND

ATOMIC WASTES TO OTHER STATES; STATES STILL SELL NUCLEAR REACTORS, AND CIRCULATE AND BERTH NUCLEAR POWERED AND NUCLEAR ARMED VESSELS. IN THE RECENT COMMISSION ON SUSTAINABLE DEVELOPMENT (CSD) DOCUMENT THE STATES HAVE USED THE NOTION OF "PRIOR INFORMED CONSENT" WHICH HAS BECOME A DEVICE FOR AVOIDING EXTRATERRITORIALITY. (WHAT RIGHT HAVE WE TO IMPOSE OUR HIGH STANDARDS ON DEVELOPING COUNTRIES THEY HAVE EVERY RIGHT TO ACCEPT OUR TOXIC, HAZARDOUS AND ATOMIC WASTES PARTICULARLY IF THERE IS PRIOR INFORMED CONSENT)

IF THE EARTH SUMMIT II IS TO BE IMPORTANT IT MUST BE A TIME OF COMPLIANCE, AND TIME OF DISCHARGING OBLIGATIONS, FULFILLING EXPECTATIONS, AND ACTING ON COMMITMENTS.

STATE AND CORPORATE COMPLIANCE WITH OBLIGATIONS, EXPECTATIONS AND COMMITMENTS.

FOR FIFTY -TWO YEARS THROUGH INTERNATIONAL AGREEMENTS, THE MEMBER STATES OF THE UNITED NATIONS HAVE UNDERTAKEN:

- (I) TO PROMOTE AND FULLY GUARANTEE RESPECT FOR HUMAN RIGHTS;
- (II) TO ENSURE THE PRESERVATION AND PROTECTION OF THE ENVIRONMENT;
- (III) TO CREATE A GLOBAL STRUCTURE THAT RESPECTS THE RULE OF LAW;
- (IV) TO ACHIEVE A STATE OF PEACE; JUSTICE AND SECURITY, AND
- (V) TO ENABLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT.

INTERNATIONAL AGREEMENTS INCLUDE BOTH OBLIGATIONS INCURRED THROUGH THE UNITED NATIONS CHARTER, THE UNITED NATIONS CONVENTIONS, TREATIES, AND COVENANTS; EXPECTATIONS CREATED THROUGH THE UNITED NATIONS DECLARATIONS, AND GENERAL ASSEMBLY RESOLUTIONS; AND COMMITMENTS MADE THROUGH UN CONFERENCE ACTION PLANS.

IF THESE YEARS OF OBLIGATIONS HAD BEEN DISCHARGED, IF THESE FIFTY YEARS OF EXPECTATIONS HAD BEEN FULFILLED, AND IF YEARS OF COMMITMENTS HAD BEEN 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.

IN JUNE 1997, THE EARTH SUMMIT II MEETING OF GOVERNMENT LEADERS WILL TAKE PLACE IN NEW YORK. AT THIS MEETING THEY WILL BE ENDORSING A DOCUMENT RELATED TO THE FOLLOW-UP TO THE UNITED NATIONS CONFERENCE ON THE ENVIRONMENT AND DEVELOPMENT (UNCED),

"A MODEST PROPOSAL"

THE EARTH SUMMIT II IS IMPORTANT PRIMARILY FOR CITIZENS TO REVEAL THAT YEARS OF OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS, CONVENTIONS, TREATIES AND COVENANTS; OF EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS, AND OF COMMITMENTS MADE THROUGH CONFERENCE ACTION PLANS HAVE NOT BEEN UNDERTAKEN, AND THAT MOST OF THE OBLIGATIONS, EXPECTATIONS AND COMMITMENTS HAVE NEITHER BEEN DISCHARGED, FULFILLED, NOR ACTED UPON, AND THAT IT IS TIME FOR COMPLIANCE THROUGH ACTION.

SUGGESTED ACTIONS FOR EARTH SUMMIT II IN JUNE, 1997

1. (A) ON JUNE 23, 1997 AT THE FIFTH ANNIVERSARY OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT, WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE TO SIGN AND RATIFY INTERNATIONAL AGREEMENTS THAT WE HAVE NOT YET SIGNED AND RATIFIED, AND TO ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT. IN ADDITION, WE UNDERTAKE TO FULFILL EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS AND DECLARATIONS, AND TO ACT UPON COMMITMENTS ARISING FROM CONFERENCE ACTION PLANS.

II ESTABLISH MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS (MINS) DRAWN FROM INTERNATIONAL PRINCIPLES AND FROM THE HIGHEST AND STRONGEST REGULATIONS FROM MEMBER STATES HARMONIZED CONTINUALLY UPWARDS. MINS WILL THEN DRIVE INDUSTRY TO BEST (BEST EQUITABLE/ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES

1(B) IN ADDITION, WE REAFFIRM THE UNDERTAKING IN THE PLATFORM OF ACTION IN THE UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT AND PEACE AND IN THE HABITAT II AGENDA "TO ENSURE THAT CORPORATIONS INCLUDING TRANSNATIONALS COMPLY WITH NATIONAL CODES, SOCIAL SECURITY LAWS, INTERNATIONAL LAWS, INCLUDING INTERNATIONAL ENVIRONMENTAL LAW".

II REVOKE LICENCES AND CHARTERS OF CORPORATIONS INCLUDING

TRANSNATIONALS IF THE CORPORATIONS HAVE VIOLATED HUMAN RIGHTS, CAUSED ENVIRONMENTAL DEGRADATION, OR CONTRIBUTED TO CONFLICT AND WAR.

1 (C) FURTHER, WE UNDERTAKE TO ESTABLISH AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE AND CORPORATE NON-COMPLIANCE.

2. (A) ON JUNE 24, 1997. WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE TO EMBARK IMMEDIATELY AND CONCLUDE BEFORE THE YEAR 2000 NEGOTIATIONS ON A NUCLEAR WEAPONS ABOLITION CONVENTION THAT REQUIRES THE PHASED ELIMINATION OF ALL NUCLEAR WEAPONS WITHIN A TIME BOUND FRAMEWORK WITH PROVISIONS FOR EFFECTIVE VERIFICATION AND ENFORCEMENT

WE UNDERTAKE IMMEDIATELY TO REDUCE THE MILITARY BUDGET BY 50% AND TRANSFER THE SAVINGS (I) INTO GUARANTEEING THE RIGHT TO FOOD, 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, (II) INTO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK, AND (III)

INTO STRENGTHENING THE UNITED NATIONS.

CURRENTLY THE GLOBAL COMMUNITY SPENDS 850 BILLION ON THE MILITARY. IT SHOULD BE NOTED THAT IN 1981 THERE WAS A GENERAL ASSEMBLY RESOLUTION TO REDUCE THE MILITARY BUDGET AND TRANSFER THE SAVINGS INTO SOCIAL PROGRAMS PARTICULARLY IN THE DEVELOPING COUNTRIES. IN 1981 THE MILITARY BUDGET WAS LESS THAN 50% OF WHAT IT IS NOW.

3. ON JUNE 25 1997. WE THE MEMBER STATES OF THE UNITED NATIONS WILL DEMAND AND ENSURE COMPENSATION AND REPARATION WILL BE SOUGHT FROM CORPORATIONS AND SYMPATHETIC ADMINISTRATIONS FOR THE ENVIRONMENTAL DEGRADATION AND HUMAN RIGHTS VIOLATION IN DEVELOPING COUNTRIES, ON LANDS OF INDIGENOUS PEOPLES AND IN THE COMMUNITIES OF THE MARGINALIZED CITIZENS IN BOTH DEVELOPING AND DEVELOPED COUNTRIES. THE SO-CALLED DEBT OF THE DEVELOPING COUNTRIES IS NOT A DEBT TO BE FORGIVEN BUT RATHER AN OBLIGATION OF THE DEVELOPED STATES TO REDRESS, COMPENSATE AND RESTORE. DEBT IMPLIES BENEFIT AND LITTLE BENEFIT WAS DERIVED FROM THE YEARS OF CORPORATE, ALONG WITH SYMPATHETIC ADMINISTRATION EXPLOITATION OF DEVELOPING COUNTRIES, INDIGENOUS PEOPLES, AND MARGINALIZED CITIZENS. IT IS A TIME FOR REDRESS, COMPENSATION AND RESTORATION.

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- focus strongly on implementation and commitments.

II. Assessment of progress reached after Rio.

2. The five years since Rio have been characterized by accelerated "globalization" of interaction of countries in world trade, foreign direct investment and capital markets. Some developing countries have been able to take advantage of these trends, have attracted large inflows of external private capital and experienced significant export-led growth and acceleration of growth in per capita GDP. OFTEN WITH SERIOUS ENVIRONMENTAL AND SOCIAL CONSEQUENCES. Many other countries, however, were not able to do so. As a result, they have generally experienced stagnating or falling per capita GDP through 1995. While continuing their efforts to achieve sustainable development and to attract new investments, these countries continue to be heavily dependent on a declining volume of official development assistance for the capacity-building and infrastructure development required for provision of basic needs and more effective participation in a globalizing world economy.

ONE OF THE REASONS THAT THERE HAS BEEN A DECLINE IN OFFICIAL DEVELOPMENT ASSISTANCE IS THAT GLOBAL INSTITUTIONS, AND STATES HAVE BEEN DEVOLVING THEMSELVES FROM THE RESPONSIBILITY OF DIRECTION AND GOVERNANCE. THESE INSTITUTIONS, AND STATES HAVE BEEN PLACED IN A POSITION OF OBSEQUIOUSNESS IN THE FACE OF THE CONTINUED RISE OF CORPORATE POWER. NOW IS CERTAINLY A "DEFINING MOMENT" AND IF THE UNITED NATIONS ALONG WITH THE MEMBER STATES OF THE UNITED NATIONS, AND THE UN INSTITUTIONS DO NOT MOVE TO A STRONG REGIME OF MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS BASED ON EXISTING PRINCIPLES IN INTERNATIONAL INSTRUMENTS, AND DRAWN FROM THE HIGHEST STATE PRACTICES WITH UPWARD HARMONIZATION, THE UN WILL NO LONGER BE EFFECTIVE OR ABLE TO FUNCTION.

3. While economic growth, reinforced by globalization, has allowed some countries to reduce the proportion of people in poverty, marginalization has increased for others; too many countries have seen economic conditions worsen, and the total number of people in the world living in poverty has increased. Income inequality has increased both among and within countries, unemployment has worsened in many countries, and the gap between the least developed countries and other countries has grown rapidly in recent years. More positively, population growth rates have been declining globally, largely as a result of expanded basic education and health care. This trend is expected to lead to a stable world population in the middle of the next century. There has also been progress in social services, with expanding access to education, declining infant mortality, and increasing life expectancy in most countries. However, many people, particularly in the least developed countries, still do not have access to basic social services or to clean water and sanitation. Reducing current inequities in the distribution of wealth and access to resources, both within and among countries, is among the most serious challenges facing humankind.

CURRENTLY THE GLOBAL COMMUNITY SPENDS 850 BILLION ON THE MILITARY. IT SHOULD BE NOTED THAT IN 1981 THERE WAS A GENERAL ASSEMBLY RESOLUTION TO REDUCE THE MILITARY BUDGET AND TRANSFER THE SAVINGS INTO SOCIAL PROGRAMS PARTICULARLY IN THE DEVELOPING COUNTRIES. IN 1981 THE MILITARY BUDGET WAS LESS THAN 50% OF WHAT IT IS NOW. TO ADDRESS THE INEQUALITY, THERE SHOULD BE AN IMMEDIATE REDUCTION OF THE MILITARY BUDGET BY 50% AND THE TRANSFER OF THE SAVINGS INTO SOCIAL PROGRAMS AND EDUCATION AND INTO CREATING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK. IN ADDITION, A PORTION OF THIS BUDGET SHOULD BE TRANSFERRED INTO THE UNITED NATIONS AND ITS PROGRAMS SO THAT THE INTERNATIONAL BODY CAN PROPERLY FUNCTION TO BRING ABOUT THE NEEDED CHANGE. THE MEMBER STATES OF THE UNITED NATIONS HAVE FOR OVER 50 YEARS THROUGH THE UN PROCESS UNDERTAKEN TO GUARANTEE HUMAN RIGHTS, TO PROTECT THE ENVIRONMENT, TO PREVENT WAR AND CONFLICT, TO ENABLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND EMPLOYMENT AND TO ENSURE THE RESPECT FOR INTERNATIONAL LAW.

4. Five years after UNCED, the global environment has continued to deteriorate, as UNEP's Global Environment Outlook makes clear, and significant environmental problems remain deeply embedded in the socioeconomic fabric of nations in all regions. Progress has been made in terms of institutional development, international consensus building, public participation and private sector actions and, as a result, some countries have succeeded in

curbing pollution and slowing the rate of resource degradation. IT IS QUESTIONABLE IF PROGRESS HAS REALLY BEEN MADE IN THESE AREAS. THERE HAVE BEEN MANY PUBLIC PROCESSES IN NAME ONLY. CITIZENS CAN EXPRESS THEIR CONCERNS BUT THEIR CONCERNS ARE NOT ADDRESSED. THE PRIVATE SECTOR HAS BEEN PROMOTING VOLUNTARY CONFORMANCE THROUGH SELF-INITIATED, NON-NORMATIVE ENVIRONMENTAL POLICIES THROUGH ISO 14000. WHAT IS NEEDED IS MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS (MINS) DRAWN FROM THE HIGHEST TENABLE PRINCIPLES FROM STATES SO THAT THERE IS ALSO HARMONIZING UPWARDS. STATES MUST TAKE BACK CONTROL OF INDUSTRY AND IMPLEMENT THE UNDERTAKING IN RECENT CONFERENCES TO ENSURE THAT CORPORATIONS COMPLY WITH NATIONAL CODES, SOCIAL SECURITY, AND INTERNATIONAL LAW INCLUDING INTERNATIONAL ENVIRONMENTAL LAW. STATES SHOULD BE PREPARED TO DEMAND COMPENSATION AND REVOKE LICENCES AND CHARTERS OF CORPORATIONS THAT HAVE VIOLATED HUMAN RIGHTS, CAUSED ENVIRONMENTAL DEGRADATION, AND CONTRIBUTED TO CONFLICT AND WAR.

Overall, however, trends are worsening. Many polluting emissions, notably toxic substances, greenhouse gases and waste volumes, continue to rise in the industrialized countries, and their wasteful production and consumption patterns remain fundamentally unchanged.

TO LIVE CONTENT WITH SMALL MEANS; TO SEEK ELEGANCE RATHER THAN LUXURY, AND REFINEMENT RATHER THAN FASHION; TO BE WORTHY, NOT RESPECTABLE (WILLIAM HENRY CHANDLER)

Many countries undergoing rapid economic growth and urbanization are experiencing increasing levels of air and water pollution, with rising impacts on human health. Acid rain and trans-boundary air pollution, once considered a problem only in the industrialized world, are increasingly apparent in many developing regions. In many poorer regions of the world, persistent poverty contributes to accelerating degradation of productive natural resources, and desertification has spread. Inadequate and unsafe water supplies are affecting an increasing number of people worldwide, aggravating problems of ill health and food insecurity among the poor. Natural areas and fragile ecosystems are still deteriorating in all regions of the world with attendant reductions in biological diversity. At the global level, renewable resources, notably fresh water, forests, topsoil and marine fish stocks, continue to be used at rates beyond their natural rates of regeneration, a situation which is clearly unsustainable.

5. Trends in consumption and production patterns continue to deplete non-renewable resources despite some improvement in

material and energy efficiency. Associated pollution emissions threaten to exceed the capacity of the global environment to absorb them, potentially increasing the obstacles to economic and social development in developing countries.

6. Since UNCED, extensive efforts have been made by Governments to integrate environment and development concerns into decision-making by elaborating new policies and strategies for sustainable development or by adapting existing policies and plans. As many as 150 countries have established national level commissions or coordinating mechanisms designed to develop an integrated approach to sustainable development. HOWEVER, THESE EFFORTS HAVE NOT SUCCEEDED EITHER BECAUSE GOVERNMENTS ARE COERCED OR ARE IN COLLUSION WITH THE POLLUTING INDUSTRIES, AND GOVERNMENTS HAVE BEEN PERSUADED TO OPT FOR VOLUNTARY CONFORMANCE BY INDUSTRY.

7. Major groups have demonstrated what can be achieved through committed action, sharing of resources and building consensus. These have been grass-roots expressions of concern and involvement. The efforts of Local Authorities are making Agenda 21 a reality at the local level through the implementation of Local Agenda 21 programmes. Educational institutions and the media have increased public awareness and discussion of the relations between environment and development in all countries. SINCE UNCED, CHAPTER 36 HAS BEEN MISCONSTRUED AS JUSTIFYING CORPORATE INTRUSION INTO THE EDUCATIONAL SYSTEM WHERE THERE HAS BEEN CORPORATE INVOLVEMENT IN DETERMINING THE PHILOSOPHICAL UNDERPINNING OF EDUCATION, IN PARTICULAR ENVIRONMENTAL EDUCATION. FOR EXAMPLE, IT IS NOT UNUSUAL TO HAVE EDUCATIONAL PROGRAMS SUCH AS LEARNING FOR SUSTAINABILITY WITH CORPORATE BOARD MEMBERS, OR NETWORK ORGANIZATIONS OF ENVIRONMENTAL EDUCATORS WITH REPRESENTATION ON THE STEERING COMMITTEE FROM THE MINING, THE FORESTRY AND THE OIL. INDUSTRIES. UNFORTUNATELY, MANY OF THE EDUCATIONAL INSTITUTIONS SUCH AS UNIVERSITIES ARE RECEIVING MORE AND MORE FUNDING FROM THE CORPORATE SECTOR, AND RESEARCH IS BEING CONTROLLED AND DIRECTED BY THE CORPORATE SECTOR. INSTITUTES OF SUSTAINABILITY, OF GLOBAL STUDIES OR SUSTAINABLE DEVELOPMENT, AND CENTRES OF EXCELLENCE HAVE BEEN SET UP AND ARE GENERALLY SUBSTANTIALLY FUNDED BY INDUSTRY. CONFLICT OF INTEREST WHICH WAS ONCE CONDEMNED IS NOT ONLY CONDONED BUT GLORIFIED. Hundreds of small and large businesses have made "green business" a new operating mode. Workers and trade unions have established partnerships with employers and communities to encourage sustainable development in the workplace.

THERE IS A LOT OF TALK ABOUT SUSTAINABLE DEVELOPMENT. UNFORTUNATELY, IT HAS USUALLY COME TO MEAN BUSINESS AS USUAL, VOLUNTARY CONFORMANCE TO SELF-INITIATED STANDARDS REPLACING REGULATIONS WITH A LITTLE CLEAN-UP TECHNOLOGY THRIVING ON DEREGULATION.

Indigenous peoples have played an increasing role in addressing issues affecting their interests. USUALLY THEY ARE IGNORED, OR PRESSURED INTO ACCEPTING HARM THROUGH THE NOTION OF INFORMED PRIOR CONSENT. FOR EXAMPLE, NATIVE LEADERS IN MEADOW LAKE CANADA HAVE BEEN PERSUADED TO ACCEPT RADIOACTIVE WASTES FROM DISMANTLED MILITARY SITES IN THE UNITED STATES. ACTIVITIES THAT CAUSE ENVIRONMENTAL DESTRUCTION AND ARE CULTURALLY INAPPROPRIATE ARE CONTINUED ON INDIGENOUS LAND (CHAPTER 26, AGENDA 21) IN AREAS UNDER DISPUTE FOR LAND RIGHTS, NO INTERIM MEASURES ARE IN PLACE AND THE LAND IS DESTROYED PRIOR TO THE NEGOTIATIONS BEING COMPLETED.

Young people and women around the world have played a prominent role in galvanizing communities to recognize their responsibilities to future generations. THEY HAVE PARTICIPATED AND THEY HAVE BEEN ARRESTED OFTEN FOR CALLING FOR LITTLE MORE THAN FOR STATES TO UNDERTAKE TO PROTECT BIODIVERSITY IN OLD GROWTH FORESTS.

8. Among the achievements after UNCED were the entry in force of the United Nations Framework Convention on Climate Change, ENTERING INTO FORCE IS IMPORTANT BUT FEW STATES HAVE REALLY DETERMINED WHAT WOULD CONSTITUTE COMPLIANCE WITH THIS CONVENTION. STATES ARE STILL AS CAR-DEPENDENT AS EVER IF NOT MORE SO, AND CARBON SINKS IN THE FORM OF OLD GROWTH FORESTS ARE BEING RAPIDLY DESTROYED.

the Convention on Biological Diversity WITH ITS IMPORTANT PROVISIONS FOR IDENTIFYING BIODIVERSITY, INVOKING THE PRECAUTIONARY PRINCIPLE, AND FOR CARRYING OUT AN ENVIRONMENTAL ASSESSMENT REVIEW OF ACTIONS THAT COULD CONTRIBUTE TO LOSS OR REDUCTION OF BIODIVERSITY HAVE BEEN IGNORED. INDUSTRY WITH THE HELP OF FOREST RESOURCE COUNTRIES LIKE CANADA ARE PUSHING FOR A FOREST CONVENTION SO THAT THE PROVISIONS IN THE BIODIVERSITY CONVENTIONS WILL NOT APPLY TO FOREST. The Convention to Combat Desertification; reaching Agreement on Straddling and Migratory Fish Stocks; adoption of the Global Programme of Action on Sustainable Development of Small Island Developing States and elaboration of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities.

AGAIN, AND AGAIN GOVERNMENTS NEGOTIATE THESE AGREEMENTS AND THEN FAIL TO SIGN, FAIL TO RATIFY, OR FAIL TO ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT.

IT IS ONLY WHEN THERE IS A GLOBAL UNDERTAKING TO DISCHARGE THESE OBLIGATIONS THAT CHANGE WILL BEGIN TO OCCUR.

Implementation of these important commitments at the global level, together with those adopted before UNCED, however, still remains to be carried through, and in many cases, further strengthening of their provisions is required. TO ADDRESS THE FAILURE TO IMPLEMENT WE HAVE ORGANIZED ON JUNE 23, 1997, AN OFFICIAL SIGNING AND RATIFYING CEREMONY IN NEW YORK. The establishment, funding and replenishment of GEF were a major achievement, but funding is still not sufficient to fully meet its objectives. THE GEF BY ESTABLISHING CONDITIONAL FUNDING NEEDS TO STRENGTHEN ITS STANDARDS, AND HAVE A COMPLEMENTARY PROGRAM WHERE CORPORATIONS THAT HAVE CAUSED ENVIRONMENTAL DEGRADATION, OR THAT HAVE VIOLATED HUMAN

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RIGHTS WILL BE REQUIRED TO PAY COMPENSATION AND REPARATION. SOME OF THIS ADDITIONAL FUNDING ALONG WITH THE GLOBAL INCREASE OF CORPORATE TAXES COULD SERVE TO REPLENISH THE GEF FUND. IN A RECENT PRESENTATION AT THE IUCN A REPRESENTATIVE FROM THE WORLD BANK STATED THAT THE BEST ENVIRONMENTAL PROTECTION IS WHERE THERE ARE STIFF REGULATIONS. THESE OBSERVATIONS SHOULD SERVE TO JUSTIFY THE STRENGTHENING OF STANDARDS FOR CONDITIONAL FUNDING.

9. Progress has been made in incorporating the Rio Principles, including that of common but differentiated responsibilities, in a variety of international and national legal instruments. THIS PRINCIPLE OF FLEXIBILITY OF INTERNATIONAL AND NATIONAL LEGAL INSTRUMENTS APPEAR TO CONFLICT WITH STATE UNDERTAKINGS IN TWO RECENT CONFERENCES (THE UN CONFERENCE ON WOMEN AND HABITAT II) WHERE STATES UNDERTOOK TO ENSURE THAT CORPORATIONS INCLUDING TRANSNATIONALS COMPLY WITH NATIONAL CODES, SOCIAL SECURITY, WITH INTERNATIONAL LAW, INCLUDING INTERNATIONAL ENVIRONMENTAL LAW.

IT SHOULD BE NOTED THAT THE PRECAUTIONARY PRINCIPLE IS RARELY FOLLOWED AND OFTEN IT HAS BEEN MISCONSTRUED BY INDUSTRY TO MEAN

THAT THERE IS NO SCIENTIFIC CERTAINTY THAT CURRENT PRACTICES WILL CONTRIBUTE TO ENVIRONMENTAL DEGRADATION THEREFORE WE WILL CONTINUE THE PRACTICES.

PRINCIPLE 15 CALLING UPON STATES TO PREVENT THE TRANSFER TO OTHER STATES OF SUBSTANCES AND ACTIVITIES THAT COULD CAUSE ENVIRONMENTAL DEGRADATION OR THAT COULD BE HARMFUL TO HUMAN HEALTH HAVE BEEN COMPLETELY IGNORED. STATES HAVE BEEN PRESSURED TO ACCEPT TOXIC, HAZARDOUS INCLUDING ATOMIC OR RADIOACTIVE WASTES, AND THEN IT IS ASSERTED THAT THERE IS INFORMED PRIOR CONSENT. INDUSTRIALIZED STATES ARE PROMOTING THE CONTINUED SALE OF NUCLEAR REACTORS SUCH AS THE CANDU REACTOR.

10. A number of recent United Nations conferences have advanced international commitment to the social and economic aspects of sustainable development, such as the eradication of poverty, social integration, population and gender issues, education, trade, growth and development, human settlements and food security, among others, thus contributing to the achievement of the long-term goals and objectives of sustainability.

POVERTY WILL NOT BE ERADICATED UNTIL WE ARE SERIOUS ABOUT OUR PRIORITIES. THERE ARE GLOBAL MISPLACED PRIORITIES WITH 850 BILLION BEING SPENT ON THE MILITARY AND CORPORATE TAXES UNFAIRLY LOW, AND MISGUIDED ASSUMPTION THAT "QUASI UNBRIDLED ECONOMIC GROWTH WILL SUFFICE TO ERADICATE POVERTY.

11. The Commission on Sustainable Development, which was established to review progress achieved in the implementation of Agenda 21, forward global dialogue and foster partnerships

A

EUPHEMISM FOR INDUSTRY-DIRECTED POLICY for sustainable development, has catalyzed new action and commitments among a wide variety of partners within and outside the UN system. Its Ad Hoc Intergovernmental Panel on Forests made a significant contribution to the advancement of the world forest agenda. IN THE DIRECTION THAT WAS WANTED BY THE FORESTRY COMPANIES AND FORESTRY DEPENDENT STATES.

12. However, much remains to be done to activate the means of implementation set out in Agenda 21, in particular, in the areas of finance and technology transfer. IN PARTICULAR IN THE AREAS OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT. TECHNOLOGY TRANSFER HAS OCCURRED SUCH AS THE SALE OF CANDU REACTORS, AND CLEAN-UP TECHNOLOGY THAT JUSTIFIES DEREGULATION OF TOXIC, HAZARDOUS INCLUDING ATOMIC WASTES ETC.

13. Most developed countries have still not reached the UN target, reaffirmed at UNCED, of committing 0.7 percent of their GNP to ODA, nor the agreed UN target of committing 0.15 per cent of GNP as ODA to the least developed countries. On average, ODA as a percentage of GNP declined in the post-Rio period, from 0.34 per cent in 1992 to 0.27 per cent in 1995.

IN 1981 THROUGH GENERAL ASSEMBLY RESOLUTIONS, STATES UNDERTOOK TO REDUCE THE MILITARY BUDGET AND TRANSFER THE SAVINGS INTO SOCIAL PROGRAMS PARTICULARLY IN THE DEVELOPING COUNTRIES. AT THAT TIME THE MILITARY BUDGET WAS 50% OF WHAT IT IS NOW. 0.7 PERCENT IS FAR TOO LOW. THE CURRENT GLOBAL MILITARY BUDGET IS ESTIMATED AT 850 BILLION ANNUALLY. UNFORTUNATELY, THE UNITED NATIONS HAS BEEN FACED WITH A DAUNTING TASK OF ADDRESSING THE MISPLACED PRIORITIES OF ITS MEMBER STATES. 425 BILLION SHOULD BE TRANSFERRED TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT PRIMARILY IN THE SOUTH BUT ALSO IN THE NORTH, AS WELL AS TO STRENGTHEN THE ROLE OF THE UNITED NATIONS.

14. In many developing countries, the debt situation remains a major constraint on sustainable development. While the debt situation of many middle-income countries has improved, enabling them to re-enter international capital markets, many heavily-indebted poor countries (HIPC) continue to face unsustainable external debt burdens. The recent World Bank/IMF HIPC Initiative could help to address this issue with the cooperation of creditor countries. Further efforts by the international community will also be necessary to reduce debt as an impediment to sustainable development. THE WHOLE NOTION OF DEBT SHOULD BE REEXAMINED. MOST OF THE DEBT RIDDEN COUNTRIES DID NOT BENEFIT FROM THE DEBT. PERHAPS WHAT SHOULD BE DONE IS THAT THE DEBT SHOULD BE REPHRASED IN TERMS OF COMPENSATION AND REPARATION THAT WOULD BE OWED TO THE DEBT RIDDEN STATES. THE MEMBER STATES OF THE UNITED NATIONS SHOULD DEMAND AND ENSURE COMPENSATION AND REPARATION WILL BE SOUGHT FROM CORPORATIONS AND SYMPATHETIC ADMINISTRATIONS FOR THE ENVIRONMENTAL DEGRADATION AND HUMAN RIGHTS VIOLATION IN DEVELOPING COUNTRIES, ON LANDS OF INDIGENOUS PEOPLES AND IN THE COMMUNITIES OF THE MARGINALIZED CITIZENS IN BOTH DEVELOPING AND DEVELOPED COUNTRIES. THE SO-CALLED DEBT OF THE DEVELOPING COUNTRIES IS NOT A DEBT TO BE FORGIVEN BUT RATHER AN OBLIGATION OF THE DEVELOPED STATES TO REDRESS, COMPENSATE AND RESTORE. DEBT IMPLIES BENEFIT AND LITTLE BENEFIT WAS DERIVED FROM THE YEARS OF CORPORATE, ALONG WITH SYMPATHETIC ADMINISTRATION EXPLOITATION OF DEVELOPING

COUNTRIES, INDIGENOUS PEOPLES, AND MARGINALIZED CITIZENS. IT IS A TIME FOR REDRESS, COMPENSATION AND RESTORATION.

15. Similarly, the level of technology transfer and technology-related investment from public and private sources in developed countries directed to developing countries has not been realized as foreseen in Agenda 21. WHY IS THERE A PRESUMPTION THAT TECHNOLOGICAL CHANGE IS THE BEST WAY OF FULFILLING COMMITMENTS UNDER AGENDA 21. AND OTHER INSTRUMENTS THAT CAME OUT OF UNCED? WILL TECHNOLOGICAL CHANGE HELP STATES COMPLY WITH THE FRAMEWORK CONVENTION ON CLIMATE CHANGE OR WITH THE CONVENTION ON BIOLOGICAL DIVERSITY. THE BEST WAY TO BRING ABOUT THE NEEDED CHANGE IS FOR THE NORTH TO DRASTICALLY REDUCE ITS TECHNOLOGICAL DEPENDENCE, TRANSFER FUNDS TO THE SOUTH FOR SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT, AND ENGAGE IN SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT ITSELF. THE NEEDED CHANGE WILL ONLY BE BROUGHT ABOUT IF THERE ARE MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS (MINS) DRAWN FROM INTERNATIONAL PRINCIPLES AND FROM THE HIGHEST AND STRONGEST REGULATIONS FROM MEMBER STATES HARMONIZED CONTINUALLY UPWARDS. MINS WILL THEN DRIVE INDUSTRY TO BEST (BEST EQUITABLE/ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES. Increased private flows have led to investments in industry and technology in some developing countries and economies in transition. However, many developing countries have been left behind, slowing the process of technological change in these countries and limiting their ability to meet their commitments under Agenda 21 and other international agreements. The commitment made by developed countries to foster the transfer of technology has not been realized as agreed in Agenda 21.

III. Implementation in Areas Requiring Urgent Action

16. Agenda 21 and the Rio Principles established a comprehensive global approach to the achievement of sustainable development, recognizing the principle of common but differentiated responsibilities and the importance of international cooperation. This approach is as relevant, and as urgently needed, as ever. The preceding assessment shows that, while progress has been made in some areas, a major new effort will be required to achieve the goals established at Rio. The following proposals set out strategies to accelerate progress towards sustainable

development. Sections A, B and C are equally important and must be seen and implemented in a balanced and integrated way.

TWO VERY IMPORTANT PRINCIPLES FROM UNCED HAVE BEEN COMPLETELY IGNORED OR MISINTERPRETED. PRINCIPLE 14. ON THE TRANSFER OF SUBSTANCES AND ACTIVITIES, AND PRINCIPLE 15 THE PRECAUTIONARY PRINCIPLE. IN REFERENCE TO PRINCIPLE 14, DEVELOPED STATES ARE STILL TRANSFERRING SUBSTANCES AND ACTIVITIES THAT COULD BE HARMFUL TO

HUMAN HEALTH AND THAT COULD CAUSE ENVIRONMENTAL DEGRADATION. THE DEVELOPED STATES HOWEVER HAVE USED THE NOTION OF "INFORMED PRIOR CONSENT" TO JUSTIFY CONTINUING TO TRANSFER SUBSTANCES AND ACTIVITIES. I THINK ENSHRINING THE RIGHT TO BE HARMED APPEARS LESS THAN PRUDENT.

IN REFERENCE TO PRINCIPLE 15 I HAVE HEARD INDUSTRY IN CONJUNCTION WITH SYMPATHETIC ADMINISTRATIONS CLAIMING THAT THERE IS NOT SCIENTIFIC EVIDENCE THAT HARM HAS OCCURRED FROM THE EXISTING PRACTICE THEREFORE THE PRACTICE SHOULD CONTINUE. THIS MISCONSTRUING OF THE PRINCIPLE WAS USED TO JUSTIFY LOGGING IN A COMMUNITY WATERSHED.

A. Integration of Economic, Social and Environmental Objectives

17. Economic growth is an essential precondition of sustainable development, especially in developing countries.

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT NOT ECONOMIC GROWTH IS AN ESSENTIAL PRECONDITION. POVERTY IS NOT NECESSARILY ERADICATED THROUGH ECONOMIC GROWTH; IN MANY CASES AS RECOGNIZED EARLIER IN SECTION 3. ECONOMIC GROWTH IN THE WAY THAT IT HAS BEEN OCCURRING CONTRIBUTES MORE TO INEQUALITY AND INEQUITY.

Sustainable

development cannot be achieved without greater integration at policy-making and operational level. THE PRECONDITION FOR ALL THESE SECTORS IS THAT THEY ARE ENVIRONMENTALLY SOUND. FACTORING IN THE ENVIRONMENTAL COSTS IS ESSENTIAL BUT PREVENTION THROUGH ENGAGING IN ENVIRONMENTALLY SOUND PRACTICES MAKES BOTH ENVIRONMENTAL AND ECONOMIC SENSE. THE NOTION OF TRADING PERMITS IS INEQUITABLE AND APPEARS TO SANCTION ENVIRONMENTALLY UNSOUND PRACTICES. Economic

sectors such as

industry, agriculture, energy, transport and tourism must take responsibility for the impacts of their activities on human well-being and the physical environment NOT ONLY FOR FUTURE BUT SHOULD PAY COMPENSATION FOR PAST IMPACTS. LICENCES AND CHARTER OF CORPORATIONS INCLUDING TRANSNATIONALS SHOULD BE REVOKED IF THE CORPORATION HAS VIOLATED HUMAN RIGHTS, CAUSED

ENVIRONMENTALLY DEGRADATION, OR CONTRIBUTED TO CONFLICT, VIOLENCE OR WAR.

As shown

by the preceding

assessment, the need for integration is particularly urgent at the present moment in the case of energy and transport because of the adverse effects developments in these sectors can have on human health and ecosystems; in agriculture and water use, where inadequate land use planning, poor water management and inappropriate technology can result in the degradation of natural resources and human impoverishment; and in the management of marine resources, where competitive over-exploitation can damage the resource base, food supplies and the livelihood of fishing communities, as well as the environment.

ENVIRONMENTAL ASSESSMENT

OF PROJECTS SHOULD NOT BECOME JUST A PROJECT REVIEW WHERE ECONOMIC INTERESTS HOLD SWAY OVER ENVIRONMENTAL IMPACTS.

Sustainable

development

strategies are important mechanisms to enhance and link national capacity, bringing together the priorities in social, economic and environmental policies. In the context of good governance, properly constructed strategies can enhance prospects

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT for economic

growth and for employment at the same time as protecting the

environment. All sectors of society should be involved in their

development and implementation BUT NO SECTORS OF SOCIETY SHOULD PARTICIPATE IN THE DECISION-MAKING PROCESS IF THERE IS CONFLICT OF INTEREST OR EVEN A PERCEIVED CONFLICT OF INTEREST.

a By the year 2002 national strategies for sustainable development should be adopted in all countries, with assistance provided, where needed, through international cooperation, taking into account the special needs of least developed countries. THE LEAST DEVELOPED COUNTRIES DO NEED FAIR TRADE NOT FREE TRADE.

Countries which already have national strategies should continue their efforts to enhance and effectively implement them.

Assessment of progress achieved and exchange of experience among Governments should be promoted. Local Agenda 21 programmes should also be actively encouraged;

b a broad package of policy instruments, including regulation MANDATORY INTERNATIONAL NORMATIVE STANDARD/REGULATIONS DRAWN FROM THE HIGHEST TENABLE PRINCIPLES FROM STATES SO THAT THERE IS ALSO HARMONIZING UPWARDS AND NO STATE SHALL BE PENALIZED

FOR RAISING STANDARDS. economic instruments SUCH AS REVOKING OF LICENCES, FINES, COMPENSATION BUT NOT TRADING IN POLLUTION PERMITS WHICH GIVE A LICENCE TO POLLUTE AND ARE INEQUITABLE., information and voluntary partnerships between Governments and non-Governmental actors EXCLUDING INDUSTRY, will be necessary to ensure that integrated approaches are effective and cost efficient; NOTING THAT MEMBER STATES OF THE UNITED NATIONS HAVE UNDERTAKEN TO ENSURE THAT CORPORATIONS INCLUDING TRANSNATIONALS COMPLY WITH NATIONAL CODES, SOCIAL SECURITY AND INTERNATIONAL LAW INCLUDING ENVIRONMENTAL LAW

c transparent and participatory processes
TO DATE
PARTICIPATORY AND CONSULTATIVE PROCESSES HAVE BEEN HEARINGS, PERHAPS EVEN LISTENING "TOS", BUT RARELY IS THE INFORMATION ACTED UPON. AFTER UNCED THERE WAS A FLURRY OF CONSULTATION PROCESSES, will also be required to ensure the complementarity of economic, environmental and social objectives. In addition to the major groups WHY NOT NAME THEM INDUSTRY "MAJOR GROUPS" HAS BECOME A EUPHEMISM FOR INDUSTRY. identified in Agenda 21, other social actors and groups, such as the elderly, the media, educators, the financial community and parliaments, should be acknowledged and included in the decision-making process; ROUND TABLE DECISION MAKING PROCESSES REFLECTING AGLORIFICATION OF CONFLICT OF INTEREST. OFTEN LEADING TO THE LOWEST COMMON DENOMINATOR THROUGH CONSENSUS. HAS BEEN PROMOTED PARTICULARLY SINCE THE BRUNDTLAND REPORT. THERE HAS NOT BEEN PRINCIPLE-BASED DECISION MAKING GROUNDED IN PRINCIPLES FROM INTERNATIONAL DOCUMENTS AND DRAWING UPON CONCERNED CITIZENS WITH VARYING AREAS OF EXPERIENCE AND EXPERTISE, BUT THERE HAVE BEEN AREAS OF VESTED SELF INTEREST.

d full participation of women in political, economic, cultural and other activities is essential, both as a central objective of sustainable development, and to ensure that the skills and experience of women are fully used in decision-making at all levels.

Eradicating Poverty

THE MAJOR CAUSE OF THE CONTINUED DETERIORATION OF THE GLOBALENVIRONMENT IS THE UNSUSTAINABLE PATTERN OF CONSUMPTION ANDPRODUCTION, PARTICULARLY IN INDUSTRIALIZED COUNTRIES, WHICH IS AMATTER OF GRAVE CONCERN, AGGRAVATING POVERTY AND IMBALANCES. (4.3. CHANGING CONSUMPTION PATTERNS, AGENDA 21. 1992, AND REAFFIRMED IN ART. 37 OF THE PLATFORM OF ACTION, UN CONFERENCE ON WOMEN: EQUALITY, DEVELOPMENT AND PEACE)

18. The eradication of poverty is one of the fundamental goals of the international community and the entire United Nations system. In the long term, poverty eradication depends on THE REALIGNMENT OF PRIORITIES; CURRENTLY THE GLOBAL COMMUNITY SPENDS CURRENTLY THE GLOBAL COMMUNITY SPENDS 850 BILLION ON THE MILITARY.IT SHOULD BE NOTED THAT IN 1981 THERE WAS A GENERAL ASSEMBLYRESOLUTION TO REDUCE THE MILITARY BUDGET AND TRANSFER THE SAVINGS INTO SOCIAL PROGRAMS PARTICULARLY IN THE DEVELOPING COUNTRIES. IN 1981, THE MILITARY BUDGET WAS LESS THAN 50% OF WHAT IT IS NOW. TO ADDRESS THE INEQUALITY, THERE SHOULD BE AN IMMEDIATE REDUCTION OFTHE MILITARY BUDGET BY 50% AND THE TRANSFER OF THE SAVINGS INTOSOCIAL PROGRAMS AND EDUCATION AND INTO CREATING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK. IN ADDITION, A PORTION OF THIS BUDGET SHOULD BE TRANSFERRED INTO THE UNITED NATIONS AND ITS PROGRAMS SO THAT THE INTERNATIONAL BODY CAN PROPERLY FUNCTION TOBRING ABOUT THE NEEDED CHANGE. THE MEMBER STATES OF THE UNITEDNATIONS HAVE FOR OVER 50 YEARS THROUGH THE UN PROCESS UNDERTAKEN TOGUARANTEE HUMAN RIGHTS, TO PROTECT THE ENVIRONMENT, TO PREVENT WAR AND CONFLICT, TO ENABLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND EMPLOYMENT AND TO ENSURE THE RESPECT FOR INTERNATIONAL LAW.

The full integration of people living in poverty into economic, social and political life. Policies to combat poverty, in particular provision of basic social services and food security, promote such integration, as well as broader socioeconomic development [SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT], since enhancing the productive capacity of poor people increases both their well-being and that of their communities and societies, and facilitates their participation in resource conservation and environmental protection. Full implementation of the Programme of Action of the World Summit for Social Development is essential, with the participation of non- governmental organizations, women's groups and community organizations.

Priority actions include:

a improving access to sustainable livelihoods, entrepreneurial opportunities FOR SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND EMPLOYMENT and productive resources,

including land, water, credit, technical and administrative training, and appropriate technology, with particular efforts to reach the rural poor and the urban informal sector;

b providing universal access to basic social services, including basic education, health care, nutrition, clean water and sanitation; ENSURING THAT THE RIGHT TO AFFORDABLE AND SAFE SHELTER, RIGHT TO HEALTHY ORGANICALLY GROWN FOOD, RIGHT TO SOCIAL SECURITY ETC. AS AGREED THROUGH HUMAN RIGHTS INSTRUMENTS ARE GUARANTEED

c progressive development SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT NOT PROGRESSIVE DEVELOPMENT IS NEEDED, in accordance with the financial and administrative capacities of each society, of social protection systems to support those who cannot support themselves, either temporarily or permanently.

d addressing the disproportionate impact of poverty on women, in particular by removing legislative, policy, administrative and customary barriers to women's equal access to productive resources and services, including access to and control over land and other forms of property, credit, inheritance, education, information, REPRODUCTIVE HEALTH/CHOICE, health care and technology. Full implementation of the Beijing Platform for Action is essential.

Changing Consumption and Production Patterns

19. Unsustainable patterns of production and consumption, particularly in the industrialized countries, are identified in Agenda 21 as the major cause of continued deterioration of the global environment. Similar patterns are emerging in the higher income groups in some developing countries. Policy making should take place at both the international and national levels, in accordance with the principle of common but differentiated responsibilities, applying the POLLUTION PREVENTION PRINCIPLE, RESPECTING THE CARRYING CAPACITY PRINCIPLE, REDUCING THE ECOLOGICAL FOOTPRINT PRINCIPLES, ENVIRONMENTAL ASSESSMENT PRINCIPLE, THE ANTICIPATORY PRINCIPLE, THE REVERSE ONUS AND THE PRECAUTIONARY PRINCIPLE polluter pays principle and encouraging producer responsibility and adopting a sectoral

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Mime-Version: 1.0

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Precedence: bulk

Approach, where relevant, the promotion of REGULATIONS WITH PRINCIPLES THAT DRIVE INDUSTRY RATHER THAN INDUSTRY COMPROMISING PRINCIPLES IS NEEDED. Eco-efficiency, cost internalization and product policies are key strategies towards making consumption and production patterns more sustainable. Actions in this area should focus on:

a promoting measures to internalize environmental costs and benefits in the price of goods and services, particularly with a view to encouraging the use of environmentally preferable products and commodities IS THIS A EUPHEMISM TO REPLACE ENVIRONMENTALLY SOUND. THERE WAS ALWAYS A PROBLEM WITH "BEST AVAILABLE TECHNOLOGY". BEST PRACTICES WAS USED IN HABITAT BEST SHOULD BE DEFINED AS *BEST EQUITABLE/ENVIRONMENTAL SOUND TRADITIONS*, products and commodities, and moving towards natural resource pricing that fully reflects economic scarcity;

b developing core indicators to monitor critical trends in consumption and production patterns; INDICATORS HAVE BEEN USED BY INDUSTRY TO WEAKEN HARD LAW BY CONVERTING IT INTO SOFT LAW. FOR EXAMPLE, IN A DOCUMENT ON FOREST INDICATORS THERE WAS AN INITIALDISCLAIMER STATING THAT THE INDICATORS WERE VOLUNTARY, AND THEN MENTION THE FIRST INDICATOR AS BEING TO CONSERVE BIODIVERSITY THUSPOSSIBLY OR MORE LIKELY PROBABLY TAKING "CONSERVING BIODIVERSITY"OUT OF THE LEGAL DOMAIN OF THE CONVENTION ON BIOLOGICAL DIVERSITY.

c identification of best practices BEST (EQUITABLE/ENVIRONMENTAL SOUND TRADITIONS) PRACTICES through evaluations of policy measures, especially in developed countries, with respect to their environmental effectiveness, efficiency, WHAT DOES THIS MEAN? and implications for social equity, and dissemination of the results;

d taking account of the linkages between urbanization, the environmental and developmental effects of consumption and production patterns in cities, so promoting more sustainable patterns of urbanization;

e adopting international and national targets or action programmes for ENVIRONMENTALLY SOUND RENEWABLE [NOTING THAT RENEWABLE DOES NOT INCLUDE NUCLEAR AND BREEDER REACTORS, OR the SCHEME TO USE PLUTONIUM FROM DISMANTLED NUCLEAR WEAPONS INREACTORS] energy and material efficiency, with timetables for their implementation AND TIME TABLES FOR THE PHASING OUT OF THE USE OF NUCLEAR ENERGY AND FOSSIL FUELS, thereby stimulating the Continued implementation of eco-efficiency measures in both the private and public sectors; in this context, establishing goals to improve energy and material efficiency, such as those advocated in Factor 10- WHAT IS FACTOR 10 ?? or similar policy approaches, deserves attention;

f encouraging governments to take the lead IN ENSURING THAT CORPORATIONS, INCLUDING TRANSNATIONALS, COMPLY WITH NATIONAL CODES, SOCIAL SECURITY AND INTERNATIONAL LAW INCLUDING INTERNATIONALENVIRONMENTAL LAW THROUGH ENSURING MANDATORY INTERNATIONAL NORMATIVE STANDARDS AND in changing consumption patterns by improving their own environmental performance with timetabled, action-oriented policies on procurement, management of public facilities, and the further integration of environmental concerns in national policy making;

g harnessing the role of media, advertising and marketing in shaping consumption patterns and encouraging the use REGULATIONS TO DRIVE CORPORATIONS AWAY FROM PRODUCING PRODUCTS THATCONTRIBUTE TO OVERCONSUMPTION of eco-labeling towards this end;

h in promoting measures favouring eco-efficiency PROVIDING THAT ECO-EFFICIENCY IS NOT BEING USED AS A MEANS OF AVOIDING REGULATION, developed countries should pay special attention to the needs of developing countries, in particular, encouraging positive and avoiding negative impacts on export opportunities and market access for these countries;

i encouraging educational programmes to promote sustainable consumption and production patterns AND ENSURING THAT CORPORATE SECTOR IS NOT INVOLVED WITH DETERMINING THE PHILOSOPHICALUNDERPINNINGS OF EDUCATION [FOR EXAMPLE THERE IS A PROGRAM"LEARNING FOR SUSTAINABILITY" THAT HAS BOARD MEMBERS FROM INDUSTRY.IN ADDITION, RATHER THAN ENCOURAGE CORPORATE INVOLVEMENT INUNIVERSITIES, CORPORATE TAXES SHOULD BE RAISED, TAX DEFERRALS COLLECTED AND DISCONTINUED, AND THE MONEY SO GAINED SHOULD GO INPART TO PROMOTING EDUCATION.IN CHAPTER 36, INDUSTRY IS DESIGNATED AS THE RECIPIENT OF ENVIRONMENTAL EDUCATION NOT THE ONE TO DETERMINE THE PHILOSOPHICALUNDERPINNINGS OF EDUCATION.

Making Trade, Environment and Sustainable Development Mutually Supporting

20. In order to accelerate economic growth and poverty eradication THE LINKING BETWEEN ECONOMIC GROWTH, IF IT IS NOT SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND, AND POVERTY ERADICATION IS AN UNPROVED ASSUMPTION. There is a need for macro economic conditions in both developed and developing countries which favour the development of instruments and structures enabling all countries to benefit from globalization IT IS QUESTIONABLE IF COUNTRIES WILL BENEFIT FROM GLOBALIZATION UNLESS THERE IS A UN GLOBAL REGIME WITH MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS THAT

ENSURES THE GUARANTEEING OF HUMAN RIGHTS, THE PROTECTING AND PRESERVING OF THE ENVIRONMENT, THE PREVENTION OF WAR AND CONFLICT, AND THE ENABLING OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT. CHARTERS OF CORPORATIONS INCLUDING TRANSNATIONALS SHOULD BE REVOKED FOR NOT ADHERING TO A GLOBAL REGIME, AND ANY DEVELOPMENT FUNDING SHOULD BE CONDITIONAL ON THIS UN GLOBAL REGIME

Cooperation and other support for capacity-building in trade, environment and development should be strengthened through renewed system-wide efforts in the United Nations, WTO and Bretton Woods institutions. NOTE THAT AT AN IUCN PLENARY THE WORLD BANK CLAIMED THAT THE BEST ENVIRONMENTAL PROTECTION IS WHERE THERE ARE REGULATIONS THAT ARE STRICTLY ENFORCED. There should be a balanced and integrated approach to trade and sustainable development, based on a combination of trade liberalization, economic development and environmental protection. To achieve this, trade liberalization should be accompanied by environmental and resource management policies in order to realize its full potential contribution to improved environmental protection and promotion of sustainable development through more efficient allocation and use of resources. The multilateral trading system should have the capacity to further integrate environmental considerations and enhance its contribution to sustainable development without undermining its open, equitable and non-discriminatory character. International cooperation is needed and unilateralism should be avoided. The following actions are required: THERE SHOULD BE FAIR TRADE NOT FREE TRADE

a timely and full implementation of the results of the Uruguay Round negotiations, and full use of the Comprehensive and Integrated WTO Plan of Action for the Least Developed Countries: WTO PLAN OF ACTION MUST BE SUBSERVIENT TO INTERNATIONAL LAW THAT SHOULD BIND STATES EVEN IF THEY HAVE NOT SIGNED OR RATIFIED EXISTING AGREEMENTS THE GUARANTEEING OF HUMAN RIGHTS, THE PROTECTING AND PRESERVING OF THE ENVIRONMENT, THE PREVENTION OF WAR AND CONFLICT, AND THE ENABLING OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT. FOR EXAMPLE, THE US HAS SIGNED AND RATIFIED FEW AGREEMENTS INCLUDING THE RATIFICATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY, AND SIGNIFICANT HUMAN RIGHTS INSTRUMENTS SUCH AS THE INTERNATIONAL COVENANT OF SOCIAL ECONOMIC AND CULTURAL RIGHTS AND CAN JUSTIFY UNDERMINING THESE AGREEMENTS THROUGH TRADE AGREEMENTS.

b there is continued need to promote an open, non-discriminatory and equitable multilateral trading system, as well as the rapid accession of developing countries, while PREVENTING- NOT JUST MITIGATING IS NOT GOOD ENOUGH mitigating possible economic adverse AND ENVIRONMENTALLY ADVERSE effects on certain developing countries that might arise from the implementation of certain aspects of the Uruguay Round Agreements;

c further work is needed to ensure that the implementation OF THE TRADE AGREEMENT DOES NOT PREVENT STATES FROM MOVING TO MORE STRINGENT ENVIRONMENTAL STANDARDS AND REGULATIONS SO THAT THE MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS WILL BE HARMONIZED CONTINUALLY UPWARDS. INTERNATIONAL STANDARDS AND REGULATION SHOULD NEVER PENALIZE A STATE THAT IS WILLING TO STRENGTHEN REGULATIONS. of environmental measures does not result in disguised or unnecessary restrictions on trade, particularly those that have adverse effects on existing market access opportunities of developing countries. There is also a need to strive for complementarity between globalization promoted by trade liberalization and the environmental, social and sustainable development goals of UNCED and other recent UN conferences; TRADE NEGOTIATIONS SHALL NEVER UNDERMINE INTERNATIONAL LAW INCLUDING OBLIGATIONS INCURRED THROUGH CONVENTION, TREATIES, AND COVENANTS, EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS AND DECLARATIONS, AND COMMITMENTS MADE THROUGH CONFERENCE ACTION PLANS.

d further analysis of environmental effects of international transport of goods is warranted;

e National governments and private bodies should explore concepts such as mutual recognition and equivalency in the context of eco-labeling, taking into account differing environmental and developmental conditions across countries; UNFORTUNATELY, ECO-LABELING IS A VOLUNTARY PROGRAM; WE HAVE ENOUGH OF A BODY OF INTERNATIONAL ENVIRONMENTAL LAW TO ENSURE THAT, THROUGH MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS AND THROUGH REQUIRED COMPLIANCE, ALL PRODUCTS WILL BE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND.

f positive measures, including enhanced market access for products of export interest to developing countries, should be promoted. The General System of Preferences (GSP) could be used to provide incentives for sustainable production; WHAT IS GSP?

g further action should also focus on issues such as: (i) the role of positive measures in multilateral environmental agreements; (ii) special conditions and needs of small and medium-sized enterprises (SMEs) in the trade and environment interface; (iii) trade and environment issues at the regional level, including in the context of regional economic and trade agreements; and (iv) environment and sustainable development issues in the context of domestic and foreign direct investment, including in the context of the Multilateral Agreement on Investment.

Population

21. The current decline in population growth rates must be further promoted through national and international policies promoting SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT [NOTE THAT THIS EXPRESSION CAME FROM THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT] economic development, poverty reduction and further expansion of basic education, with equal access for girls and women, and health care INCLUDING REPRODUCTIVE HEALTH, including family and maternal health care. Priority actions for reducing pressures from population growth and meeting the needs of growing urban and rural populations include the full implementation of the Programme of Action of the 1994 International Conference on Population and Development, with international assistance for implementation in developing countries.

Health

22. The goals of sustainable development cannot be achieved when a high proportion of the population is afflicted with debilitating illnesses. An overriding goal for the future is to implement the Health for All programme and to enable all people, particularly the world's poor, to achieve a higher level of health and well-being and to improve their economic productivity and social potential. Protecting children from environmental health threats is particularly urgent since children are more susceptible than adults to these threats. Top priority should be attached to efforts, by countries and international organizations, to eradicate the major infectious diseases, particularly malaria which is on the increase; and to the improvement and expansion of basic health and sanitation services and the provision of safe drinking water. Strategies for local and indoor air pollution should be developed, bearing in mind their serious impacts on human health. A CLEAR LINKAGE BETWEEN HEALTH AND ENVIRONMENT IN AGENDA 21 HAS ALREADY BEEN ESTABLISHED UNFORTUNATELY RESEARCH MONEY OFTEN DIRECTED BY VESTED CORPORATE INTERESTS IS NOT PUT INTO CARRYING OUT RESEARCH IN ENVIRONMENTALLY INDUCED DISEASES. needs to be established. Health issues should be fully integrated into national and sub-national sustainable development plans, and incorporated into project and programme development as a component of Environmental Impact

Assessments.

Sustainable Human Settlements

THE RIGHT TO SHELTER WAS ENSHRINED IN THE INTERNATIONAL COVENANT OF SOCIAL CULTURAL AND ECONOMIC RIGHTS. THIS RIGHTS WAS QUALIFIED IN HABITAT II. THE RIGHT TO SAFE AFFORDABLE ENVIRONMENTALLY SOUND MUST BE GLOBALLY GUARANTEED

23. Approximately half the world's population already lives in urban settlements and, by early in the next century, the majority - over five billion people - will be urban residents. Urban problems are concerns common to both developed and developing

countries, although urbanization is occurring most rapidly in developing countries, leading to increased social and environmental stresses. Urgent action is needed to implement fully the commitments made at the United Nations Conference on Human Settlements (Habitat II) and in Agenda 21. Technology transfer, capacity building and private-public partnerships THAT ENSURE BEST (BEST EQUITABLE AND ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES to improve the provision and management of urban infrastructure and social services AND UNIVERSAL HEALTH CARE should be accelerated to achieve more sustainable cities.

B. Sectors and Issues

24. This section identifies a number of specific areas which are of widespread concern, since failure to reverse current trends, notably in resource degradation, will have potentially disastrous effects on social and economic development; particularly in developing countries.

Freshwater

WATER IS NOT AN ECONOMIC GOOD IT IS AN ECOLOGICAL RIGHT

25. Water resources are essential for satisfying basic human needs, health and food production, the preservation of ecosystems and for economic and social development in general. There is growing concern over the increasing stress on water supplies caused by unsustainable use patterns, affecting both water quality and quantity and the wide-spread lack of access to safe water supply and suitable sanitation in many developing countries. This calls for the highest priority to be given to the serious freshwater problems facing many regions, especially in the developing world. There is an urgent need to:

TO INSTITUTE REGULATIONS THAT PREVENT THE MISUSE OF FRESH WATER. URBAN AND RURAL WASTE HAS RATHER THAN BEING CONVERTED INTO A RESOURCE IS

a assign high priority, in accordance with specific national needs and conditions, to the formulation and implementation of policies and programmes for integrated watershed management, including issues related to pollution and waste, the interrelationship between water and mountains, forests, upstream and downstream users, biodiversity and the preservation of aquatic ecosystems, land degradation and desertification;

b strengthen regional and international cooperation for technological transfer and the financing of integrated water resources programmes and projects, in particular those designed to increase access to safe water supply and sanitation; WHAT ARE THE IMPLICATIONS OF THIS? DOES THIS JUSTIFY DIVERSION AS WAS DONE BY THE US WHEN THEY DIVERTED THE COLORADO AND PREVENTED A DROP OF WATER FROM GOING INTO MEXICO.

c manage water resource development and use in ways that provide for the participation of local communities and women in particular;

d provide an enabling environment which encourages investments from public and private sources PRIVATE SOURCES SHOULD NOT BE INVOLVED IN PROVIDING COMMUNITY SERVICES. CORPORATIONS SHOULD BE FAIRLY TAXED SO THAT PUBLIC FUNDS CAN BE USED FOR THE PUBLIC GOOD; to improve water supply and sanitation services, especially in fast-growing urban areas, as well as in poor rural communities;

e recognize water as an economic good, WATER IS NOT AN ECONOMIC GOOD IT IS ECOLOGICAL RIGHT taking into account the satisfaction of basic human needs, global food security, and poverty alleviation. Gradual implementation of pricing policies geared toward cost recovery and an equitable and efficient allocation of water will be necessary to manage the sustainable development of scarce water resources and generate financial resources for investment in new water supply and treatment facilities;

f strengthen the capability of information management systems of Governments and international institutions, including scientific, social and environmental data, in order to facilitate the integrated management of water resources and foster regional and international cooperation for information dissemination and exchange;

g strengthen international cooperation for the integrated development of water resources in developing countries through initiatives such as the Global Water Partnership WHAT IS THIS? WHO ARE THE PARTNERS?

h make progress on multilateral agreements among riparian countries for the harmonious development of international water courses; HARMONIZING UPWARD TO THE HIGHEST AND MOST STRINGENT STANDARDS AND REGULATIONS.

i foster an intergovernmental dialogue, under the aegis of the CSD, aimed at building a consensus CONSENSUS MUST BE BASED ON PRINCIPLES ESTABLISHED THROUGH THE UN SYSTEM AND NOT ON VESTED INTERESTS on issues related to the sustainable management and use of water resources at the national, regional and international levels.

26. Some progress has been achieved with regard to various aspects of the protection of oceans. To address the need for improving global decision-making in the marine environment, periodic intergovernmental reviews will be undertaken by the United Nations Commission on Sustainable Development of all aspects of the marine environment and its related issues, for which the overall legal framework is provided by the United Nations Convention on the Law of the Sea, as agreed by the Commission at its fourth session in its decision 4/15. In this context, there is an urgent need for:

AA FOR ALL STATES TO RATIFY THE LAW OF THE SEA AND TO ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT.

a an integrated, comprehensive approach to the implementation and monitoring of existing legal instruments and mechanisms, based on more effective coordination of policies and actions at national, sub-regional, regional and international levels, and on international cooperation;

b urgent implementation AND UNDERTAKING TO RATIFY AT THE RATIFICATION CEREMONY ON JUNE 23, 1997 IN NEW YORK, at the international, regional and national level, of relevant agreements, instruments and decisions dealing with oceans and seas./1 Despite this large number of agreements, major problems persist in some areas of ocean management. The continuing decline of many marine fish stocks and rising coastal pollution levels highlight the need for concerted action; NOTE THAT MEMBER STATES OF THE UN UNDERTOOK THROUGH THE HABITAT II AGENDA TO PREVENT DISASTERS. ONE POTENTIAL SEA DISASTER IS THAT POTENTIALLY ARISING FROM THE CIRCULATING AND BERTHING OF NUCLEAR POWERED AND NUCLEAR ARMED VESSELS. THIS PRACTICE MUST DISCONTINUE IMMEDIATELY.

Date: Wed, 2 Apr 1997 08:37:26 -0500

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From: Russow@coastnet.com (Joan Russow) (by way of information habitat <Russow@coastnet.com>)

Subject: RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP (re-send)

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

c Governments NOT JUST CONSIDER BUT TO PHASE OUT to consider the establishment of measurable objectives, including the phasing-out of subsidies, where appropriate, to eliminate or reduce excess fishing fleet capacity at global, regional and national level;

d in the context of the 1998 International Year of the Ocean, proclaimed by the General Assembly in resolution 49/ 131, Governments should take action, individually and through their participation in the United Nations Commission for Sustainable Development, UNEP and its Regional Seas Programme, the Intergovernmental Oceanographic Commission of UNESCO and the FAO, to improve the quality and quantity of scientific data related to oceans and to enhance public awareness of oceans as a finite economic and ecological asset that must be preserved and protected. In particular, the Global Ocean Observing System (GOOS) should be fully implemented and the United Nations interagency Joint Group of

Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) should be supported. Greater international cooperation is required to assist developing countries and, in particular, the small island developing States, to operationalize data networks and clearing houses for information sharing concerning oceans.

Forests

THE FOREST INDUSTRY THROUGH SYMPATHETIC ADMINISTRATIONS LIKE THE CANADIAN GOVERNMENT AND OTHER FOREST STATE GOVERNMENTS HAVE BEEN PUSHING FOR A "COMPREHENSIVE FOREST CONVENTION" GIVEN THAT THERE ARE EXISTING INSTRUMENTS SUCH AS THE CONVENTION ON BIOLOGICAL DIVERSITY, FRAMEWORK CONVENTION ON CLIMATE CHANGE (CARBON SINKS), CONVENTION TO PREVENT DESERTIFICATION, VIENNA CONVENTION ON PREVENTING THE DEPLETION OF THE OZONE LAYER ETC. AND MANY OTHERS ARE APPLICABLE TO FORESTS AND COULD HAVE FOREST PROTOCOLS ATTACHED.

27. The report of the Intergovernmental Panel on Forests includes a number of options which will be considered at the Fifth Session of the CSD.

Energy

28. Energy plays a key role in achieving economic, social and environmental objectives of sustainable development and access to reliable and cost effective supplies of energy is essential. However, the current patterns of production, distribution and use of energy are not consistent with the pursuit of sustainable development. Therefore, there is an urgent need for:

a international cooperation for provision of adequate ENVIRONMENTALLY SOUND energy services to unserved populations, using modern renewable energy sources EVERY WHERE. where this is the best option; STATES SHALL STOP ALL SUBSIDIES FOR NUCLEAR AND FOSSIL FUEL INDUSTRIES AND BEGIN IMMEDIATELY TO ESTABLISH A TIME LINE FOR THE PHASING OUT OF NUCLEAR AND FOSSIL FUEL. [SEE RECENT IUCN RESOLUTION ON THIS TOPIC] ENVIRONMENTALLY SOUND RENEWABLE [NOTING THAT RENEWABLE DOES NOT INCLUDE NUCLEAR AND BREEDER REACTORS, OR SCHEMES TO USE PLUTONIUM FROM DISMANTLED NUCLEAR WEAPONS IN REACTORS]

b all countries to develop comprehensive energy policies which include economic, social and environmental aspects of production, distribution and use, and to promote more sustainable

patterns of energy production and consumption;

c PROVIDE AND REQUIRE ENVIRONMENTALLY SAFE AND SOUND RENEWABLE ENERGY SOURCES SUCH AS SOLAR, WIND, FUEL CELLS, AND PHASE OUT THE USE OF FOSSIL FUELS AND NUCLEAR ENERGY.

countries to systematically increase use of modern renewable energy sources and cleaner fossil fuel technologies, to improve efficiency in energy production, distribution and use;

d concerted efforts to increase investment and R&D in renewable energy technologies at the international and national levels by the energy sector and institutions and governments;

e Governments and the private sector to move towards energy pricing that reflects full economic and environmental costs, as well as social benefits, including consideration of elimination of environmentally-damaging subsidies for energy production and consumption, especially for fossil and nuclear energy, within ten years, while taking into account specific conditions of countries; eliminate ALL SUBSIDIES TO NUCLEAR, LARGE SCALE HYDRO DAMS, AND FOSSIL FUEL ENERGY. ESTABLISH REGULATIONS TO ENSURE THE FUNDING AND SUBSIDIES FOR ENVIRONMENTALLY SOUND ENERGY. PHASING OUT NUCLEAR AND FOSSIL FUEL ENERGY.

f development of a common strategy as a reference framework for better coordination of energy related activities in the UN system.

Transport

29. Over the next twenty years, transportation is expected to be the major reason for growing world demand for energy, particularly oil. The transport sector is the largest end-user of energy in developed countries and the fastest growing one in most developing countries. Current levels and patterns of fossil energy use for transport have particularly damaging impacts on the global atmosphere, as well as local air quality and human health. There is an urgent need for:

a promotion of integrated transport policies which consider alternative approaches to meeting commercial and private mobility needs and improve performance in the transport sector, at the national, regional and global levels, with international cooperation to support the development of more sustainable

ENVIRONMENTALLY SOUND TRANSPORTATION WITH EMPHASIS ON PUBLIC TRANSPORTATION, AND NON-MOTORIZED TRANSPORTATION, AND PERMANENT CAR-FREE ZONES, ALONG WITH ROTATIONAL CAR FREE CITY AND TOWN DAY. REQUIRE PURCHASE OF PUBLIC TRANSIT PASSES. FREE PUBLIC TRANSIT SERVICES. INITIATE INTERNATIONAL CAR-FREE DAY JUNE 24, 1997

REDESIGNING CITIES TO BE ECOCITIES. .

patterns of transport; IN ADDITION, IN THE HABITAT II AGENDA, STATES AGREED TO MOVE AWAY FROM CAR-DEPENDENCY

b integration of land use and urban, peri-urban and rural transport planning, taking into account the need to preserve ecosystems GOOD; INCLUDING URBAN AND PERIURBAN BIODIVERSITY

c use MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS of a broad spectrum of policy instruments to improve energy efficiency and efficiency standards in transportation and related sectors:

d promotion of guidelines for environmentally-friendly IS FRIENDLY DIFFERENT THAN SOUND WHICH WOULD BE BETTER FOR THE ENVIRONMENT OR ARE THEY EQUIVALENT? ENVIRONMENTALLY SOUND WAS USED ALL THE WAY THROUGH HABITAT II.

transport and targets for reducing vehicle emissions of carbon monoxide, particulate matter and volatile organic compounds and the phasing-out of lead additives in motor gasoline within the next ten years; IT IS NOT NECESSARY JUST TO REDUCE EMISSIONS. OFTEN SUGGESTIONS OF FUEL REPLACEMENT STILL MAINTAIN THE INFRASTRUCTURE OF THE CAR AND POSSIBLY NEW SOURCES OF ENERGY SUCH AS THATSUGGESTED BY SOME PEOPLE INVOLVED WITH ELECTRIC CARS (NUCLEAR HAS BEEN SUGGESTED AS A POSSIBILITY).

e partnerships at the national level, involving governments, local authorities, NGOs and the private sector for strengthening of transport infrastructures and development of innovative mass transport schemes.

Atmosphere

30. So far, very little progress has been made in reducing greenhouse gases (GHG) emissions. There is a need for reinforcement of the UNFCCC through additional agreements to limit GHG emissions. It is of great importance that the COP III of UNFCCC, to be held in Kyoto, Japan, later this year, should adopt a legally-binding protocol, or other legal instrument, which fully encompasses the remit of the Berlin Mandate. COP III

should call upon the industrialized world to endorse a substantial reduction target for GHGs from 1990 levels by the year 2005, and to agree on coordinated measures to ensure the target's implementation.

AT THE CHANGING OF THE ATMOSPHERE CONFERENCE IN TORONTO IN 1988 THERE WAS AN AGREEMENT TO UNDERTAKE TO REDUCE CO2 EMISSIONS BY APPROXIMATELY 20% OF 1988 LEVELS BY THE YEAR 2005 AS AN INITIAL GLOBAL GOAL. CLEARLY, THE INDUSTRIALIZED NATIONS HAVE A RESPONSIBILITY TO LEAD THE WAY, BOTH THROUGH THEIR NATIONAL ENERGY POLICIES AND THEIR BILATERAL AND MULTILATERAL ASSISTANCE ARRANGEMENTS

SUBSTANTIAL EFFORT HAS TO BE MADE TO EVEN ATTEMPT TO GO BEYOND THAT GOAL AND ACHIEVE 20% OF 1988 BY THE YEAR 2000. CLIMATE 2000. TO ACHIEVE THIS STATES WOULD HAVE TO SERIOUSLY MOVE AWAY FROM CAR DEPENDENCY, CEASE LOGGING IN OLD GROWTH FORESTS SO AS TO PRESERVE CARBON SINKS, AND TO CEASE ALL BROADCAST BURNS.

SYSTEMIC CONSTRAINT OFTEN THE CAR INDUSTRY IS AT THE TABLE AND PREVENTING THE NECESSARY CHANGES. SIMILARLY, THE FOREST INDUSTRY IS AT THE TABLE FIGHTING AGAINST THE PRESERVATION OF OLD GROWTH CARBON SINKS. UNTIL WE MOVE AWAY FROM VESTED INTEREST DECISION MAKING CHANGE WILL NOT OCCUR.

31. The recent successful conclusion of the replenishment negotiations of the Montreal Protocol Multilateral Fund is welcomed. Future replenishment should also be adequate to ensure timely implementation of the Protocol. There is also a need for implementation of effective measures against the illegal trade in ozone depleting substances. GOOD Rising levels of trans-boundary air pollution should be countered through the further development of regional agreements and conventions aimed at the reduction of polluting emissions. POSSIBLE PROBLEM THAT RECYCLING OF CFCs TECHNIQUES HAS BEEN USED TO ARGUE THAT THE UNDERTAKING TO ELIMINATE THE PRODUCTION AND CONSUMPTION OF CFC SHOULD BE MODIFIED, AND THAT CONSUMPTION DOES NOT INCLUDE RECYCLED MATERIAL. THERE IS FEAR THAT RECYCLING COULD NOW BE USED TO JUSTIFY THE CONTINUED PRODUCTION AS WELL.

Chemicals and Wastes

NOTE THAT NUCLEAR/ATOMIC/RADIOACTIVE TECHNOLOGY AND WASTES SHOULD BE INCLUDED UNDER THE BASEL CONVENTION.

ALSO, PRINCIPLE 14 OF THE RIO CONVENTION SHOULD APPLY TO ALL TOXIC, CHEMICAL, BIOTECHNICAL AND ATOMIC WASTES

32. Substantial progress has been made with implementation of the Basel and Bamako Conventions and the establishment of the Intergovernmental Forum on Chemical Safety (IFCS) and the Inter-organizational Programme for the Sound Management of Chemicals (IOMC). Further action at the international level includes recent decisions of the UNEP Governing Council and the second session of the IFCS to prepare for the expeditious conclusion of conventions on Prior Informed Consent (PIC) and Persistent Organic Pollutants (POPs), bearing in mind the need for a comprehensive approach to the control of such pollutants, including necessary international mechanisms to assist developing countries and economies in transition to implement those conventions. There is also a need for the IFCS, the IOMC and relevant UN and national agencies to develop criteria to identify chemicals beyond the 12 specified POPs that could be included in a POPs convention. It is necessary to conclude the Protocol on Liability and Compensation under the Basel Convention. Storage, transportation, trans-boundary movements and disposal of radio-active wastes must be guided by the principles of the Rio Declaration. Increased regional cooperation is required to improve the management of radioactive wastes; storage of radioactive wastes in countries or territories without internationally accepted safe storage facilities should be prevented.

Land and Sustainable Agriculture

PROMOTING ORGANIC AGRICULTURE THROUGH REGULATIONS AND EDUCATION, AND THROUGH PHASING OUT THE USE OF CHEMICAL PESTICIDES THROUGH REGULATIONS AND EDUCATION

Concurring with the Universal Declaration on the Eradication of Hunger and Malnutrition, on the importance of assuring "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...". (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

Recognizing that the Green Revolution has failed because it could not ensure global food security and to a high extent has caused and promoted the accelerated degradation of the earth's natural ecosystems. More than ever before, the harmonization of human activity and its natural environment ...is the key to the survival of many living communities, including human kind. IFOAM (International Federation of Organic Agriculture Movements) promotes

the constructive integration of organic agriculture and nature conservation.

33. Land loss and degradation threatens the livelihood of millions of people and future food security, with implications for water resources and the conservation of biodiversity. There is an urgent need to define ways to combat or to reverse the worldwide acceleration of soil degradation and to integrate land and watershed management, taking into account the needs of populations living in mountain ecosystems. The international community has recognized the need for an integrated approach to land-use management that involves all stakeholders, NOT STAKEHOLDERS BUT INDIVIDUALS AND GROUPS WITH VARYING EXPERTISE AND EXPERIENCE at local as well as national levels, that includes women, small-scale food producers, indigenous peoples and community-level NGOs. The eradication of poverty remains essential to improve food security and provide adequate nutrition for more than 800 million undernourished people, located mainly in developing countries. Comprehensive rural policies are required to improve access to land, combat poverty, create employment and reduce rural emigration. To meet these objectives, Governments should attach high priority to implementing the commitments of the Rome Declaration on World Food Security and the Plan of Action, adopted at the World Food Summit in November 1996, especially its call for a minimum target of halving the number of undernourished people in the world by 2015.

Desertification and Drought

34. Governments are urged to sign, ratify and implement as soon as possible the Convention to Combat Desertification, which entered into force on 26 December 1996, and to support its first Conference of the Parties, which will be held in Rome in September of this year. The international community should also support the Global Mechanism so as to ensure adequate financial resources for advancing the implementation of the Convention on Desertification and its annexes.

Biodiversity

THE ESSENTIAL PRINCIPLES OF ACTION IN THE BIODIVERSITY CONVENTION HAVE NOT BEEN ADHERED TO. * BIODIVERSITY IS OFTEN DESTROYED BEFORE IT HAS BEEN IDENTIFIED * THE REQUIREMENT TO CARRY OUT AN ENVIRONMENTAL ASSESSMENT REVIEW OF ACTIONS THAT COULD CONTRIBUTE TO REDUCTION AND LOSS OF BIODIVERSITY (SUCH AS FOREST PRACTICES) HAS NOT BEEN DONE * THE PRECAUTIONARY PRINCIPLE HAS NOT BEEN INVOKED. FOR EXAMPLE

WHEN THERE IS THE POSSIBILITY OF LOSS OR REDUCTION OF BIODIVERSITY WE DO NOT HAVE TO WAIT UNTIL THERE IS SCIENTIFIC CERTAINTY THAT HARM WILL OCCUR FOR ACTION TO BE TAKEN. THERE IS SUFFICIENT EVIDENCE THAT "CLEAR-CUT LOGGING" AND OTHER ECOLOGICALLY UNSOUND LOGGING PRACTICES DESTROY BIODIVERSITY FOR THESE PRACTICES TO BE DISCONTINUED. SIMILARLY, IN THE WETLANDS. SIMILARLY, THERE IS SUFFICIENT EVIDENCE THAT GENETICALLY MODIFIED ORGANISMS WILL CONTRIBUTE TO LOSS REDUCTION OF BIODIVERSITY.

35. Identifying values of biodiversity and integrating those values into national decision making poses a challenge for economists and decision makers. It is of critical importance that Governments and the international community fully implement the commitments DISCHARGE THE OBLIGATIONS of the Convention on Biodiversity. Special attention should be given to the Leipzig Declaration on Plant Genetic Resources and the Plan of Action which focuses on the conservation and sustainable use of agrobiodiversity. More attention must be given to the equitable sharing of the benefits arising from the utilization of genetic resources, including access to genetic resources and transfer of technologies. Governments should also respect, preserve and maintain knowledge innovations and practices of indigenous and local communities embodying traditional lifestyles and encourage equitable sharing of the benefits arising from indigenous peoples' traditional knowledge so that they are properly rewarded. A Biosafety Protocol under the Biodiversity Convention should be rapidly concluded. In the meantime, countries should adhere to, and implement, the UNEP International Guidelines for Safety in Biotechnology STATES SHOULD INVOKE THE REVERSE ONUS PRINCIPLE IN RESPECT TO GENETICALLY MODIFIED ORGANISM. IN THIS CASE IT SHOULD BE THE PROPONENT OF THE INTERVENTION IN THE ECOSYSTEM THAT MUST DEMONSTRATE SAFETY RATHER THAN THE OPPONENT HAVING TO DEMONSTRATE HARM. AND THE PRECAUTIONARY PRINCIPLE MUST BE APPLIED. AND AS EVIDENCE EMERGES OF HARM GOVERNMENTS DO NOT HAVE TO WAIT FOR SCIENTIFIC CERTAINTY TO REVOKE APPROVAL

Sustainable Tourism

36. The tourism sector is now the world's largest industry and the fastest growing economic sector. Tourism is a major employer and contributor to national and local economies. Tourism, like other sectors, uses resources and generates wastes, and creates environmental, cultural and social costs and benefits in the process. A particular concern in this regard, is the degradation of biodiversity and fragile eco-systems such as coral reefs,

mountains, coastal areas and wetlands. To achieve sustainable tourism, it is essential to strengthen integrated policy development, nationally and internationally, using physical planning, impact assessment, economic, social, and regulatory instruments. Policy development and implementation should take place in cooperation with all stakeholders, especially the private sector and local communities, including indigenous peoples. The CSD should develop an action-oriented international programme of work on sustainable tourism, to be defined in cooperation with the World Tourism Organization, UNCTAD, UNEP and other relevant organizations, and in support of related work in the context of the implementation of the Convention on Biological Diversity. Sustainable development of tourism is of particular importance for SIDS. International cooperation is needed to facilitate tourism development in SIDS, including the development and marketing of eco-tourism, bearing in mind the importance of conservation policies required to secure long-term benefits from development in this sector in the context of the Barbados Programme of Action.

Small Island Developing States

37. The international community reaffirms its commitment to the implementation of the Barbados Programme of Action for Small Island Developing States. The Commission on Sustainable Development carried out a mid-term review of selected programme areas of the Programme at its fourth session in 1996. A full review of the Programme is scheduled for 1999. (CSD-5 should make adequate provision for the full review in accordance with the provisions of the Barbados Programme of Action).

38. Considerable efforts are being made at the national and regional levels to implement the Programme of Action. These efforts need to be supplemented by effective financial support from the international community. External assistance for the building of requisite infrastructure, national capacity building, including human and institutional capacity, and for facilitating access to information on sustainable development practices and transfer of environmentally sound technologies is crucial for SIDS to effectively attain the goals of the Barbados Programme of Action. To assist national capacity building, SIDSNET and SIDSTAP should be operationalized as soon as possible with the support of existing regional and sub-regional institutions.

Natural Disasters

IN THE CONVENTION ON THE REDUCTION OF DISASTERS THERE WAS THE RECOGNITION OF NA-TECHS DISASTER. IN HABITAT II STATES UNDERTOOK TO PREVENT DISASTERS. INCLUDING ANTHROPOGENIC DISASTERS. DISASTER PREVENTION INCLUDES THE DISCONTINUING OF THE PRODUCTION AND TESTING OF NUCLEAR ARMS, THE MINING OF URANIUM, THE CIRCULATING AND BERTHING OF NUCLEAR ARMED AND NUCLEAR-POWERED VESSELS, THE BANNING OF LAND MINES, THE GENETIC ENGINEERING OF FOOD, THE TRANSPORTING OF PLUTONIUM FOR NUCLEAR REACTORS, THE USING OF CIVIL NUCLEAR ENERGY, THE PRODUCTION OF TOXIC AND HAZARDOUS WASTE, THE GENERATION OF GREENHOUSE GASES, AND OZONE DEPLETING SUBSTANCES.. STATES SHOULD IMMEDIATELY UNDERTAKE TO START THE IMMEDIATE DRAFT OF A CONVENTION THAT WILL LEAD TO THE COMPLETION OF A CONVENTION ON THE ABOLITION OF ALL NUCLEAR WEAPONS INCLUDING THE PRODUCTION OF NUCLEAR WEAPONS. ENDORSEMENT OF ABOLITION 2000,

39. Natural disasters have disproportionate consequences for developing countries, in particular SIDS. Programmes for sustainable development should give higher priority to implementation of the commitments made at the Yokohama World Conference on Natural Disaster Reduction. There is a particular need for the promotion and facilitation of the transfer of early-warning technologies to those developing countries and countries with economies in transition which are prone to natural disasters.

C. Means of Implementation

Financial Resources and Mechanisms

MILITARY BUDGET

TRANSFER 50% OF THE EXISTING MILITARY BUDGET INTO PROVIDING FOR SOCIAL PROGRAMS AND SUPPORTING ORGANIZATIONS LIKE THE UNITED NATIONS. [IN CHAPTER 33 IN AGENDA 21, EVERY STATE MADE A COMMITMENT TO RE-ALLOCATE MILITARY EXPENSES]

ADDITIONAL MEASURES

1. THAT LICENCES OF CORPORATIONS THAT VIOLATE HUMAN RIGHTS, THAT CAUSE ENVIRONMENTAL DEGRADATION, THAT CONTRIBUTE TO CONFLICT AND WAR, AND THAT DENY SOCIALLY EQUITABLE AND ENVIRONMENTALLY UNSOUND DEVELOPMENT SHALL BE REVOKED. (SEE THE WORK OF RICHARD GROSSMAN "TAKING CARE OF BUSINESS").

2. THAT COMPENSATION AND REPARATION BE PAID BY CORPORATIONS TO COUNTRIES TO INDIGENOUS PEOPLES, AND TO DISENFRANCHISED PEOPLE WHOSE LAND HAS BEEN DEGRADED, WHOSE RIGHTS HAVE BEEN VIOLATED AND WHOSE LIVES HAVE BEEN DESTROYED THROUGH CORPORATE SUPPORT FOR OPPRESSIVE REGIMES. IT IS NOT SO MUCH DEBT FORGIVENESS BUT COMPENSATION AND REPARATION FOR THE DEVASTATION CAUSED BY THE OVERCONSUMPTIVE MODELS OF DEVELOPMENT IMPOSED ON DEVELOPING COUNTRIES THAT IS NECESSARY.
3. THAT CORPORATE TAXES BE CONSIDERABLY RAISED AND IMMEDIATELY TRANSFERRED INTO SOCIAL PROGRAMS SUCH AS EDUCATION, HEALTH AND SOCIAL SECURITY.
4. THAT ALL SUBSIDIES TO CORPORATE ACTIVITY THAT PERPETUATE SOCIAL INEQUITY AND ENVIRONMENTALLY UNSOUND DEVELOPMENT BE IMMEDIATELY DISCONTINUED. IN ADDITION, THE 10.4 BILLION SUBSIDY TO THE MILITARY SHOULD BE REDUCED TO AT LEAST HALF AND THE SAVINGS TRANSFERRED INTO TRANSFER PAYMENTS FOR HEALTH, EDUCATION, SOCIAL PROGRAMS AND ENVIRONMENTALLY SOUND EMPLOYMENT GENERATION.
5. THAT ALL DEFERRED TAXES FOR CORPORATE ACTIVITIES THAT HAVE PERPETUATED SOCIALLY INEQUITABLE AND ENVIRONMENTALLY UNSOUND DEVELOPMENT BE COLLECTED IMMEDIATELY.
6. THAT ALL MULTI-STAKEHOLDER ROUND TABLES EXTOLLING A DECISIONMAKING PROCESS THAT GLORIFIES CONFLICT OF INTEREST BE DISCONTINUED. THESE TABLES IN PRACTICE INVITE CORPORATE INTERESTS TO DETERMINE THROUGH CONSENSUS POLICIES THAT DIRECTLY AFFECT THEM AND MUST BE STOPPED.
7. THAT ALL ATTEMPTS BY INDUSTRY THROUGH THE INTERNATIONAL STANDARDIZATION ORGANIZATION'S (ISO) 14,000 TO MOVE AWAY FROM "COMMAND AND CONTROL" AND REGULATIONS BE DISALLOWED.
8. THAT TO ENSURE THAT CORPORATIONS COMPLY, STATE GOVERNMENTS MUST UNDERTAKE TO SIGN AND RATIFY AGREEMENTS THAT THEY HAVE NOT YET SIGNED AND RATIFIED WHICH THEY HAVE EARLIER PROMISED TO SIGN AND RATIFY AND ENACT THE LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT.
9. THAT ALL CORPORATE INTRUSION INTO EDUCATION AT ALL LEVELS BE ENDED
10. THAT CORPORATIONS NO LONGER BE ALLOWED TO DONATE FUNDS OR GOODS AND SERVICES IN KIND TO FEDERAL CANADIAN POLITICAL PARTIES. IN

ADDITION, ALL CORPORATE CONNECTIONS OF CANDIDATES INCLUDING THOSE FOR THE LEADERSHIP OF PARTIES BE REVEALED.

11 THAT AN INTERNATIONAL COURT OF COMPLIANCE BE INSTITUTED WHERE CITIZENS COULD TAKE EVIDENCE OF STATE AND CORPORATE NON-COMPLIANCE.

40. Financial resources and mechanisms play a key role in the implementation of Agenda 21. Urgent and renewed efforts are essential to ensure that all sources of funding - international and domestic as well as private and public - contribute to sustainable development.

41. The commitments made at UNCED to provide new and additional resources to developing countries remain a key element to support their efforts to achieve sustainable development. In view of the need to ensure effective implementation of Agenda 21, there is an urgent need to fulfill all financial commitments of Agenda 21, especially those in chapter 33. Developed countries should therefore, reaffirm their commitments, including the achievement of the United Nations target of 0.7 per cent of GNP, as soon as possible, and in particular reverse the recent downward trend in the ratio of ODA to GNP. In this context, it is essential to consider strategies that would restore donor support for aid programmes and revitalize the commitments that donors made at UNCED. Some countries already meet or exceed the 0.7 per cent agreed target. As a minimum, those donor countries with declining ODA should return to 1992 shares of GNP within five years. Other countries in a position to do so should also be encouraged to provide ODA support.

42. Official financial flows to developing countries remain an essential element of the partnership embodied in Agenda 21. ODA has a significant role in capacity building, infrastructure, combating poverty and environmental protection in developing countries, and a crucial role in the least developed countries.

43. Official financial flows can also play an important catalytic role in supporting policy reforms, promoting institutional development, and leveraging private investment, and, at this stage, cannot be replaced by private flows.

44. Private foreign capital is a major engine of economic growth in a large number of developing countries. Enhancing its contribution to sustainable development depends mainly on sound and predictable domestic policies, including policies that

internalize environmental costs. Therefore, both at the national and international level, further work should be undertaken on the design of appropriate policies for attracting private foreign capital (in particular FDI), reducing its volatility, and enhancing its contribution to sustainable development, for example, through promoting innovative schemes, such as co-financing and "green" credit lines and investment funds.

45. The GEF needs further expansion and development. In the first instance, the satisfactory replenishment of GEF resources, for example, through a doubling, deserves high priority; further consideration could then be given to the expansion of its scope and coverage beyond existing focal areas.

46. Further studies should be undertaken on foreign private flows to developing countries, including the design of an appropriate policy environment for attracting FDI and how host countries can maximize the positive impacts of FDI on sustainable development through strengthening social policies and environmental policies and regulations.

47. To resolve the remaining debt problems of the highly indebted poorest countries, creditor and debtor countries and international financial institutions should continue their efforts towards finding effective, comprehensive, durable and development-oriented solutions, including measures such as debt reduction, debt swaps, debt cancellation, and increased grants and concessional flows. In this context, the joint World Bank/IMF HIPC Initiative is a step in the right direction, and effective and flexible implementation of the Initiative promises to reduce debt as an impediment to sustainable development.

48. Since financing for Agenda 21 in all countries will come mainly from their own public and private sectors, policies aimed at mobilizing domestic financial resources are crucial. Apart from the importance of the support provided by international cooperation, sustainable development must rely on domestic efforts. Policies for promoting domestic resources mobilization should include macroeconomic and structural reforms, public expenditure reforms, the promotion of environmental taxes and charges, a review of existing subsidy policies, and financial sector development to promote personal saving and access to credit, taking into account the characteristics and capabilities of individual countries. The expanded use of environmental taxes and user charges is particularly attractive because they generate win-win possibilities by shifting consumer and producer behaviour

in more sustainable directions, at the same time as generating financial resources that can be used for sustainable development or reducing taxes elsewhere.

49. There is a need for making existing subsidies more transparent in order to be aware of their actual economic, social and environmental impact and to reform them. Further national and international research in this regard should be promoted in order to assist Governments in identifying and reducing subsidies that have trade-distorting and environmentally-damaging impacts. In general, subsidy reductions should take full account of the specific conditions of individual countries and consider potentially regressive impacts. In addition, it would be desirable to use international cooperation and coordination to promote concerted national reduction of subsidies where these have important implications for competitiveness.

50. In order to reduce the barriers to an expanded use of economic instruments, governments and international organizations should collect and share information on the use of economic instruments, and introduce pilot schemes. When introducing economic instruments that raise the cost of economic activities for households and SMEs, Governments should consider gradual phase-ins, public education programmes, and targeted technical assistance as strategies to reduce distributional impacts.

51. A number of innovative financial mechanisms are currently under discussion in international and national fora. In view of the widespread interest in these mechanisms, appropriate organizations, including the World Bank and the IMF, are invited to conduct forward-looking studies regarding concerted action on these mechanisms, so that they can be taken up in CSD and other relevant intergovernmental meetings.

Transfer of environmentally sound technologies
 ENVIRONMENTAL SOUND TECHNOLOGIES ARE THOSE THAT DO IT RIGHT THE FIRST TIME. CLEAN-UP TECHNOLOGIES THAT THRIVE ON DEREGULATION ONLY DISPLACE THE PROBLEM. PARTICULARLY TO LAND AND WATER BODIES OF DEVELOPING COUNTRIES, LAND AND WATER BODIES OF INDIGENOUS PEOPLES OR URBAN AREAS OF DISENFRANCHISED MEMBERS OF THE COMMUNITY.

52. There is urgent need for developing countries to acquire greater access to environmentally sound technology if they are to meet the obligations agreed at UNCED and in the respective international conventions. THIS UGENT NEED WILL ONLY BE ADDRESSED IF THERE ARE MANDATORY INTERNATIONAL NORMATIVE

STANDARDS/REGULATIONS THAT WILL DRIVE INDUSTRY TO DEVELOP ENVIRONMENTALLY SOUND TECHNOLOGY, ALONG WITH GOVERNMENT FUNDING ONLY ENVIRONMENTALLY SOUND TECHNOLOGY. Hence, renewed commitment is

needed from developed countries, "to promote, facilitate, and finance, as appropriate, the access to and the transfer of ESTs and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries for the implementation of Agenda 21".

53. Technology transfer and development of the human and institutional capacity to adapt, absorb and diffuse technologies, and to generate technical knowledge and innovations are part of the same process, and must be given equal importance. While technology transfer is usually a business-to business transaction, governments have a particular responsibility to develop the institutional and human capacities that form the basis for effective technology transfer.

54. Much of the most advanced environmentally sound technology OR RATHER MUCH OF THE BEST CLEAN-UP TECHNOLOGY; THE BEST ENVIRONMENTALLY SOUND TECHNOLOGY HAS BEEN RARELY FUNDED AND SUPPORTED BY GOVERNMENTS, AND THE ENVIRONMENTALLY SOUND TECHNOLOGY OF DEVELOPING COUNTRIES HAS BEEN EQUALLY IGNORED. PERHAPS IT IS TIME THAT FAIR TRADE IN ENVIRONMENTALLY SOUND TECHNOLOGY FROM DEVELOPING COUNTRIES BEGINS TO REPLACE THE TRANSFER OF ENVIRONMENTALLY UNSOUND TECHNOLOGY FROM THE DEVELOPED COUNTRIES.

is

developed and held by the private sector. Creation of an enabling environment, on the part of both developed and developing countries, including supportive economic and fiscal measures, as well as a practical system of environmental regulations and compliance mechanisms, can help to stimulate private sector investment in and transfer of environmentally sound technology to developing countries. GOOD New ways of financial intermediation for the financing of ESTs, such as "green credit lines" should be examined. The links between foreign direct investment, ODA and technology transfer should be explored in greater depth.

GOVERNMENTS SHOULD ONLY FUND ENVIRONMENTALLY SOUND TECHNOLOGY, AND BE INVOLVED WITH DETERMINING FUNDING AT UNIVERSITIES. ALL CORPORATE FUNDING OF UNIVERSITIES SHOULD BE DISCONTINUED. Further

efforts could be made by Governments of developed countries to

acquire privately owned technology in order to transfer it on concessional terms to developing countries, especially LDCs.

55. A proportion of technology is owned by public institutions, or results from publicly funded research and development activities. The government's control over the technological knowledge produced in publicly funded research and development institutions opens up a potential for the generation of publicly owned technologies that could be made accessible to developing countries, and could be an important means for governments to catalyze private sector technology transfer. Proposals for further study of these technologies to meet developing country needs are to be welcomed.

56. Governments should play a key role in establishing **MANDATORY INTERNATIONAL NORMATIVE STANDARDS/ REGULATIONS TO DRIVE INDUSTRY** ..public-private partnerships, within and between developed and developing countries and economies in transition. These partnerships are essential to link the advantages of the private sector - access to finance and technology, managerial efficiency, entrepreneurial experiences and engineering expertise - with the capacity of governments to create a policy environment that is conducive to technology-related private sector investments and long-term sustainable development objectives.

57. Governments have an important role in bringing together companies from developed and developing countries and economies in transition so they can create **SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND LINKAGES** Sustainable and mutually beneficial business linkages. Incentives should be given to stimulate the building of joint ventures between small and medium-sized enterprises (SMEs) in developed and developing countries and economies in transition.

58. Governments of developing countries should take appropriate measures to strengthen South-South cooperation for technology transfer and capacity-building. Such measures could include networking of existing national information systems and sources on ESTs and of national cleaner production centres, as well as the establishment of sector-specific regional centres for technology transfer and capacity-building Donor countries and international organizations should further assist developing countries in these efforts.

59. There is a need to enhance exploitation of the potential of global electronic information and telecommunication networks that

would enable countries to choose among the available technological options that are most appropriate to their needs.

Capacity Building

60. Renewed commitment and support from the international community is essential to support national efforts for capacity building in developing countries and economies in transition.

61. The Capacity 21 Programme of UNDP should be further strengthened. It should give priority attention to building capacity for the elaboration of sustainable development strategies based on participatory approaches.

62. Capacity building efforts should pay particular attention to the needs of women, in order to ensure that their skills and experience are fully used in decision-making at all levels. The special needs of indigenous peoples must be recognized. International financial institutions should enhance their funding of capacity building for sustainable development in developing countries and countries with economies in transition. Special attention should also be given to strengthening the ability of developing countries to absorb and generate technologies. The role of the private sector in capacity building should be further promoted and enhanced. South-South cooperation in capacity building should be further supported through "triangular" cooperative arrangements.

Science

RESOLUTION: REQUIRING SCIENTISTS TO ABIDE BY THE "DECLARATION ON THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE AND FOR THE BENEFIT OF HUMANITY"

Concurring with the assessment in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 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)

Concurring with the concern expressed in Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and

for the Benefit of humanity about 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)

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)

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)

63. Public and private investment RATHER THAN PRIVATE INVESTMENT BEING MADE IN SCIENCE AND EDUCATION, THE PRIVATE SECTOR SHOULD PAY INCREASED TAXES SO THAT GOVERNMENTS WILL BE ABLE TO EFFECTIVELY CONTRIBUTE TO EDUCATION THAT IS FOR THE BENEFIT OF HUMANITY. in

science, education and training, and in research and development, should be increased significantly at the national level.

64. International consensus building is facilitated by the availability of authoritative scientific evidence. There is aDate: Wed, 2 Apr 1997 08:37:26 -0500

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To: csdgen@nygate.undp.org

need for further scientific cooperation, especially across academic disciplines, in order to verify and strengthen scientific evidence for environmental change.

65. Greater efforts to build and strengthen scientific and technological capacity in developing countries is an objective of the highest priority and greatest urgency. Multilateral and

bilateral donor agencies and governments, as well as specific funding mechanisms such as the GEF, should enhance significantly their support to developing countries in this regard.

Education and Awareness

RESOLUTION: REQUIRING SCIENTISTS TO ABIDE BY THE "DECLARATION ON THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE AND FOR THE BENEFIT OF HUMANITY"

CONCURRING WITH THE ASSESSMENT IN THE DECLARATION ON THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE AND FOR THE BENEFIT OF HUMANITY, 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)

CONCURRING WITH THE CONCERN EXPRESSED IN DECLARATION ON THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE AND FOR THE BENEFIT OF HUMANITY ABOUT 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)

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)

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)

66. Education increases human welfare and is a decisive factor in enabling people to become productive and responsible members of a sustainable society. A fundamental prerequisite for sustainable development is an adequately financed and effective educational system at all levels, but particularly at the primary and secondary level, including life-long education, accessible to all, that augments both human capacity and well-being. Priority should be given to women's and girls' education, as it also plays a critical role in improving family health, nutrition, and income. Education should also be seen as a means of empowering youth and other vulnerable and marginalized groups, including those in the rural areas. Even in nations with strong education systems, there is a need to reorient education, awareness and training to increase widespread public understanding and support for sustainable development. Education for a sustainable future should engage a wide spectrum of institutions and sectors to address the concepts and issues of sustainable development embodied throughout Agenda 21 and stressed further in the CSD Work Programme on the subject adopted in 1996, that will be further developed by UNESCO in cooperation with others.

International Legal Instruments and the Rio Declaration

67. The implementation and application of the Rio principles should be the subject of regular assessment and reporting.

68. Access to information, public participation and the right to complaint are hallmarks of environmental democracy; there should be wider access to relevant court systems to pursue environmental justice.

69.

ON JUNE 23, 1997 AT THE FIFTH ANNIVERSARY OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT, WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE TO SIGN AND RATIFY INTERNATIONAL AGREEMENTS THAT WE HAVE NOT YET SIGNED AND RATIFIED, AND TO ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT. IN ADDITION, WE UNDERTAKE TO FULFILL EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS AND DECLARATIONS, AND COMMITMENTS MADE FROM CONFERENCE ACTION PLANS.

Implementation of and compliance with international treaties in the field of sustainable development needs further improvement. Secure, sustained and predictable financial support, sufficient institutional capacity and human resources and adequate access to technology may promote implementation of international legal instruments. Full implementation of international commitments can eliminate potential sources of conflict and the development of cooperative, nonjudicial and transparent mechanisms for implementation should be pursued.

Information and tools to measure progress

70. The further development of cost-effective tools to collect and disseminate information for decision-makers at all levels, through strengthened data collection, compilation and analysis, is urgently needed.

71. The CSD work programme on indicators for sustainable development should result in an adequate set of indicators, including a limited number of aggregated indicators, to be used at the national level by the year 2000. Indicators play an important role in monitoring progress towards sustainable development and to facilitate national reporting, as appropriate.

72. National reports provided on the implementation of Agenda 21 IT SHOULD BE NOTED THAT THE SUMMIT II SHOULD BE A TIME TO DISPEL MYTHS AND NOT PERPETUATE THEM. HOW MANY OF THE REPORTS FROM THE COUNTRIES WERE HONEST? SUBMISSIONS BY CONCERNED CITIZENS HAVE BEEN MADE TO BE INCLUDED IN THE REPORTS BUT THESE SUBMISSIONS HAVE BEEN IGNORED. WHAT IS NECESSARY ARE TWO REPORTS: ONE FROM THE GOVERNMENT AND THE OTHER FROM CONCERNED CITIZENS. BOTH OF THESE REPORTS SHOULD BE PLACED ON A GOVERNMENT WEB SITE, AND SHOULD BE SUBMITTED TO THE COMMISSION ON SUSTAINABLE DEVELOPMENT. OFTEN WHEN CITIZENS READ THE REPORTS THEY WONDER IF THEY ARE LIVING IN THE SAME COUNTRY. IF THERE IS TO BE CHANGE THERE MUST FIRST BE HONESTY. AN OLD PRINCIPLE OF ALCOHOLIC ANONYMOUS.

have proven to be a valuable means of sharing information at international and regional levels, and even more importantly, of providing a focus for coordination of issues related to sustainable development within a country. This national reporting should continue, and should reflect all aspects of Agenda 21, including domestic action and international commitments. The reporting system could be complemented by peer reviews organized at the regional level.

To be added in the course of CSD-V: action regarding the streamlining of national reporting.

IV. International Institutional Arrangements /2

73. Achievement of sustainable development requires continued support from international institutions. The institutional framework outlined in Chapter 38 of Agenda 21 and determined by the General Assembly in its resolution 47/191, including specific functions and roles of various organs, programmes and organizations within and outside the United Nations system, will continue to be fully relevant in the period after the Special Session. Within that framework, achievement of the following goals and objectives would be particularly important.

Greater coherence in various intergovernmental organizations and processes

74. Given the increased number of decision-making bodies concerned with various aspects of sustainable development, including those related to the international conventions, there is an ever greater need for better policy coordination at the intergovernmental level through consistent and coherent positions of governments in these various fora, as well as enhanced collaboration among their secretariats. The ECOSOC should play a strengthened role in this area bearing in mind its functions related to the coordination of the United Nations system in the economic and social fields.

75. Strengthening the ACC's Inter-Agency Committee on Sustainable Development and its system of Task Managers is needed, with a view to further enhancing inter-sectoral cooperation and policy coordination at the national, regional and international level for the implementation of Agenda 21 and for the promotion of a coordinated and integrated follow-up to the major UN conferences as they relate to sustainable development.

76. Appropriate and effective arrangements should be established in order to better support regional and sub-regional organizations, including the UN Regional Commissions, bearing in mind the role these organizations play in the achievement of sustainable development objectives agreed at the international level.

Role of relevant organizations and institutions of the United Nations system

77. All organizations and programmes of the United Nations system should, in their further individual and joint efforts to implement Agenda 21, and in cooperation with national governments, give more emphasis to action at the country level, ensure greater support to community-driven initiatives and promote more active involvement of major groups.

78. The role of the United Nations Environment Programme (UNEP) and of its Governing Council, as the principal United Nations body in the field of environment, should be further enhanced in conformity with the Nairobi Declaration on the Role and Mandate of UNEP, with a view to enabling the Programme to serve as the leading environmental authority and that sets the global environmental agenda, promotes the coherent, implementation of the environmental dimension of sustainable development within the United Nations system and acts as an authoritative advocate for the global environment. UNEP's role in the further development of international environmental law including the development of inter-linkages among existing environmental conventions should be strengthened. A revitalized UNEP should be supported by adequate funding. UNEP should continue providing effective support to the CSD through scientific, technical and policy information and advise on the environment.

UNEP IN ITS LEADERSHIP ROLE MUST ASSIST STATES IN ENSURING THAT CORPORATIONS INCLUDING TRANSNATIONAL CORPORATION COMPLY WITH NATIONAL CODES, SOCIAL SECURITY, AND INTERNATIONAL LAW, INCLUDING INTERNATIONAL ENVIRONMENTAL LAW AS WAS UNDERTAKEN IN THE PLATFORM, OF ACTION AND HABITAT II. IN THIS ROLE UNEP SHOULD ACT TO ESTABLISH MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS BASED ON INTERNATIONAL LAW, AND CONTINUALLY INCORPORATE MORE STRINGENT REGULATIONS AS THEY APPEAR IN DIFFERENT STATES SO AS TO CONTINUALLY MOVE INTERNATIONAL LAW TO HARMONIZE UPWARD.

79. The United Nations Development Programme (UNDP) should strengthen its contribution to sustainable development and the implementation of Agenda 21 given its role at the national and local levels, particularly in the area of promoting capacity building in cooperation with other organizations. SHOULD ALWAYS BE GUIDED BY PRINCIPLES RELATED TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT.

80. The United Nations Conference on Trade and Development (UNCTAD) should continue to play a key role in the implementation of Agenda 21 through integrated examination of linkages among

trade, investment, technology, finance and sustainable development BUT SHOULD ALWAYS BE GUIDED BY PRINCIPLES RELATED TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT.

81. The WTO Committee on Trade and Environment, UNCTAD and UNEP should advance their coordinated work on trade and environment, building upon the accomplishments so far and involving other appropriate international and regional organizations in their cooperation and coordination. UNCTAD and UNEP should play a major role in both analysis and action-oriented efforts to promote the integration of trade, environment and development. The CSD has an important role to play in the process of widening the trade and environment debate to include an integrated consideration of all factors relevant for achieving sustainable development.

82. The contribution and commitment to sustainable development of International financial institutions should be further strengthened. The World Bank has a significant role to play, bearing in mind its expertise and the overall volume of resources it commands. Governments should consider an IDA12 replenishment at a level at least comparable to IDA10. Negotiations for the replenishment of the GEF will have special importance for its future work, as well as a direct impact on the availability of new and additional grant and concessional funding for sustainable development with global benefits at the global, regional and national level.

Future role and Programme of Work of the CSD
 THE COMMISSION ON SUSTAINABLE DEVELOPMENT AS THE OVERSEER OF THE MOST COMPLEX SET OF INTERNATIONAL NORMS AND PRINCIPLES BE RESPONSIBLE FOR ALWAYS INTEGRATING NEW NORMS AND PRINCIPLES AS THEY EMERGE FROM OBLIGATIONS IN TREATIES, COVENANTS AND CONVENTIONS,
 FROM EXPECTATIONS IN GENERAL ASSEMBLY RESOLUTIONS AND DECLARATIONS, AND COMMITMENTS FROM CONFERENCE ACTION PLANS.

83. The Commission on Sustainable Development will continue to provide a central forum for reviewing further progress in the implementation of Agenda 21 and of other Rio commitments, for policy debate and consensus-building on sustainable development, as well as for catalyzing action and long-term commitment to sustainable development at all levels. The CSD should perform its functions in coordination with other subsidiary bodies of the Economic and Social Council that contribute to the achievement of specific economic and social goals of sustainable development.

84. The CSD, while carrying out its functions outlined in the Assembly resolution 47/191, should focus its deliberations on those issues which are of major significance to achieving the goals of sustainable development, involve promotion of policies which integrate economic, social and environmental dimensions of sustainability and provide for integrated consideration of linkages both between sectors and between sectoral and cross-sectoral aspects of Agenda 21.

85. In light of the above, it is recommended that the Economic and Social Council decides on the Multi-Year Programme of Work of the CSD for the period 1998-2002 as contained in Annex (Text to be added at a later stage after further discussion during the Fifth session of the CSD. Proposals of the Secretary-General on this issue are contained in document E/CN.17/1997/2).

CSD's methods of work

86. Based on the experience gained in the period 1993-1997, the CSD, under the guidance of the Economic and Social Council, should:

a strive to attract greater involvement in its work of ministers and high-level national policy-makers responsible for specific economic sectors, who, in particular, are encouraged to participate in the High-Level Segments in the CSD jointly with the ministers and policy-makers responsible for environment and development. The high level segments of the CSD should become more interactive and focus on the priority issues being considered at a particular session;

b continue to provide a forum for the exchanges of national experiences in sustainable development. In this context, the Commission should consider more effective modalities for reviewing progress in the implementation of commitments made in Agenda 21, with an appropriate emphasis on those related to the means of its implementation;

c develop a better regional focus. CSD should monitor the growing number of regional initiatives and regional collaborations for sustainable development, and link its work more closely to such developments;

d establish closer inter-action with international financial institutions, GEF and the World Trade Organization, which in turn, are invited to take fully into account the results

of policy deliberations in the CSD in their own work programmes and activities;

e continue to explore more effective and systematic ways to involve the representatives of major groups in its work, including the business community, with a view to enhancing their contribution and accountability in the implementation of Agenda 21, thus demonstrating the value of their participation more widely;

f organize the implementation of its next Multi-Year Programme of Work in the most effective and productive way. Preparation for consideration of issues by the CSD can take the form of Ad hoc Inter-sessional Working Groups or arrangements similar to the Intergovernmental Panel on Forests. Furthermore, government-hosted inter-sessional expert meetings have proven to be effective;

g The High-level Advisory Board on Sustainable Development with the view to promote more direct inter-action between the CSD and the Board and to enhance the contribution of the Board to the deliberations in the Commission.

87. Functioning of the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources should become more closely integrated with the work programme of the CSD.

88. Arrangements for election of the Bureau should be changed in order to allow the same Bureau to provide guidance for the preparation for, and lead work during, the annual session of the CSD. The CSD would benefit greatly from such a change and the Economic and Social Council is invited to examine the possibility of taking the necessary action in this regard.

89. The next comprehensive review of progress achieved in the implementation of Agenda 21 will take place in 2002.

Notes:

1/ The United Nations Convention on the Law of the Sea; the Agreement relating to the Implementation of Part XI of the Convention; the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and

Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; the Agreement to Promote Compliance with International Conservation and Management Measures by Vessels Fishing in the High Seas; the FAO Code of Conduct for Responsible Fisheries; the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; the Barbados Programme of Action for the Sustainable Development of Small Island Developing States; the International Coral Reef Initiative; the Rome Consensus on World Fisheries of the 1995 FAO Ministerial Meeting on Fisheries; the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity; the Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security; the International Whaling Commission's Moratorium on Commercial Whaling; various international agreements on the conservation of small cetaceans; United Nations General Assembly resolutions A/51/34, A/51/35, A/51/36 and A/51/189; and relevant decisions of the nineteenth session of the Governing Council of the United Nations Environment Programme. There was an invitation, from environment ministry for environmental groups to have input into Canada's above submission for Rio+5. When there was a conference call with the ministry, I was the only one on-line. When I asked why, I was told that the environmental groups refused to participate unless they were paid.

COMMENT

I have a family income so I do not have to rely on income from my activist work; I welcome being invited to have input into government documents, because it is a form of activism to propose what I believe governments should be doing and they can never say that no one had proposed a particular action, principle or law.

There was an invitation, from environment ministry for environmental groups to have input into Canada's above submission for Rio+5. When there was a conference call with the ministry, I was the only one on line. When I asked why, I was told thst the environment refused to participate unless they were paid.

EXHIBIT

to: UNESCO / Programme MOST <ssmost@unesco.org
from: Russow@uvaix.uvic.ca
Subject: Re: MOST grant application

1230 St Patrick St.
Victoria, B.C. V8S 4Y4
Canada
e-mail. Russow@uvaix.uvic.ca
FAX/tel 604 598-0071

December 31st, 1996

For some time, we have admired the research conducted under UNESCO's MOST projects. We would like to submit a proposal entitled "Ethical Governance: Decision Making and Implementation within a Framework of Principles" for consideration by your committee.

We are sending this submission by e-mail because Victoria has been shut down as a result of a snow blizzard, and there is no postal service operating.

We look forward to your kind consideration of the submission. Please do not hesitate to call if any questions arise.

Yours Sincerely,

Dr Joan Russow and Dr Diane Pask

PROPOSAL FOR MOST

Submitted by Dr. Joan E. Russow, and Professor Diane Pask

ETHICAL GOVERNANCE: DECISION MAKING AND IMPLEMENTATION WITHIN A
FRAMEWORK OF PRINCIPLES

OVERVIEW

This research project flows from the urgent and compelling need for nation-states to fulfill and adhere to previously agreed-upon documented principles and courses of action; and, to enter into formal obligations derived from the legitimate expectations based on their previous statements and actions or pursuant to international customary law. This work is also relevant to the provision of guidance and future direction for the development of further principles, policy formation and implementation.

For years states have incurred obligations and created expectations through international agreements. Many of these obligations have never been discharged, and many of the expectations have not been fulfilled. One reason is that States fail to sign international legally binding treaties; another reason is that states that sign legally binding conventions and treaties, fail to ratify them; and still another reason is that states that ratify these treaties fail to enact the necessary legislation to ensure compliance. Many of the major conference action plans, such as those from United Nations Conference on Environment and Development (UNCED), The World Conference on Human Rights, the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II are adopted by all the member states of the United Nations, but they are not deemed to be legally binding. These Conference Action plans, however, do create an expectation that states will adhere to the agreed to principles.

In addition, public unawareness of the nature and scope of international obligations and expectations, and the failure to determine what would constitute compliance, are factors that hamper the discharging of obligations as would otherwise be expected as a function of ethical governance, policy formation and implementation. Many theorists and practitioners either fail to perceive or disregard the relevance of international documents in the formulation and implementation of policy. An important component of this research project is the use of public education programs to broaden and foster the understanding, and the appreciation of the complexity and interdependence of obligations and expectations.

By way of example, nation states have been reluctant to endorse mandatory international normative standards drawn from international principles from international documents; in addition, nation states have been reluctant to require harmonizing upwards, to create an “even global playing field” For example, this reluctance has created a situation whereby polluting industries will argue for a global policy of conformance to voluntary industry self-initiated standards, such as the ISO 14,000 standards. The outcome of having voluntary standards rather than mandatory international normative standards and regulations is that industries will argue locally against the instituting or strengthening of regulations and mandatory standards on the grounds that high local standards will require them to relocate in another region or country where the standards are lower or where there is a willingness to relax standards to attract industry.

Nation states, however, undertook to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167, United Nations Conference on Women, 1995). This undertaking was reaffirmed and extended in the Habitat II Agenda 1996 to include the requiring of the “private sector” generally to comply.

Through international agreements nation states have undertaken: to protect the natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972); to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); to prevent the 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); to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity); to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: to reduce the ecological footprint (Art. 27 b); to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i); to prevent environmental damage through knowledge of eco-cycles (Art. 135) and so forth.

This research project on ethical governance attempts to link policy formation and implementation with a reasonably comprehensive framework of principles derived from a wide range of international documents. Their application will be derived from interdisciplinary discourse undertaken in a variety of venues over the course of the project."

This project will research the underlying principles and application of the doctrine of legitimate expectations which raises fundamental questions about the meaning of ethical governance. This doctrine has been described in the following way: 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 (Brent Parfit, Deputy Ombudsman, Ombud's office, British Columbia, Canada, 1995, Personal Communication). A further elaboration of this doctrine is "when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). At the "We the Peoples..." conference on the 50th Anniversary of the United Nations in San Francisco, at a workshop on Agenda 21, it was proposed that the Doctrine of Legitimate Expectations could be used to strengthen both the treaty obligations and the expectations generated through Conference action plans such as Agenda 21. This proposal was favorably received by the Executive Director of the Commission on Sustainable Development, Dr. Nitun Desai, who requested further information.

A key concept to be examined in the research project is that of international customary law. Simply put, where a principle of international law has been a long-standing part of that law, it may be held to be a part of international customary law and deemed applicable as part of national law. For example, the principle of inter-generational equity i.e. the rights of future generations to a safe environment may be argued as falling within international customary law since it is found in a number of international documents beginning with the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change).

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national, and regional policy formation and implementation related to ethical governance, in that obligations incurred or expectations created can be held to be enforceable in national, provincial and regional law.

However, the results of this work depend for their efficacy on the general operation of the rule of law which is a complex concept and one which is itself dependent on the proper administration of justice. Ethical governance is interwoven with issues of administration and enforcement of legislation containing the internationally accepted principles and obligations with which this project is initially concerned. Ultimately, the project also must be concerned with questions of awareness, knowledge and education on the part of the

judiciary and administrative bodies. In addition, the project will contribute to heightened public awareness of the use of international documents and to the educational strength of these documents within various jurisdictions.

OBJECTIVES OF THE PROPOSED MOST PROJECT

1 To address the problem of eliminating or at least reducing the discrepancy between stated intention and policy formation and implementation, and the promoting of ethical governance through policy formation and implementation, the researchers propose a general objective. This objective is to establish a comprehensive interdisciplinary framework of principles related to ethical governance, to propose principle-based decision making and education, and to recommend policy formation and implementation based on this framework of principles. The following interdependent objectives will assist in the realization of this general objective.

1. Prepare a comprehensive interdisciplinary framework of principles related to ethical governance; these principles will be drawn from a discourse analysis of a sampling from different disciplines, and drawn from a content analysis of international agreements.

2. Determine what would constitute adherence to and fulfillment of these principles contained within the comprehensive interdisciplinary framework.

3. Delineate the significant dilemmas found within the complexity of ethical governance, meaningful participation by civil society, and policy formation and implementation.

4. Discern and clarify the systemic constraints preventing adherence to and fulfillment of these principles, and contributing to non-compliance with obligations and expectations.

5. Recommend the formation and implementation of mechanisms for overcoming individual, institutional and governmental systemic constraints.

6. Place a collaborative principle-based decision-making process within the comprehensive interdisciplinary framework of principles.

7. Broaden and foster the understanding and the appreciation of the complexity and interdependence of legal principle and ethical governance through development of programs for educators in the areas of judicial, administrators and public education.

Relevance of project

Most disciplines have principles that are relevant to ethical governance, and these principles need to be placed in a comprehensive interdisciplinary framework of principles. In 1991, at a Global Change Conference, Digby McLaren stated that what is needed is synthesis of what exists, that we do not have to wait for scientific certainty to act, and inaction is negligence (keynote Address, Digby McLaren, Past President of the Royal Society of Canada, 1991). Strong ethical principles relevant to ethical governance have been enunciated internationally through a wide range of international agreements.

In this project these principles, along with principles of ethical action governing the relation between cultural and natural systems will form a basis for policy formation and implementation at the national, provincial and regional levels. This research will complement an essential role of UNESCO arising under the Convention on the Protection of Cultural and Natural Heritage to integrate cultural and natural heritage. UNESCO has been at the forefront of the development of the integration of these two aspects of heritage. This project will address integration of principles related to cultural and natural heritage.

in the context of ethical governance.

In addition, these principles will contribute to the placing of issues within a larger global context, within the educational system, and within the context of public awareness programs (as was proposed in Agenda 21, and adopted by nation states, through Chapter 36, Agenda 21, UNCED). These principles will be an integral part of the proposed development of training and education programs."

INVESTIGATORS

The principal investigators will be Dr. Joan E Russow and Professor Diane Pask. Other investigators in biology, public administration, physics, philosophy, have agreed to be part of the project and will be involved in the discernment of applicable interdisciplinary principles from different disciplines.

An advisory group will be set up; this group will be involved with determining what would constitute compliance with the international principles. So far representatives from Ghana, Guatemala, Nepal, and Australia have expressed interest. In addition, contacts from Jordan, Romania, and the Philippines will be approached.

Relevance of on-going research of investigators

Principal Investigators

Dr. Joan E. Russow, B.A. M.Ed. Education, Ph.D. Interdisciplinary Studies

This project will link a long-time interest in interdisciplinary thought, in ethical principles of action, in international obligations and compliance. From her experience in developing "principle-based education" for her Master's Degree in Education in 1985, she discovered the relevance of grounding the teaching of issues within a framework of internationally agreed-to principles. From her experience in compiling a 350 page Charter of Obligations (obligations incurred and expectations created through international agreements) in 1995, and from preparing a document for the Habitat II Conference, she became more and more aware of the rich body of precedents that did not appear to be part of the government policy formation and implementation. She realized the importance of bringing to the attention of the policy makers information on what has been previously agreed to. She also realized that knowing the precedents would not be sufficient, and that what would be important would be to determine what would constitute compliance with these precedents, and what policy would be necessary to ensure compliance.

Diane Pask

Professor Diane Pask, B.Sc.(Sask.) , LL.B.,(Sask.), LL.M.(U.C.Berk.), Member, Law Society of Saskatchewan. Professor of Law, Faculty of Law, University of Calgary, Canada.

Professor Pask teaches and researches in the areas of refugee law, which involves applied international human rights law and public international law, family law and children's law, and the law of trusts, which is concerned with the law of equity and fiduciary obligations. She has spoken at numerous national and international meetings and conferences and at legal and judicial education programs convened by national and local judges' associations and by continuing legal education programs. She is a past full-time and part-time member of the Convention Refugee Determination Division of the Immigration and Refugee Board of Canada and a consultant to national and provincial officials and non-governmental organizations. Among other activities, she is a past Director of Graduate Studies and Research for the Faculty of Law, University of Calgary. She is a Mediator and has taught and written regarding multi-cultural and gender-related issues as part of her work with refugee status determination as well as in the family law area. This project offers her an opportunity to integrate her human rights and international law expertise with her long-standing concern for the need to raise the awareness of professionals and the public regarding the validity and relevance of internationally accepted principles and to ensure that governments are held to the obligations that they have undertaken on behalf of their citizenry. Her judicial education and conflict resolution experience is applicable to the development of education programs addressing the multifaceted nature of today's gender- and culture-linked international issues.

IMPORTANCE, ORIGINALITY AND ANTICIPATED CONTRIBUTION TO KNOWLEDGE AND TO POLICY DEVELOPMENT

The project will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand the components of ethical governance and extend the domain of ethical governance, and within which to critically examine policy. Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of

the international obligations to national, provincial and regional issues. In addition, NGOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings.

In the “Charter of Obligations” (J. Russow (1995), Charter of Obligations, Global Compliance Research project), a preliminary (i) content analysis of some of the international agreements, (ii) delineation of systemic constraints, (iii) development for principle-based decision making and education have been documented. The proposed research in ethical governance carries this preliminary research further, and builds on a previous literature review in interdisciplinary studies.

This project will provide a comprehensive synthesis of principles, and will carry the project past the synthesis of principles to the determining of what would constitute adherence to principles in policy formation and implementation related to ethical governance. It is essential to become aware of the principles but it is equally essential to understand what would constitute compliance. The development of a foundation of principles provides touchstones pursuant to which policy formation and implementation derive consistency. Finally, the project will develop material for educational purposes in order that judicial, administrative and public knowledge and skills will be developed, leading to the increased application of international principles in decision-making. This is a crucial component in the development of the institutional memory and skills referred to above. It is increasingly recognized that principles are dysfunctional without the addition of application and monitoring mechanisms. The knowledge and skills involved in programs of judicial, administrative and public education are required in order to ensure that application and monitoring occur and that support for this work continues.

Conceptual Approach

The international documents themselves represent an incremental development of concepts and principles which are dependent for meaning on an historical accretion. Thus, they must be understood within their context. The framework of principles must maintain the accuracy of that context. The approach is also one of collaborative and interdisciplinary investigation since the development of the framework of principles depends on the respectful exchange of knowledge between disciplines and across gender, culture and ethnic differences. The international group of scholars that will be involved in the project will share the knowledge and understandings gained to benefit endeavours beyond the time frame of this project.

METHODOLOGY

The goal of the project is to present the final material, refined by preceding discussion and critique, at an international conference or symposium, the proceedings of which will be published in a monograph or book. The project is to be divided into 3 phases representing stages leading to policy development and implementation.

Phase 1: Policy Study Group: This stage involves the review in depth of the objectives and issues to be addressed by the comparative analysis phase. The Policy Study

Group is to be composed of an interdisciplinary international panel of 5-6 women experts who will meet to set the stage for later phases of the work and, in particular, to ensure that priority issues of concern to women and children are properly addressed and embedded in the project structure.

It is intended that the draft material developed in phase 1 will be discussed and presented at various workshops throughout the participating countries in order to obtain comment from NGOs and government officials prior to the major events leading up to the Fifth Anniversary of the United Nations Conference on Environment and Development in 1997 events leading up to the Fifth Anniversary of the United Nations Conference on Environment and Development in 1997.

PHASE 2: The focus of the second phase is on developing a preliminary submission to government addressing the framework of principles and policies (previously discussed), to be available for submission to the celebration of the 50th Anniversary of the Universal Declaration of Human Rights in 1998.

PHASE 3: The third phase will be prepared with a view to integration of the work of the project into events marking the 1999 culmination of the decade devoted to international law. It is proposed that an international conference or symposium exploring the relationship between ethical governance, global compliance and human rights will be convened at which materials and workshops may be presented. Publication of the proceedings governance, global compliance and human rights will be convened at which materials and workshops may be presented. Publication of the proceedings and materials is contemplated.

PROJECT COMPONENTS AND IMPLEMENTATION OF OBJECTIVES

1. To establish a comprehensive interdisciplinary framework of principles related to ethical governance

A series of principles drawn from different disciplines will form an intellectual framework of principles to then be combined with the principles derived from stated obligations and expectations. In this project a series of significant expectations related to ethical governance and policy formation will be discerned.

1.1. To establish an intellectual framework of principles from different disciplines, the researchers will carry out the following set of processes:

1.1.1. Uncover a set of principles through sampling discourse from a range of disciplines.

1.1.2. Stipulate a working definition for the term "principle" in the context of ethical governance and policy formation and implementation. A synthesis of all the meanings and entailments of the term principle will be carried out, and a definition of the term "principle" will be stipulated.

1.1.3. Carry out an analysis of the content from the various disciplines and extract a body of principles from the following disciplines through the following process:

(i) Examine a sample of discourse from wide range of disciplines including biological sciences—including ecology, genetics, socio-genetics—, physics, chemistry, philosophy, linguistics, medicine, semiotics, literature, law, public administration, economics and political science etc.

1.2. to establish a frame of principles of action drawn from a content analysis of statements in international agreement, and from codes of ethical action governing the relation between cultural and natural systems.

Principles of action derived from international agreements have international legitimacy because of their origin in carefully crafted and negotiated documents which have been accepted by nation states. To establish a framework of principles of action from international agreements, the researchers will carry out the following set of processes:

(i) A preliminary examination of international agreements has been carried out and principles have been extracted (see J. Russow (1992), Content Analysis UNCED). and J. Russow (1995) "Charter of Obligations". J. Russow (1996). Principles of Compliance: obligations incurred and Expectations Created. A further examination will be carried out specifically looking for principles that could be applicable to ethical governance, as well as the applicability of international principles to policy formation and implementation at the national, provincial and regional levels.

(ii) In cases where there does not appear to exist international United Nations documents, Principles will be extracted from United Nations Bodies such as UNESCO, UNICEF, UNCHR documents, from international NGO organizations such as those from the IUCN (World Congress of Nature) resolutions and recommendations, and from other International NGOs specializing in areas not yet addressed by United Nations organizations. In particular a content analysis will be carried out on the set of resolutions and recommendations. from January 1994 and the October 1996 Annual General Meeting.

1.3. to integrate the interdisciplinary principles, with international principles of action, and principles of ethical action governing the relation between cultural and natural systems to form a comprehensive interdisciplinary framework of principles

The preparation of this Comprehensive interdisciplinary framework will contribute to a body of research material that will be relevant to the project but also of use to other researchers. The body of research material will be stored and made available on disks. The comprehensive framework will be prepared both in written and in graphic form.

2. Determine what would constitute adherence to and fulfillment of these principles within the comprehensive interdisciplinary framework.

For this section, the researchers will organize a series of workshops with NGOs. At these workshops the researchers will introduce the current phase of the comprehensive interdisciplinary framework of principles of the project; select specific principles related to the expertise of the group; discuss and document proposals for policy formation and implementation that would be necessary for the fulfilling of principles, and generate criteria of compliance with obligations. There will also be a consultative process with the International Affairs Caucus of the British Columbia Environmental Network (BCEN), and other NGOs in the various participating countries.

3. Delineating the significant dilemmas within the complexity of ethical governance and policy issues

Many dilemmas have already been identified by the researchers as a result of previous research by project investigators. and other dilemmas will emerge as a result of the project research.

For example, a segment of the “environment industry” sustains itself through the perpetuation of environmentally unsound practices, advocates deregulation, and promotes non-performance-based, non-mandatory non-normative standards. Years of waste from environmentally unsound practices has accumulated; technology is being developed to dispose of the waste in what is deemed to be an environmentally sound manner. The dilemma arises when the environment industry that has developed the “clean up” will be used by the waste producing industries to justify the continued production of the waste.

1.4. Discerning, and clarifying the systemic constraints preventing adherence to and fulfillment of these principles

Review and critically examine theory from various disciplines, such as that from Political science (power politics realist models), which support or justify practices that undermine the policy formation and implementation necessary for change. —change related to the recognition and acceptance of ethical governance; and criticize policy formation and implementation that contribute to systemic constraints. An initial set of systemic constraints related to individual, and institutional action and inaction has been prepared. (Russow, 1992, 1994). This set of constraints will be reassessed and expanded and synthesized. An example of a systemic constraint is that nation states sign and ratify conventions yet they fail to enact the necessary legislation to ensure compliance

It is also a systemic constraint that nations states undertake to eliminate the production and consumption of a substance, redefine consumption to exclude recycled material, and then use the ability to recycle to justify the revisiting of the original obligations to cease production; this systemic constraint is occurring in the area of the international obligation to cease the production and consumption of CFCs (See the Convention on the Elimination of Ozone Depleting Substances 1985, and subsequent protocols (Montreal, London, Copenhagen).

Reference will then be made to the devices that have been used to maintain the status quo and that have led to practices that have undermined ethical governance; and to proposals that will be made for counteracting these devices through the formation and implementation of policy to promote ethical governance. The most obvious devices are those that have been designated as reflecting anti-environmental thought (See Boston, T,

1994-6) ; the less obvious are models from disciplines such as “power politic realist “ model from US international relations theory which, through devising models based on power politics have argued that the vested interest vision not only is the only existing model but also that it would be unrealistic to strive to have it overturned.

A further systemic constraint is the failure to incorporate compliance mechanisms within the conventions themselves, thereby ensuring that there will be no formal monitoring and an increased likelihood of non-compliance. The opportunity to exempt or exclude various actions from the purview of the convention also operates as a systemic constraint to implementation, as in the Convention on Eliminating all Forms of Discrimination Against Women (CEDAW). Others argue, however, that the opportunity to exempt or exclude various actions is a useful device in reaching compromises and agreements. Where the line is to be drawn between non-permissible exemptions and acceptable compromise of convention principles is at present an unanswered question.

1.5. Recommending mechanisms to overcome the individual, institutional and governmental constraints

Practical devices such as mechanisms to implement and enforce these international principles are essential. In this section the application of the Doctrine of Legitimate Expectations will be examined. In the area of policy, statements made often create expectations which have yet to be fulfilled. An important element of policy related to ethical governance is the governmental duty to fulfill expectations (Doctrine of Legitimate Expectations).

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 Annex for additional components of this Doctrine). When an expectation is created there must be the ability to fulfill the promise it implies (Introduction, Ombudsman Annual Report, British Columbia, Canada, 1991). A study of the theory and application of this concept will constitute new and challenging research.

Any discussion of implementation and enforcement mechanisms is grounded in a consideration of the balance required between mandatory and discretionary methodologies. This may be seen in a slightly increased international readiness to accept monitoring and reporting requirements which have been effective to varying degrees, as in, for example, the convention against torture or the convention on the elimination of all forms of discrimination against women. An assessment of useful approaches and their application would be one of the most helpful results of this project.

1.6. Grounding a collaborative principle-based decision-making process

The concept of collaborative principle-based decision making has been contrasted with vested interest-based decision making. The interdisciplinary framework of principles established during the project should help to formulate broadly-based principles for collaborative principle-based decision making. For example, the Science Council of

Canada made an important distinction between a reasoned outcome and a negotiated outcome in its 1982 publication, "Regulating the Regulators":

Negotiated or reasoned outcomes?

An outcome is 'negotiated' if a committee member can act as a delegate for an interest group and can 'horse-trade' on its behalf. An outcome is 'reasoned' if the committee member is asked to free his or her mind of bias and decide on the basis of the information available. (1982, 38)

Many scientific controversies include issues that involve risk to human life or health. In these controversies a reasoned articulation of the scientific aspects is essential before negotiations. and other approach [negotiated] is morally irresponsible. 39, 1982

We recommend that the choice between reasoned and negotiated outcomes in the functioning of policy advisory bodies be clearly and explicitly identified, and that both the public and the [decision making] body be made aware of this choice at the outset. (39, Regulating the Regulator 1982)

Round table multistakeholder decision making creates an arena of competing vested interest and public concerns under the presumption that each interest or concern is of equal ethical merit. In contrast, in principle-based decision-making principles reflecting ethical governance will under-gird the decision-making process. to provide a standard, where possible, against which to measure the merit and validity of various positions.

The process is described as collaborative in that those involved in the decision-making process are also involved in determining the terms of reference, and in participating throughout the process. The participants in this process are drawn from individuals and groups with varying experience and expertise.

1.7. Broaden and foster our understanding and appreciation of the complexity and interdependence of ethical governance within a framework of overarching principles

1.7.1. Develop training programs for judicial, administrative and public education in the use of the framework of principles that emphasize a collaborative principle-based approach.

Collaborative principle-based education has been developed (Russow, 1985), and will be further expanded in the light of the research in the Ethical governance project. In principle-based education global/local issues are explored through selecting, examining and exploring issues within a principle-based framework. An examination and appreciation of the full complexity and interdependence of global/local issues within a framework of internationally agreed-to principles is encouraged. The components of these agreed-to principles will be encouraged and the role of ethical governance analyzed.

The emphasis in this program will be on becoming knowledgeable about the principles and their application; investigating the implications of these principles; analyzing and synthesizing information on current issues in the light of these agreed to principles;

clarifying the role of ethical governance in relation to these principles, and proposing a range of possible solutions to practical problems emerging from the issues. In the program students and members of the public will be encouraged to investigate local issues within this framework of principles. Also, in the program, the current lack of information for the public at present will be examined, and the means whereby the general public may become better informed in these areas. will be assessed.

This program will entail (1) examining principles enunciated in primary source material, (international documents); (2) Examining the role of ethical governance 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 within or to ethical governance; (9) determining appropriate moments for integrating issues into the curriculum; (10) developing lesson plans and educational materials based on issue-principle analysis; (11) applying knowledge of 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 working cooperatively and independently

COMMUNICATION OF RESULTS

Academic and Professional Communities

Papers related to the project will be sent to relevant journals

Papers will be submitted each year to the learned societies conferences, and to other relevant conferences, as part of a proposed symposium, Ethical governance: from principles to policy formation and implementation.

In addition to the usual publication in learned and professional journals, a concerted effort will be directed towards publication of a final report composed of the materials and conference proceedings, as one manuscript, in order to maintain the interrelationships that will develop between components of the work, its overall flow and thrust. Policy and implementation recommendations naturally take their place in this report.

A point form comprehensive framework of principles will be developed and distributed as part of the program of presentations, workshops and training sessions. Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

The data base for the Comprehensive Interdisciplinary framework will be on disk, available on Macintosh and IBM, and will be part of a Web site. In addition, several large diagrams displaying the comprehensive interdisciplinary framework of principles will be

prepared... This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared. A comprehensive report on the principles will be prepared through the different phases

Non-academic

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

The data base for the Comprehensive Interdisciplinary framework will be available on disk

In addition, several large diagrams displaying the interdependent interaction of principles will be prepared. of the framework of principles. This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

A comprehensive report on the principles will be prepared through the different phases

() **THAT** in **1996**, December, I signed on to Indigenous Anti-Nuke Declaration EXHIBIT

Date: Tue, 24 Dec 1996 23:15:41 -0800

X-Sender: bjoyce@mail.alberni.net

Mime-Version: 1.0

To: focs@web.apc.org, eileen@cedar.alberni.net, fan@alternatives.com,

Fan-l@alternatives.com, Russow@uvic.ca (Joan Russow),

msager@island.net (Maureen Sager), bcn@alternatives.com,

crn@helix.net, fan@alternatives.com, Fan-l@alternatives.com,

Russow@uvic.ca (Joan Russow), msager@island.net (Maureen Sager)

From: native-l@gnosys.svle.ma.us (by way of bjoyce@cedar.alberni.net (Bill Joyce))

Subject: Sign-on to support Indigenous Anti-Nuke Declaration

Status: RO

X-Status:

Original Sender: ien@igc.apc.org (Tom Goldtooth)

Mailing List: NATIVE-L (native-l@gnosys.svle.ma.us)

To: Supporters

Date: December 18, 1996

Subject: Sign-on to support Indigenous Anti-Nuke Declaration

After a long journey of planning, the historical Indigenous Anti-Nuclear

Summit was held September 5-8, 1996 in Albuquerque, New Mexico.

Indigenous Peoples from directly impacted communities from North America

and the Pacific Islands attended.

The Planning Committee consisted of Chris Peters, Seventh Generation Fund (SGF); Tom Goldtooth, Indigenous Environmental Network (IEN); Dedee Sanchez, Citizens Alert Native American Program; Nilak Butler, Greenpeace Indigenous Lands Nuclear Freeze Campaign, and Dr. Manual Pino.

It became most evident at the Summit, that Indigenous people and/or our lands are adversely affected at every phase of the nuclear power and weapons chain. This was the first time that so many Indigenous representatives of the impacted communities of the nuclear cycle or "chain" had come together to discuss strategy. Indigenous communities impacted by the destruction of uranium mining had an opportunity to make the connection with other Indigenous communities fighting to stop the siting of a radioactive waste dump near their lands.

It was concluded that a well-organized and sustained anti-nuclear campaign, led by Indigenous peoples, could have a major impact upon the nuclear industry. The first and most important part of the campaign strategy is to send a clear message to the nuclear industry as well as tribal, state and national governments, that Indigenous peoples will no longer tolerate the continual genocidal and ethnocidal effects of the nuclear industry.

The Planning Committee and other participants of the Summit have been editing the Declaration along with the Summit participants and their respective organizations, Nations, and communities. The Declaration is now ready for other Indigenous and non-Indigenous individuals, groups, communities, Tribes, and organizations to support.

Please review the following declaration and contact either Indigenous Environmental Network, Seventh Generation Fund, Citizens Alert Native American Program, or Greenpeace Indigenous Lands Nuclear Freeze Future Campaign to sign-on in support. This is a great opportunity for your organizations to show your support for the Indigenous Anti-Nuclear Summit.

() THAT in 1996, I endorsed Indigenous Anti-Nuclear Summit Declaration

Albuquerque, NM
September 5-8, 1996

We, the Indigenous Peoples gathered here for this summit, standing in defense and protection of our Mother Earth and all our relations, do

hereby unanimously express our total opposition to the nuclear power and weapons chain and its devastating impacts and deadly effects on our communities.

The Indigenous Anti-Nuclear Summit brought together a network of Indigenous Peoples from different areas of Mother Earth that are negatively impacted by the nuclear chain. These impacted areas of the nuclear chain include: Uranium mining in the Grants Mineral Belt, that has had devastating health and environmental impacts on Navajo and Pueblo peoples in New Mexico; The uranium mining industry has actively targeted northern Saskatchewan where the mining exploration process has already had negative implications on the culture of Chipewyan, Metis, Dene, Blood, and other Indigenous Peoples in the region; Conversion fuel fabrication, and enrichment have impacted Indigenous Peoples in Oklahoma who live near the Sequoyah Fuels Uranium Processing Plant, and among Indigenous people, whose way of life depends upon the Columbia River where Hanford Nuclear Reservation is located (Washington/Oregon); Power plant operation at the Prairie Island Power Plant has manufactured deadly waste impacting the Mdewankanton Dakota; and Storage has been a tool of divide and conquer among Indigenous Nations targeted for the United States Department of Energy's Monitored Retrievable Storage proposals.

Although we are varied in language and beliefs, we have the common ground of being Indigenous Peoples who have no desire to give up the traditional laws that the Creator gave us and accept the deadly, unsustainable ways the colonists have tried to force upon us. We are not asking anyone else to accept our ways, however, we are exercising our right to live our sustainable lifestyles in our own lands.

The nuclear industry which has waged an undeclared war has poisoned our communities worldwide. For more that 50-years, the legacy of the nuclear chain, from exploration to waste has been proven, through documentation, to be genocidal and ethnocidal and a most deadly enemy of Indigenous Peoples.

United States federal law and nuclear policy has not protected Indigenous Peoples, and in fact has been created to allow the nuclear industry to continue operations at the expense of our land, territory, health and traditional ways of life. This system of genocidal and ethnocidal policies and practices has brought our people to the brink of extinction and among some Indigenous Peoples it is believed that if they die, all life on Earth will stop. Therefore, we demand an immediate stop to these crimes against our peoples, communities and future generations by the nuclear industry, their stockholders, and nuclear governments including the United States, Japan, France, Canada and China.

We demand all levels of governments, including tribal, state, national and international, to do whatever possible to stop all uranium exploration, mining, milling, conversion, testing, research, weapons and other military production, use, and waste disposals onto and into Mother Earth.

We further demand increased research and development, funding allocations and utilization of sustainable energy such as solar, wind, and appropriate technologies that are consistent with our natural laws and respect for the natural world (environment).

We particularly call upon tribal governments to measure their responsibilities to our peoples, not in terms of dollars, but in terms of maintaining our spiritual traditions, and assuring our physical, mental, spiritual well-being. It is our responsibility to assure the survival of all future generations.

We invite you to join us by:

(1.) July 25th (Anniversary of the Rio Puerto Nuclear Accident and Nuclear Testing by the French in the Pacific at Bikini Atoll) was designated as a national day of acknowledging the devastating impacts of the nuclear industry against Indigenous Peoples. We encourage you to create an event in your community that brings awareness and attention to these issues.

(2.) Recognizing that the proposed transportation of nuclear waste will affect numerous communities throughout the United States, we encourage you to contact your local representatives and let them know that you place health and safety as a priority and that you believe it is their job to protect human rights and opposed transportation through your region.

(3.) If you live in a state that currently depends upon nuclear power plant(s) for energy - we encourage you to contact your representative to phase out nuclear power plants and implement sustainable energy production methods (i.e.. solar energy, wind energy, etc.).

(4.) Please circulate this declaration - through newsletters, mailings, tables at events, etc.

(5.) You are invited to join as a co-signer of this Declaration. For more information please contact either of the following organizations and individuals or send a faxed or e-mail message of your endorsement:

Nilak Butler, Indigenous Campaigner, Greenpeace Indigenous Lands Nuclear Freeze Campaign, Ph (415) 512-9025, Fax (415) 512-8699, 568 Howard Street, 3rd Floor, San Francisco CA 94105. e-mail: nilak.butler@green2.greenpeace.org

DeDee Sanchez, Citizens Alert Native American Program, Ph (702) 827-5511, Fax (702) 827-4299, POB 5339, Reno, NV 89513. e-mail: "DeDee Sanchez" <citizensalert@igc.apc.org

Tom Goldtooth, Indigenous Environmental Network - National Office, Ph (218) 751-4967, Fax (218) 751-0561, POB 485, Bemidji, MN 56619 e-mail: ien@igc.apc.org

Chris Peters or Tio Oros, Seventh Generation Fund, Ph: (707) 825-7640, Fax (707) 825-7639, POB 4569, Arcata, CA 95518, e-mail: 7genfund@humboldt1.com

Conference Participants:

Acoma Community
 Cascade Band of Yakima
 Church Rock Dine' Community, Dine' Nation
 Citizens Alert Native American Program
 Columbia River Alliance for Economic and Environmental Education,
 Klickitat Band of Yakima
 Dine' Citizens Against Ruining the Environment (CARE)
 Colorado River Indian Tribes
 Fort Mojave Indian Tribe
 Gwitchin - Artic Village

Global Compliance Research Project
 Havasupai Tribe
 Indigenous Environmental Network
 Indigenous Lands Nuclear Freeze Campaign - Greenpeace
 Indigenous Womens Network
 International Indian Treaty Council
 Laguna-Acoma Coalition for a Safe Environment
 Ohana Koa - Hawaii
 Navajo Nation Community Development
 Nuclear Free & Independent Pacific
 Marshall Islands
 Prairie Island Coalition Against Nuclear Waste
 Prairie Island Dakota Community
 Seventh Generation Fund

Southwest Indigenous Uranium Forum
 Sovereign Dineh Nation - Dineh Alliance
 Tribal Environmental Watch (TEWA)
 Uranium Radiation Victim Committee - Shiprock Dine' Nation
 Water Information Network
 Western Shoshone National Council

Current Endorsers and Supporting Organizations:

Abya Yala Fund
 Amanaka's Amazon Network
 Amerindian Research Unit - University of Guyana
 Citizen Alert
 Citizens for Alternatives to Radioactive Dumping
 Concerned Citizens for Nuclear Safety
 Duckwater Shoshone Tribe
 Energy Research Foundation
 Federal Land Action Group
 Global Compliance Research Project
 Healing Global Wounds
 Ejit Iep Jeltok Women Club
 International Forum on Globalization
 Jessie Smith Noyes Foundation
 Los Alamos Study Group
 National Environmental Coalition of Native Americans
 Native American Council of New York City
 Native American Journalists Association
 Native Arts Circle
 Peace Action
 Peace Farm
 Piscataway Indian Nation
 Rainforest Action Network
 Red Feather Production Company
 Rural Alliance for Military Accountability
 The Artic to Amazonia Alliance
 The Healing Forest Conservancy
 Urban Habitat Program
 Western Shoshone Defense Project
 Wetlands Preserve
 Worldview
 Yakoana

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Canada is a very important player in the proliferation issue, being the major exporter of uranium in the Western world currently exporting some 31% of the total. The US. draws its weapons materials from operating enrichment plants. Thus, despite all disclaimers or outright denial, the civil nuclear fuel cycle provides the materials for US nuclear weapons. In France, Russia and China, civil and military nuclear power operations are integrated making it impossible to be certain that no civil materials are used for military purposes. In addition, in a recent decision of the International court of Justice, the threat to use or use of nuclear weapons was deemed to be illegal and contrary to international humanitarian law.

() THAT in December 1996, I made a proposal for a five country policy analysis of what would constitute compliance with international obligations and expectations

EXHIBIT

DECEMBER 3, 1996

UNESCO

1.

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 ADDRESS: 1230 St. Patrick
 Victoria, B.C. V8S4Y4
 CANADA

TELEPHONE/ FAX 604 598-0071
 e-mail. Russow@uvaix.uvic.ca

Independent policy analyst, researcher, completed a major international project extracting principles reflecting obligations and expectations from international documents, sessional lecturer in global issues in environmental studies

" 5 COUNTRY POLICY ANALYSIS OF WHAT WOULD CONSTITUTE COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS

Background

For over fifty years through international agreements, the member states of the United Nations have undertaken: to promote and fully guarantee respect for human rights, including equality between women and men; to prevent environmental degradation and 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 disarmament, and to enable in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference Action Plans and General Assembly Resolutions. If these fifty years of obligations

had been discharged, and if these fifty years of expectations fulfilled, 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. In international agreements member states of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

For my master degree in 1985 I developed “Principle-based education” —a method of teaching human rights, linked with Peace and environment issues drawing upon international agreements. In 1992 I represented an accredited organization at UNCED, and did a content analysis of UNCED documents and presented numerous policy papers in the International, national, regional and local contexts. I submitted a diagram synthesizing principle in Human Rights documents to various key participants in the World Human Rights Conference in Vienna.

I received a 50,000 CIDA grant in 1994-95, for a research project entitled the Global Compliance Research to carry out a content analysis of international agreements for a book, “The Charter of Obligations” to be distributed at the UN Conference on Women: Equality, Development and Peace. At the New York Prep Com for the UN Conference on Women, I circulated a 100-page draft version of the “Charter of Obligations”, along with a resolution calling for state compliance with obligations and expectations (Global Compliance Resolution). Also at the Prep com, I had the opportunity of addressing the UN Commission on the Status of Women on the necessity of linking the Platform of Action with precedents reflecting obligations and expectations, and on the necessity of states’ undertaking to discharge obligations and fulfill expectations at the co-occurrence of the UN Conference on Women and the 50th anniversary of the United Nations.

I completed the “Charter of Obligations” which had become a 350-page compilation in English (and a 200-page French version) of 50 years of obligations incurred and expectations created internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind states at the UN conference that many of the presumably forward-looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents. The purpose of the Charter was not only to encourage states to move beyond what they had already agreed to but to persuade the non-Governmental Organizations to not ask for less than states were already obliged to do through previously negotiated, signed, or ratified conventions, treaties and covenants, or less than states were expected to do through adopted Conference Agendas and Action plans or through passed General Assembly Resolutions.

I also prepared a set of three 4’ x 5’ Global Compliance charts with the states of the United Nations across the top and the Human Rights, peace, and Environment documents down the side. For this chart information was gathered on which states had

not signed, which states had signed but not ratified, and which states had both signed and ratified. This chart was placed in the NGO lounge at the UN Conference on Women, and displayed at numerous conferences and meetings including the March 1996 meeting of the UN Commission on the Status of Women. A copy of the charts is in the Women's Centre library at the United Nations in New York. The GCR project gave a workshop on the project at the NGO Forum, and co-conducted a workshop on "Bringing the Conventions to the Grassroots"; the essence of the GCR project has been to call upon states to translate the words of rhetoric into the action of compliance, implementation and enforcement.

In June, 1995, at the "We the Peoples." Conference in San Francisco, I initiated a workshop on the Global Compliance resolution, and circulated the Global Compliance Resolution; the Global Compliance resolution was adopted by the plenary and forwarded to The Secretary General of the United Nations, Dr. Boutros Boutros Ghali who subsequently sent a letter of support for the resolution. The Global Compliance resolution called upon states to demonstrate the political will on the 50th Anniversary to the United Nations to discharge 50 years of obligations and fulfill 50 years of expectations by signing what they have not yet signed, by ratifying what they had not yet ratified, by enacting the necessary legislation to ensure compliance and implementation, and by undertaking to enforce and monitor the enforcement of the legislation. Letters with a Global Compliance Resolution were sent to all the state contacts for the UN 50th Anniversary. The Compliance resolution was also circulated in Beijing, and at subsequent meetings and conferences.

The GCR project also did a content analysis of the Platform of Action and in particular an analysis of specific language related to action such as "implementation"; A "Covenant of Implementation" (12 page scroll on single space 9 point type), was prepared and presented at a community meeting in Victoria, at the Praxis Women's conference at the University of Victoria, and then circulated it internationally.

I also participated at the follow-up meeting of UN Commission on the Status of Women in New York in March 1996. I proposed, at one of the plenaries discussing optional protocols, a call for an International Court of Compliance where citizens could take evidence of state non-compliance, organized a workshop on the International Court of Compliance, presented the proposal to the NGO in the NGO briefing session, and then circulated a petition to state delegations.

I also participated in the Habitat II Conference, and prepared a 150-page book, "A comment on the Habitat II Agenda: Moving Beyond Habitat I to discharging obligations and fulfilling expectations." This book included the articles of the Habitat II Agenda in sequence, placing each of the bracketed sections of the draft Habitat II Agenda in the context of Habitat I and in the context of previous obligations and expectations. This document was distributed to state delegations at the Habitat II Conference in Istanbul. At this conference, I initiated a Global Compliance Caucus where the Global Compliance resolution and the petition for an International Court of Compliance were reviewed, revised and distributed, chaired the urbanization caucus, and was on the editorial committee for preparing the NGO submission to Committee II. I also made several interventions to Committee II on the need for Mandatory International Normative Standards (MINS) to drive BEST (Best Environmentally Sound Traditions) Practices, and on the need to substantially reduce the military budget and

transfer the funds, as had been undertaken in numerous General Assembly resolutions and in recent conference action plans, to address inequality and further social justice, and thus ensure the right to shelter, the right to food, the right to safe drinking water, the right to universal health care, the right to education, and the right to work in socially equitable and environmentally sound employment are fully protected, guaranteed and implemented. A one-page position piece on reducing and transferring the military budget was presented as an intervention at the NGO presentation to Committee II, and was approved for circulation to the state delegations in the General Assembly, Committee I and Committee II.

I am currently revising the Charter of Obligations, incorporating issues raised in Beijing and Habitat II, and adding additional international obligations and expectations omitted in the previous publication or incurred or created through recent International agreements.

In the proposed "MOST project I will be working with women, primarily academic activists, from five other countries: Australia, Guatemala, Ghana, Indonesia and Rumania on (a) extracting international principles and delineating proposals on what would constitute compliance with these international obligations, and expectations; and (b) undertaking to do a comparative analysis among states of the systemic constraints that are preventing states from the discharging of obligations and from the fulfilling of expectations.

GOALS AND OBJECTIVES

1. The overall goal of MOST proposal is to carry out extensive and continuing research into significant obligations incurred and expectations created through international agreements, is to carry out analysis in 6 countries about what would constitute discharging of these obligations and the fulfilling of expectations:

2. The results of this research will be distributed at significant international follow-up meetings to conferences: Preliminary results will be circulated at the 5 year anniversary of UNCED in June 1997, at the 5 year anniversary of the World Human Rights conference, the 5 year anniversary of the International Conference on Populations and development, and in 1999 at the culmination of the decade dedicated to the furtherance of international law in 1999 the project will involve a policy recommendation for compliance with international obligations incurred through the Charter of the United Nations, Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference Action Plans and General Assembly Resolutions.

These resolutions call upon:

(i) states to sign what they have not yet signed, ratify what they have not yet ratified, enact the necessary legislation to ensure compliance, and undertake to enforce the accrued obligations and expectations

(ii) the United Nations to institute an International Court of Global Compliance where citizens to have an opportunity to present evidence of state non-compliance with international obligations and expectations. States would be required to appear and to act upon the judgment of the court.

4. To obtain specific information on what different women around the world determine to constitute compliance, what actions do they perceive to be necessary for compliance, and what general and peculiar constraints are preventing compliance to occur in their state.

5. To circulate through the Network, information on the project; (a) a selection of key obligations and expectations; (b) a delineation of what would constitute compliance with these obligations and expectations, (c) a request for an analysis of what actions are necessary for compliance, (d) a compilation of what general and peculiar systemic constraints are preventing compliance to occur in their state; (e) an optional evaluation form documenting the state performance by examining the Global Compliance Charts, and (f) a request for input into the future direction and development of the project. This project will link up Canadian academics/researchers/activists with other academics/researchers/activists around the world.

OTHER FUNDING BEING SOUGHT CRIAW/ICREF

* Canadian Research Institute for the Advancement

Expansion of Global Compliance Research Network to Monitor Compliance with Obligations Incurred Expectations Created

. In order to continue the research into international obligations incurred and expectations created, and to research and document compliance with these obligations and expectations, the Global Compliance Research Project has begun to extend the network to include a representative from each of the states participating in the NGO forum. The previous network—the committee of international advisors, will be revitalized, and new potential representatives from the countries not yet represented will be contacted. In some cases, it may be difficult to locate the representatives because the full address had not been given in the NGO program. After the Beijing conference, the GCR project went through the program from the Women's NGO forum and noted workshops that appeared to complement the project and wrote down contact numbers. In some cases, the government representative for the UN 50th will be contacted to find the address of the individual or NGO groups. Information on the project will be distributed such as (a) a selection of key obligations and expectations; (b) a delineation of what would constitute compliance with these obligations and expectations, (c) what actions are necessary for compliance, (d) what peculiar systemic constraints are preventing compliance in their state; (e) what degree of compliance exists in their state . In addition, there will be a request for input into the future direction and development of the project. This project will link up Canadian academics/researchers/activists with other academics/researchers/activists around the world.

This project would also need complementary funding for printing copies of the Compliance charts for circulation to the network.

The goal of this phase of the project proposed funding is to establish an effective global network of women to monitor not only compliance with a wide range of obligation related to socially equitable and environmentally sound development, peace, social justice and human rights, but also with the commitment to “implement” the Platform of Action. An additional goal of this proposed phase is to work within the Canadian Network on petitioning the Government of Canada to (i) enact the necessary legislation to ensure the discharging of these obligations, and the fulfilling of these expectations; (ii) ensure that in areas of provincial jurisdiction these international obligations and expectations are upheld in the Provincial Courts.

RESULTS

This part of the project will fulfill objective 2 by establishing a global wide network of women concerned with research and action; objective 3 by moving towards the endorsement of the Global Compliance Resolution; objective 4 and objective 5 by involving a range of Canadian women in calling for the enacting and enforcing of the necessary legislation to ensure obligations are discharged and expectations fulfilled.

This part of the project will also begin the research into what would constitute compliance and into what are the problems peculiar to each state in ensuring compliance.

The international advisory committee at this time is composed primarily of academic/activists who are members of women’s groups throughout the different regions of the world. The international advisory committee could involve in the following ways:

- being given copies of selected principles
- in determining what would constitute compliance
- in circulating internationally, the Compliance Charts
- in delineating the systemic constraints preventing the discharging of obligations and the fulfilling of expectations
- in having input into a draft document that will be recirculated
- in lobbying governments for Global Compliance
- in calling for an International Court of Compliance where citizens can take evidence of state non-compliance

All those who will receive the background information and who will use it to assist them in lobbying governments for change could benefit from the project.

If the lobbying of states is successful, and the states are willing to promote a General Assembly Compliance resolution, substantial positive change will occur

Nothing can be more beneficial than asking states, institutions and individuals to discharge obligations, fulfill expectations, and move beyond to new commitments.

The research has been shared primarily through the print media and through the mail. The GCR "Charter of Obligations" was prepared on a Mac, and has just recently been converted to IBM. The GCR had hoped to set up a list serve and carry out a substantial amount of the communication through e-mail. Part of the project would be on determining the most effective way to communicate in an inclusive way. Different members of the Network will be encouraged to circulate material at conferences, and to give workshops. The project essentially provides information that activists can use in their work. The coordinator is planning on presenting workshops in different parts of Canada.

The setting up of the network could take a considerable amount of time. If the funding is received, the moment there is funding invitation letters will be sent out to the contacts found in the NGO Forum Programme. the material for distribution to the network is currently being prepared. When there are sufficient responses the existing network will be revitalized.

OTHER FUNDING BEING SOUGHT FROM THE HAMBER FOUNDATIONS

Preparation of educational material on Global Compliance to be circulated at a series of United Nations/Global Compliance workshops on principle-based education (see education outline in Annex)

UNESCO PHASE OF PROJECT
 IN-DEPTH COMPARATIVE ANALYSIS OF 10-20 COUNTRIES REPRESENTING
 DIFFERENT REGIONS: ON PRINCIPLES, COMPLIANCE WITH OBLIGATIONS AND
 EXPECTATIONS, SYSTEMIC CONSTRAINTS, AND ACTIONS TO OVERCOME
 CONSTRAINTS.

INTERNATIONAL

Twenty representatives from countries reflecting different regions and different languages (official UN languages), and different disciplines will be contacted and invited to participate in this phase of the project.

A synthesis of principles will be prepared from international agreements drawing upon obligations incurred through the Charter of the United Nations, the UN Conventions, treaties, and covenants, and the expectations created through declarations, conference action plans, and General Assembly resolutions. In addition to synthesizing the international obligations and expectations an analysis will be done on This synthesis will draw on previous work done by the Global Compliance Research project in consultation with the 20 women international advisory committee. A survey will be carried out to determine key principles to be examined in this phase of the project.

The international committee will select significant principles emanating from the International agreements, and will be invited to carry out a preliminary analysis of what would constitute compliance with these principles. The participants will make an in-depth analysis of what would constitute compliance in each of their countries, and also in their regions. The coordinator will do a content and comparative analysis of the different country by country analysis and compile a document to be circulated to the participants. At the same time the participants will be asked to determine the nature of the systemic constraints that would prevent the discharging of obligations or the fulfilling of expectations in their respective countries.

A content analysis of the systemic constraints will be carried out including a comparative analysis of systemic constraints that are peculiar to a particular state, region etc. A synthesis of these systemic constraints will be carried out and integrated with the systemic constraints delineated in the Global Compliance Research project's "Charter of Obligations;

Then a comparative analysis will be carried out to determine what actions need to be taken to overcome these constraints; in addition, an analysis of what systemic constraints might be in place to prevent the actions from being carried out.

The actions in this phase of the project will be linked to significant international events such as the 5-year review of UNCED in 1997, the 50th Anniversary of the Universal Declaration of Human Rights, the culmination of the decade devoted to the furtherance of international law, 1999 (Global Compliance Resolution). and the year 2000 the beginning of a decade devoted to promoting and fully guaranteeing respect for human rights, including equality between women and men; to preventing environmental degradation and to ensuring the preservation and protection of the environment; to creating a global structure that respects the rule of law, to achieving a

state of peace, justice and disarmament, and to enabling socially equitable and environmentally sound development.

Part of the funding would go as an honorarium for the participants in this analysis.

Comparative analysis

The global compliance project had begun to carry out a content analysis of topics explored by women's NGOs from different states and was planning to compare the categories of actions requested from the NGO with what the World bank has been funding over the period from 1992-1995. This comparative analysis needs further expansion.

COMPARATIVE ANALYSIS

5. to circulate through the network Information on the project; a selection of key obligations and expectations; a delineation of what would constitute compliance with these obligations and expectations, a request for an analysis of what actions are necessary for compliance, as well as what peculiar systemic constraints are preventing compliance in their state; an optional evaluation form documenting the state performance, and a request for input into the future direction and development of the project. This project will link up Canadian academics/researchers/activists with other academics/researchers/activists around the world.

INTERDISCIPLINARY

Appreciating the Complexity-interconnection-integration and interdependence of issues, and the Interdisciplinary nature of Issues

A second component of the principle-based conceptual framework is the encouraging of students to appreciate that Global/local issues are complex, interconnected, and interdependent. Global/local 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. Solutions to the Global situation will be not in isolating and fragments the global but in appreciating and understanding the complexity, interconnection and interdependence of the issues within the global problem.

Complexity-interconnection-integration of Issues

Interconnection Integration of Issues

The students will be encouraged to appreciate the interconnection and integration of issues through the following processes:

- focusing on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues
- experiencing the full complexity and interaction of aspects of issues within a principle-based framework
- Integrating different environmental issues, and integrating environment with other issues.

Adoption of Interdisciplinary and Trans-disciplinary Perspective

Students will be encouraged to integrate global issues into various subject areas, and 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

Students will be required to develop a knowledge base related to issues by doing the following:

- carrying out research into evidence about issues, and examining underlying assumptions
- drawing upon expertise and experience during a one-day workshop outlining the scientific background to issues
- documenting the global/local environmental effects resulting from science and technology

ANNEX:

OUTLINE OF DRAFT PROPOSAL FOR HAMBER FOUNDATION

3. THE INSTITUTION

This phase of the Global Compliance Research Project will be in collaboration with the United Nations Association in Victoria; housed and administered by the United Nations Association.

4. TITLE OF THE PROJECT

Synthesis of international obligations incurred and expectations created: International agreements as instruments of change

Phase for which funding is sought from the Hamber Foundation:

Obligations incurred and expectations created.: Knowledge of international agreements as an instrument of change (Principle-based education).

5. NATURE AND OBJECTIVES

GENERAL OBJECTIVES OF THE PROJECT

Objective 1: For over 50 years significant obligations have been incurred and significant expectations created. Now that the final conference, the Habitat II) of the Series of major United Nations conferences has occurred, it is important to do a synthesis of the major obligations that incurred from the Charter of the United Nations, conventions, treaties and covenants; and of the major expectations created from Conferences agendas and action plans declarations and General Assembly Resolutions. The compiling of this information is to be carried out in a series of phases culminating with a series of books, educational material, advocacy documents for the 5th Anniversary of the United Nations Conference on the Environment and Development in 1997; the 50th anniversary of the Universal Declaration of Human Rights in 1998, and for the culmination of the decade dedicated to international law, in 1999.

Objective 2. To determine through comparative analysis of states the systemic constraints preventing change

SPECIFIC OBJECTIVES FOR WHICH FUNDING IS BEING SOUGHT FROM THE HAMBER FOUNDATION

objective 1: is to create educational material for University teacher training and for community awareness on obligations incurred and expectations created through international agreements. There will be a series of draft booklets expanding on Key principles extracted from international documents. These draft booklets will be distributed to members of community groups that

Objective 2: The material will be distributed at a series of workshops where a particular principle will be explored through, members of community groups will be contacted and sent a draft of the expansion of the principle and then discuss the educational material around the principle

to present this material at a university workshop for curriculum developers, educators, students and government representatives and at a series of workshop with community group participation into the development of materials and into what they perceive to be the systemic constraints preventing the discharging of these obligations or the fulfilling of these expectations

INTRODUCTION

RATIONALE:

To address the urgency of the global situation, for over 50 years, the United Nations and member states of the United Nations, have incurred obligations through conventions, treaties, and covenants, and have created expectations through declarations, conference action plans, and General Assembly resolutions. 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 Social, Cultural and Economic Rights, 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” education.

At the international Conference on Environment and Development (UNCED), an important linking between science and environmental education was made in Chapter 35 of Agenda 21—a document outlining a plan of global action: In this Chapter , scientists, science researchers and science educators are in fact, given a strong mandate to incorporate "environmental considerations.”

...Promote the education and training of scientists, not only in their disciplines but also in their ability to identify, manage and incorporate environmental considerations into research and development projects; ensure that a sound base in natural systems, ecology and resource management is provided; and develop specialists capable of working in interdisciplinary programmes related to environment and development, including the field of applied social sciences; (Agenda 21, section 35.22 a.)

“Contemporary Issues in Education: Global/local issues through principle-based education” is an introductory course on the examination and exploration of global/local issues through principle-based education. 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 will examine 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 the course will be 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. In the course students will be encouraged to investigate local issues within This framework of principles.

This course will entail (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 of 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

COMPONENTS OF PRINCIPLE-BASED CONCEPTUAL FRAMEWORK:

Principle-based education encompasses several components within a principle based conceptual framework:

Component 1:

Exploration of Principles Related to Global/Local Issues

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 from a complex of globally adopted principles over the period of the existence of the United Nations.

In Principle-based education, complex and controversial issues reflecting the urgency of the global/local situation are discussed in the classroom within a principled-based conceptual framework. In 'principle-based education¹ , principles related to

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." Since 1985 a set of principles have been extracted from the International instruments and compiled in a series of documents: "*A content analysis of UNCED documents*" (1992). "*Principles of action from Agenda 21*" (1992); Draft working document:

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.

In this course 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.

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 this course 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

Component 2:

Appreciating the Complexity-interconnection-integration and interdependence of issues, and the Interdisciplinary nature of Issues

A second component of the principle-based conceptual framework is the encouraging of students to appreciate that Global/local issues are complex, interconnected, and interdependent. Global/local 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. Solutions to the Global situation will be not in isolating and fragments the global but in appreciating and understanding the complexity, interconnection and interdependence of the issues within the global problem.

Complexity-interconnection-integration of Issues

Interconnection Integration of Issues

The students will be encouraged to appreciate the interconnection and integration of issues through the following processes:

- focusing on the interrelationship and interconnection between local and global issues by examining the application of principles to both local and global issues

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.

- experiencing the full complexity and interaction of aspects of issues within a principle-based framework
- Integrating different environmental issues, and integrating environment with other issues.

Adoption of Interdisciplinary and Trans-disciplinary Perspective

Students will be encouraged to integrate global issues into various subject areas, and 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

Students will be required to develop a knowledge base related to issues by doing the following:

- carrying out research into evidence about issues, and examining underlying assumptions
- drawing upon expertise and experience during a one-day workshop outlining the scientific background to issues
- documenting the global/local environmental effects resulting from science and technology

Component 3:

Stimulation of Thinking about Issues Through Engaging in Analytic Processes and Decision Making within a Principle-based Framework

Thinking, Decision Making, and Analytical Processes

Stimulation of Thinking about Issues Through Engaging in Analytic Processes within a Principle-based framework

Students will be encouraged to develop a disposition of analysis and synthesis and reflection action through, and 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 processes²:

- 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

² Note: These processes, without naming them, would be used throughout primary, and intermediate program (example drawn from Grade 6 project)

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 principle, and on identifying 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.

Investigation of an Alternative Decision-Making Process

Principle-based decision making which 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 is proposed.

Component 4: Action- solutions

An integral component of the principle-based conceptual framework is the linking between theory and practice (between principle and action):

Translation of Principle into Principle of Action

Principle could be translated into action through the following actions:

- investigating the application of international principles to local issues
- developing a basis for examining issues within an international context rooted in rights, obligations and responsibilities
- determining criteria for the translating of these principles into action
- examining the nature of actions that have to be taken to ensure that states live up to the principles enunciated in the documents
- examining the lag between the enunciation of principles to address the issues and the political will to actually address the issues
- indicating for which issues obligations have not yet been undertaken
The issues that are not being dealt with through international documents
- evaluating the "environment industry." Prevention technology. the solution as part of the problem

Justification of Actions

Students could also be involved with determining the legitimacy of the actions undertaken through the following activities:

- exploring criteria for evaluating the justification of actions
- helping students become motivated to actively participate in ecosystem preservation, protection of the environment, prevention of pollution, protection human rights, and in prevention of conflict
- understanding the linking between life style, type of consumption patterns and the existence of global issues
- recognizing the nature of action that has to occur to bring the principles into action

The booklet that is developed will be presented at a United Nations Conference entitled "International agreements as instruments of change"

6. ARE OTHER INDIVIDUALS OR GROUPS COOPERATING IN THIS WORK?

PLEASE GIVE DETAILS:

The Global Compliance Research project and the United Nations Association of Victoria will be the principal groups. Each month a different group of community groups with relevant areas of expertise and experience will be contact about being involved in the development of the draft educational material. the Conference will be jointly developed. Representatives from Community groups involved with peace, environment and human rights issues will be invited to participate in the February meeting where the educational material will be distributed.

7. ESTIMATED TIME REQUIRED TO COMPLETE THE PROJECT, OR FINISH PHASE WITH WHICH THIS GRANT WOULD BE CONCERNED

There will be 10 workshops occurring each month from January to June 1997 and from September to December 1997

Phase beginning in November preparation of first draft document for circulation prior to January workshop
 development of book
 printing of book
 organization of conference

8. IF THE PROPOSED GRANT WILL NOT COMPLETE THE PROJECT WHAT PROVISION IS TO BE MADE FOR ITS CONTINUATION WHEN REQUESTED FUNDS EXHAUSTED? (BE AS SPECIFIC AS POSSIBLE)

the Global compliance project is an on-going project. The Global Compliance project has applied for additional funding to maintain and strengthen a network of groups from over 60 states. the educational material will be distributed internationally reprinted after input from the conference and

draft booklets will be circulated prior to the conference and the participants will discuss the booklet and changes will be incorporated into a version that will be redistributed to the participants

9. WHAT PREPARATIONS HAVE ALREADY BEEN MADE TO UNDERTAKE THE WORK, OR WHAT FACILITIES ARE NOW AVAILABLE WITH WHICH TO BEGIN?

the Global Compliance Research Project received a 50,000 grant from CIDA to carry out a content analysis of international instruments related to and prepared a 350-page book, including an initial outline of principle-based education. The information from this research will form a core set of principles around which the educational program will develop

10 PROPOSED BUDGET FOR THIS PROJECT; DETAILS OF PROPOSED USE OF FUNDS (TYPES OF USE AND AMOUNT)

1000 administration costs workshop organizations

2000 research

2000 printing charges for 10 draft documents (about 35 pages) circulated for comment and for participation in workshop

1500 administration

3500 for printing of synthesis of draft documents

2500 sought from organization to strengthen the network

13 WHEN APPROPRIATE GIVE NAMES OF OTHER PERSONS OR ORGANIZATIONS THAT MAY BE CONSULTED REGARDING THIS PROJECT

ANNEX II PROPOSED BUDGET FOR CRIAW

BUDGET

A. Salaries

Name	Position	Rate of Pay	Total
Dr. Joan Russow	Coordinator	\$18/hours volunteer time 100 hours	900

Sub-total

B. Equipment and supplies (in-kind contribution)

Item	Cost	Item	Cost
postage	500		
xeroxing	400		

in kind contribution
use of office
computer, Fax, printer

sub-total 900

C. Travel and expenses:

Destination	Fare	Length of stay	Frais
Vancouver	55	2 days	
Vancouver	55		

sub-total 110

D. Other Expenses

Honoraria

Computer costs printer replacement 90

Telephone/ Fax 500

Secretarial Services in kind contribution

Other (explain)

Sub-total

E. Budget (total) 2500

() **THAT in 1996**, I had been contacted by Foreign Affairs Department to participate in Stakeholder meetings related to the Earth Summit II

() **THAT in 1996**, after the first consultation meeting organized by Foreign Affairs for Rio +5, I contacted the Canadian Ambassador for the Environment to the UN, John Fraser, and I made a proposal for follow-up hoping that I might be remunerated for the research that would be necessary for the proposal.

EXHIBIT
1996 DEC 11
PROPOSALS FOR PREPARATION FOR RIO +5

ATTENTION: AMBASSADOR FRASER
EXTERNAL AFFAIRS

At the meeting in Vancouver I passed on two documents to Ambassador Fraser: Principles of Compliance, and Principles extracted from "Sustainable Development" drawn from Agenda 21.

In this short note I would like to propose several subsequent activities:

A. Proposals for additional monographs, and for extensions to the existing monographs

B. Actual comments on the draft (if you could send me the draft by e-mail
My e-mail is Russow@uvaix.uvic.ca)

C. Completion of a proposed NGO report to the CSD as suggested in resolution at the CEN International Affairs Caucus meeting in 1993

A. Proposals for additional monographs, and for extensions to the existing monographs

1. Principle-based education: Educational material based on UNCED documents, and subsequent conference documents (as well as previous UN instruments)

2. Conflict of interest: Corporate involvement in determining the philosophical underpinnings of EE (such as in the case of the "Learning for a sustainable future", and corporate involvement in the Round tables

3. The Doctrine of Legitimate Expectations as an instrument for implementation of international instruments (presented at meeting on Agenda 21 at "We the Peoples" Nitun Desai interested in doctrine).
4. Applicability of existing Conventions and protocols to Forests: Multiple forest protocols linked with existing conventions rather than Convention on Forests
5. Federalism: The problem of implementing the Biodiversity Convention and Climate Change Conventions in a Federal State.
6. The precautionary, anticipatory and prevention principles as instruments of environmental regulations
7. Misplaced gender equality: equal access to the existing system rather than fundamental change
8. Governance: Community participation within an overarching system of principles based on UN instruments related to the guaranteeing of human rights, the preserving and protecting the environment, the preventing of conflict and war
9. Military exemptions: the notwithstanding clause in environmental instruments
10. Establishment of Mandatory International Normative Standards to "ensure that corporations including transnationals comply with national codes and international law including international environmental law" as agreed in the Platform of Action, and Habitat II Agenda
11. Misplaced funding priorities: the need to transfer a significant portion of the military budget to socially equitable and environmentally sound development
12. BEST (Best Environmentally Sound Traditions) practices: Regulations and enforcement must drive industry to Best practices.

B. Actual comments on the draft (if you could send me the draft by e-mail
My e-mail is Russow@uvaix.uvic.ca

C. Completion of a proposed NGO report to the CSD as suggested in resolution at the CEN International Affairs Caucus meeting in 1993

At the 1993 meeting of the CEN in PEI, I moved a resolution proposing that the International Affairs Caucus do an independent report Card on Canada's compliance or non-compliance with UNCED. This resolution was passed unanimously by those present at the IAC meeting. I have been working on this report. I have extracted a series of principles and have determined what would constitute compliance with these principles in the Canadian context.

As I mentioned at the Vancouver meeting, I think Canada has three choices:

(i) to prepare the usual glossy report which perpetuates rather than dispels myths about Canada

(ii) to issue a report that actually reveals the lack of compliance in Canada

(iii) to make the necessary changes in Canada so as to discharge obligations incurred through Conventions, Treaties, and Covenants, and to fulfill expectations created through General Assembly Resolutions, Declarations, and Conference Action Statements; and then to prepare a report that will reflect the discharging of these obligations and the fulfilling of these expectations.

Joan Russow (PhD)
Global Compliance Research Project
1 250 598-0071

POLICY FORMATION AND IMPLEMENTATION RECOMMENDATIONS

The project will have three phases. The first phase will be the introduction of preliminary version to various provincial and state ministries within the participating countries and the distribution for comment prior to the major events leading up the 5th anniversary of the United Nations Conference on Environment and Development, in 1997. The second phase will be in 1998 where a revised version of the project documentation will be in the form of a submission to the 50th anniversary of the Universal Declaration of Human Rights where the right to a safe environment and the right of future generations to the preservation of natural heritage will be promoted by the Moral Code of action will be advocated. The third phase will be prepared for a and the final version of the research will be circulated at a special session on ethical governance and policy at a conference to be proposed in Victoria on “Global compliance: from principle to policy and action” in 1999—the culmination of the decade devoted to the furtherance of international law.

() **THAT in 1996** I Received the following response from UNESCO

EXHIBIT

From: UNESCO / Programme MOST <ssmost@unesco.org>
 To: Russow@uvic.ca
 Subject: Re: MOST grant application

Attention: Dr. Joan Russow

Within the framework of the MOST programme, no grant forms are available.

MOST is a research programme, designed by UNESCO, to promote international comparative social science research. Its primary emphasis is to support large-scale, long-term autonomous research and to transfer the relevant findings and data to decision-makers. MOST also publishes state of the art reports that assess existing information on specific topics. The overall long-term objective of MOST is to establish sustainable links between the scientific and policy communities and to emphasize the relevance of social science research for policy-formulation.

emphasize the relevance of social science research for policy-formulation.

MOST operates in three high-priority research areas.

1. Multi-cultural and multi ethnic societies:

Ethnic and cultural diversity is a fact which can and should enrich social life in all parts of the world. One focus of research under MOST

is on the nature of change in multi-cultural and multi-ethnic societies in which issues of education, culture and religion, identity and human needs, democratic governance, conflict and cohesion interact in complex patterns. These issues require interdisciplinary and culturally sensitive research which may furnish information useful for the peaceful and democratic management of multi-cultural and multi-ethnic societies.

2. Cities as arenas of accelerated social transformations

2. Cities as arenas of accelerated social transformations

Coping with the sustainable management of cities has been declared by the United Nations

Conference on Environment and Development (UNCED-92) in Rio de Janeiro to be a top-priority for the twenty-first century, since urbanization creates new and demanding problems of governance. Such problems relate to demographic growth, urban planning, education, unemployment and marginalization, social as well as communal conflicts, health and environment. Research under this theme is expected to have practical relevance for urban decision-makers.

3. Coping locally and regionally with economic, technological and environmental transformations

Transnational business ventures, dynamic technological innovations, international communication networks and environmental concerns tend more and more to cross national borders. As a result, today almost every society is forming a part of an increasingly interdependent world. The more and more to cross national borders. As a result, today almost every society is forming a part of an increasingly interdependent world. The impacts of globalization deserve more scientific attention, to enable policy-makers to cope with complex and interactive internal and external dynamics.

MOST research aims at surveying the effects of global changes on local and regional levels to sustain local populations' and authorities' efforts to cope with them.

Two central bodies steer the MOST programme:

- + the Intergovernmental Council (IGC) and
- + the Scientific Steering Committee (SSC).

The IGC is composed of 35 Member States of UNESCO, elected by the General Conference. The Council convenes every two years and provides

the general priorities and policy guidelines of the programme. It contributes to the promotion of the programme and participates actively

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the general priorities and policy guidelines of the programme. It contributes to the promotion of the programme and participates actively in fund-raising. The SSC is an independent group of 9 social scientists of international standing. Meeting twice a year, it has the authority for maintaining the scientific quality of the programme as well as for acceptance, monitoring and evaluation of research projects.

You can find more information about the MOST Programme at the following Internet location: "<http://www.unesco.org/most>."

THAT

For more information, please contact:

UNESCO, MOST Secretariat
1, rue Miollis
75732 Paris CEDEX 15
France
Tel + 33 1 45 68 37 99
Fax + 33 1 45 68 57 24

() THAT in 1996, I was invited by the Green Party of Canada to be the International Affairs Critic and to have input into development of the Platform for the 1997 election

EXHIBIT

I am now working on having input into the Foreign affairs platform and I will try to incorporate the ideas that you have suggested, as well as into the International affairs platform which is the one that I am responsible for.

In 1996, I was tasked with drafting a submission for the international affairs

1996 proposal for green party platform international Affairs

I have compiled a series of resolutions and statements of policy drawing upon what has been agreed to in international documents, what has been recommended in international organizations such as the IUCN, and what has been proposed in the green party policy—attempting to place some of the proposals in an international context. The document that I have prepared is about 250 pages so I am just circulating the summary titles of the resolutions. I will continue working on it over the weekend.

INTERNATIONAL RELATIONS POLICY

COLLECTION OF RESOLUTIONS WITH PREAMBULAR SECTIONS DRAWN FROM INTERNATIONAL OBLIGATIONS INCURRED THROUGH THE UN CHARTER, CONVENTIONS, TREATIES, AND COVENANTS , AND THROUGH EXPECTATIONS CREATED THROUGH

DECLARATIONS, GENERAL ASSEMBLY RESOLUTIONS, AND CONFERENCE ACTION PLANS (IN SOME CASES FROM INTERNATIONAL NGOS) . OPERATIVE CLAUSES ARE DRAWN PRIMARILY FROM NGO DOCUMENTS. PRINCIPLES REFLECTED IN INTERNATIONAL AGREEMENTS: OBLIGATIONS INCURRED AND LEGITIMATE EXPECTATIONS CREATED

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: CONDEMNATION OF THE UNSUSTAINABLE PATTERN OF CONSUMPTION, AND PROVIDING FOR SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT
 RESOLUTION: ENDORSEMENT OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT
 RESOLUTION: REDEFINITION OF "DEVELOPMENT" IN EQUITABLE AND ECOLOGICAL TERMS
 RESOLUTION: UNDERSTANDING THE INTERDEPENDENCE OF ISSUE

SOCIAL JUSTICE, AND EQUITY AND SECURITY

RESOLUTION: GUARANTEEING THE RIGHT TO SECURITY INCLUDING GUARANTEED ANNUAL INCOME SUPPLEMENT
 RESOLUTION : FULFILLING THE RIGHT TO BASIC NEEDS
 RESOLUTION: PREVENTION OF POVERTY THROUGH FULFILLING BASIC NEEDS, PROVIDING EQUITABLE DISTRIBUTION OF RESOURCES, GUARANTEEING HUMAN RIGHTS, PRESERVING AND PROTECTING THE ENVIRONMENT, AND PREVENTING WAR AND CONFLICT
 RESOLUTION: GUARANTEEING THE RIGHT TO FOOD
 RESOLUTION : GUARANTEEING CONSERVATION OF AREAS FOR FOOD PRODUCTION
 RESOLUTION: THE PROMOTION OF ORGANIC AGRICULTURE THROUGH REGULATIONS AND EDUCATION, AND PHASING OUT THE USE OF CHEMICAL PESTICIDES
 RESOLUTION: ENSURING THE RIGHT TO SHELTER/HOUSING
 RESOLUTION: ENSURING THE RIGHT TO SAFE DRINKING WATER,
 RESOLUTION: GUARANTEEING THE RIGHT TO UNIVERSAL HEALTH CARE
 RESOLUTION: GUARANTEEING THE RIGHT TO WORK IN SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK
 RESOLUTION: GUARANTEEING THE RIGHT TO SOCIAL SECURITY AND COMMON SECURITY

ENVIRONMENT AND HEALTH

RESOLUTION: ELIMINATION AND REDUCTION OF HEALTH AND ENVIRONMENT HAZARDS

RESOLUTION: BANNING OF GENETICALLY ENGINEERED FOOD, AND IRRADIATED FOOD

RESOLUTION: BANNING OF GENETICALLY MODIFIED ORGANISM

RESOLUTION: BANNING THE PATENTING OF HUMAN GENES

RESOLUTION: LIMITATION AND CONTROL OF BIOTECHNOLOGY

RESOLUTION: SUPPORTING OF ALTERNATIVE MEDICINE

RESOLUTION: RESPECTING THE WISDOM OF INDIGENOUS KNOWLEDGE

RESOLUTION REDEFINING FOOD GUIDE STANDARDS

RESOLUTION: PROMOTION THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL, MENTAL AND ENVIRONMENTAL HEALTH

RESOLUTION: ELIMINATING ENVIRONMENTALLY INDUCED DISEASES

RESOLUTION: LIMITING AND MONITORING REPRODUCTIVE TECHNOLOGIES

RESOLUTION: PROMOTING REPRODUCTIVE CHOICE

RESOLUTION: PERMITTING EUTHANASIA

RESOLUTION: GUARANTEEING THE RIGHT TO SAFE, HEALTHY AND ENVIRONMENTALLY SOUND WORKING CONDITIONS

NATURE, ENVIRONMENT AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: RECOGNIZING THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE

RESOLUTION: ENSURING THE ETHICAL TREATMENT OF ANIMALS
RESOLUTION: ENSURING THE PREVENTION OF DISASTERS

RESOLUTION: INSTITUTING LEGITIMATE AND INDEPENDENT ENVIRONMENTAL ASSESSMENT REVIEWS : COMPLYING WITH THE ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE

RESOLUTION: INVOKING THE PRECAUTIONARY PRINCIPLE , AND APPLYING IT TO ALL ENVIRONMENTALLY UNSOUND EXISTING PRACTICES

RESOLUTION: ENSURING THE IMPLEMENTATION OF THE ANTICIPATORY PRINCIPLE, AND APPLYING IT TO PROPOSED NEWLY INTRODUCED PRACTICES

RESOLUTION: ENFORCEMENT OF THE PREVENTION PRINCIPLE AND REVERSE ONUS PRINCIPLE (WHERE THE PROponents OF AN INTERVENTION HAVE TO DEMONSTRATE THE SAFETY OF THE INTERVENTIONS RATHER THAN THE OPPONENTS HAVING TO DEMONSTRATE HARM)

RESOLUTION: PREVENTING THE TRANSFERENCE TO OTHER STATES OF SUBSTANCES OR ACTIVITIES THAT CAUSE ENVIRONMENTAL DEGRADATION

RESOLUTION: ELIMINATION OF TOXIC, HAZARDOUS AND NUCLEAR WASTES

RESOLUTION: BANNING OF PERSISTENT ORGANIC POLLUTANTS

RESOLUTION ELIMINATION OF THE PRODUCTION AND CONSUMPTION OF OZONE DEPLETING SUBSTANCES (SEE VIENNA CONVENTION 1985 AND MONTREAL ACCORD, 1987)

RESOLUTION: PREVENTION OF CLIMATE CHANGE THROUGH ELIMINATION AND REDUCTION OF GREENHOUSE GAS EMISSIONS

RESOLUTION ON CLIMATE CHANGE: PROTECTING CARBON SINKS AND PREVENTING GREENHOUSE GAS EMISSIONS

1988 CHANGING ATMOSPHERE CONFERENCE (STRONGER THAN THE FRAMEWORK CONVENTION ON CLIMATE CHANGE 1992)

RESOLUTION: ENDING THE PRODUCTION OF ENDOCRINE-DISRUPTING CHEMICALS

CONSERVATION, BIODIVERSITY AND FORESTS

RESOLUTION : GUARANTEEING THE PRESERVATION, CONSERVATION AND PROTECTION OF BIODIVERSITY

RESOLUTION: ENSURING THAT ALL BIOSPHERE RESERVES HAVE AN EXTENDED CORE AREA WITH CONSERVATION CORRIDORS WHERE NO COMMERCIAL INTRUSION CAN TAKE PLACE, AND HAVE ALL PRACTICES IN BUFFER AND TRANSITION ZONES LINKED TO THE CONVENTION ON BIOLOGICAL DIVERSITY

RESOLUTION: PRESERVING, PROTECTING AND CONSERVING BIODIVERSITY IN FORESTS THROUGH FOREST PROTOCOLS LINKED WITH THE CONVENTION ON BIOLOGICAL DIVERSITY

RESOLUTION: BANNING CLEARCUTTING THROUGH INTERPRETATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

RESOLUTION: ENSURING THAT THE BIODIVERSITY CONVENTION APPLIES TO ALL LANDS (PRIVATE AND PUBLIC)

RESOLUTION: IDENTIFYING AND CONSERVING BIODIVERSITY THROUGH PRESERVING REMAINING OLD GROWTH FORESTS

RESOLUTION: BANNING THE EXPORT OF RAW LOGS

GREEN SPACES, PARKS AND CONSERVATION

RESOLUTION: THE PRESERVATION AND PROTECTION OF GREEN SPACES

RESOLUTION: PROTECTING ENDANGERED SPECIES AND HABITATS

RESOLUTION: DISCONTINUING THE PRACTICE OF PRIVATIZATION OF PARKS SERVICES

RESOLUTION: ENSURING ADEQUATE SIZE OF PARKS INCLUDING CONSERVATION CORRIDORS TO PROTECT BIODIVERSITY

MARINE, AND FRESH WATER ORGANISMS

RESOLUTION: PROTECTION OF FISH STOCKS

RESOLUTION: RATIFICATION OF THE LAW OF THE SEAS

RESOLUTION: PREVENTING ENVIRONMENTALLY UNSOUND DISCHARGES INTO WATER BODIES

RESOLUTION: PREVENTING TRANSBOUNDARY POLLUTION (ENFORCING BASEL CONVENTION)

RESOLUTION: ENFORCING MEASURES IN LEGISLATION RELATED TO THE DEPOSIT OF DELETERIOUS SUBSTANCES THAT COULD DESTROY FISH HABITAT

RESOLUTION: ESTABLISHMENT OF MARINE PROTECTED AREAS -

ENVIRONMENT, TRANSPORTATION AND ENERGY

RESOLUTION: ESTABLISHING REGULATIONS THAT REDUCE CAR-DEPENDENCY

RESOLUTION: PROMOTING PEDESTRIAN COMMUNITIES AND RAIL AND OTHER ENVIRONMENTALLY SOUND PRACTICES -

RESOLUTION: DEVELOPING INFRASTRUCTURE FOR ENVIRONMENTALLY SOUND ENERGY AND TRANSPORTATION

RESOLUTION: PROMOTING AND ENSURING ENVIRONMENTALLY SOUND TRANSPORTATION, AND ENVIRONMENTALLY SOUND ENERGY

ENVIRONMENTALLY SOUND ENERGY

RESOLUTION: DEVELOPING ENVIRONMENTALLY SOUND ENERGY

RESOLUTION PROVIDING FOR 100% ENVIRONMENTALLY SOUND ENERGY SOURCES BY 1999

RESOLUTION: REQUIRING THE CONSERVATION OF ENERGY

RESOLUTION: DEVELOPMENT OF NEW AND RENEWABLE SOURCES OF ENERGY

ENVIRONMENTALLY SOUND PRACTICES

RESOLUTION: REQUIRING ENVIRONMENTAL SOUND PRACTICES

RESOLUTION: THE REQUIREMENT OF BEST (BEST ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES

RESOLUTION: ENSURING INTERNATIONAL STANDARDS DRAWN FROM PRINCIPLES FROM INTERNATIONAL INSTRUMENTS APPLY TO FOREIGN POLICY RELATED TO ENVIRONMENTALLY SOUND PRACTICES

RESOLUTION: STRENGTHENING AND PROMOTING TRADITIONAL PRACTICES

EQUITABLE AND ENVIRONMENTALLY SOUND FINANCE

RESOLUTION: CANCELING DEBT/DEBT FORGIVENESS AND REPARATION

RESOLUTION: ENSURING THAT .7% OF GNP (UN UNDERTAKING) FOR FOREIGN "REPARATION"

RESOLUTION: CONVERTING VESTED ECONOMIC INTEREST GATT TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND AGREEMENTS BASED ON PRINCIPLES

RESOLUTION: CONDEMNING THE SHIFT OF FOREIGN AID POLICY FROM INTERNATIONAL CO-OPERATION AND HELPING THE POOR TO A SELF-INTERESTED STRATEGY TO BENEFIT STATE BUSINESS. RESOLUTION:

LIMITING FOREIGN AID TO ENVIRONMENTALLY SOUND PROJECTS

RESOLUTION: PREVENTING THE EXPORT OF PRODUCTS BANNED IN THE COUNTRY OF ORIGIN

RESOLUTION: REQUIRING ADHERENCE TO THE TRANSBOUNDARY PRINCIPLE BY PREVENTING ALL ENVIRONMENTALLY UNSOUND ACTIVITIES

RESOLUTION: THE REQUIREMENT OF CONDITIONAL FUNDING BASED ON THE GUARANTEEING OF HUMAN RIGHTS, ON ENSURING ENVIRONMENTAL PROTECTION AND PRESERVATION, AND ON PROMOTION OF PEACE

RESOLUTION: ENDING WORLD HUNGER AND POVERTY THROUGH CHANGING PRIORITIES OF INTERNATIONAL FINANCE, COMMERCE, AND DEVELOPMENT ASSISTANCE

RESOLUTION: REDUCTION OF ENVIRONMENTALLY HARMFUL SUBSIDIES

RESOLUTION: ELIMINATION SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

MILITARY CONVERSION AND TRANSFER FUNDS TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: REDUCTION AND TRANSFER OF THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: INSTITUTING MILITARY CONVERSION

RESOLUTION: SUFFOCATING URANIUM MINING

RESOLUTION: ELIMINATING THE PRODUCTION, SALE AND USE OF LAND MINES

RESOLUTION: ELIMINATING THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION INCLUDING NUCLEAR, CHEMICAL AND BIOLOGICAL

RESOLUTION: PREVENTING NUCLEAR CATASTROPHE THROUGH THE ABOLITION OF NUCLEAR WEAPONS

RESOLUTION: IMPLEMENTING THE WORLD COURT DECISION ON THE ILLEGALITY OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

RESOLUTION: RECOGNITION OF THE LINKING BETWEEN CIVIL NUCLEAR ENERGY AND NUCLEAR ARMS, AND THE PHASING OUT OF CIVIL NUCLEAR REACTORS

RESOLUTION: CESSATION OF PRODUCTION, CIRCULATION AND BERTHING OF NUCLEAR ARMED, AND NUCLEAR-POWERED VESSELS (SEE

RESOLUTION RELATED TO DISASTERS)

RESOLUTION: REDUCTION OF CONVENTIONAL WEAPONS

RESOLUTION: INSTITUTING REGULATIONS FOR GUN CONTROL

RESOLUTION: REDUCTION AND TRANSFER OF THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE

RESOLUTION: PROMOTING CIVILIAN RULE

RESOLUTION: UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR MILITARY PURPOSES

RESOLUTION: ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ABOLITION OF NUCLEAR WEAPONS BY THE YEAR 2000

HUMAN RIGHTS AND RESPONSIBILITIES

RESOLUTION: PREVENTING GENOCIDE
 RESOLUTION: PREVENTING ALL FORMS OF RACIAL DISCRIMINATION
 RESOLUTION: PREVENTING ALL FORMS OF DISCRIMINATION AGAINST WOMEN
 RESOLUTION: RESPECTING THE LIMITATIONS OF FUNDAMENTAL FREEDOMS: RELIGION
 RESOLUTION: RESPECTING THE LIMITATIONS OF FUNDAMENTAL FREEDOMS:
 CONDEMNATION OF EXTREMISM
 RESOLUTION: GUARANTEEING AND EXTENDING OF HUMAN RIGHTS
 PROTECTION
 RESOLUTION: GUARANTEEING THE RIGHTS OF THE FAMILY AND THE
 ACCEPTANCE OF ALL FORMS OF THE FAMILY
 RESOLUTION: RECOGNIZING THE LEGITIMACY OF SAME-SEX MARRIAGES
 RESOLUTION: GUARANTEEING THE RIGHTS OF THE CHILD
 RESOLUTION: GUARANTEEING THE RIGHTS OF INDIGENOUS PEOPLES
 RESOLUTION: AFFIRMATION OF THE RIGHTS OF SELF-DETERMINATION
 RESOLUTION: RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY,
 AND APPROPRIATENESS
 RESOLUTION: GUARANTEEING INTELLECTUAL PROPERTY RIGHTS OF
 INDIGENOUS PEOPLES
 RESOLUTION: REDUCING THE NEED FOR MIGRATION BY GUARANTEEING
 HUMAN RIGHTS, BY PROTECTING AND PRESERVING THE ENVIRONMENT,
 AND BY PREVENTING CONFLICT AND WAR
 RESOLUTION: GUARANTEEING THE RIGHTS OF REFUGEES
 RESOLUTION: GUARANTEEING THE RIGHTS OF MIGRANT WORKERS

 RESOLUTION: GUARANTEEING THE RIGHTS OF FUTURE GENERATION
COMMUNICATION AND EDUCATION
 RESOLUTION: STRENGTHENING THE MEDIA AS AN INSTRUMENT OF PUBLIC
 TRUST
 RESOLUTION: GUARANTEEING THE RIGHT TO EDUCATION
 RESOLUTION: PROVIDING FREE UNIVERSITY EDUCATION THROUGH INCOME
 SUPPLEMENT PLAN TO ASSIST STUDENTS
 RESOLUTION: ELIMINATION OF ALL CORPORATE DETERMINING OF
 PHILOSOPHICAL UNDERPINNINGS OF EDUCATION
 RESOLUTION: ELIMINATION OF ALL CORPORATE DIRECTION OF UNIVERSITY
 RESOLUTION: RIGHT TO EDUCATION THAT IS EQUITABLE, COLLABORATIVE,
 AND MEANINGFUL
 RESOLUTION: INFLUENCE AWARENESS OF HUMAN RIGHTS, ENVIRONMENT,
 AND PEACE ISSUES THROUGH EDUCATION
 RESOLUTION: AVOIDANCE OF COMPROMISE THROUGH INDUSTRY FUNDING
 OF UNIVERSITY RESEARCH
 RESOLUTION: REQUIREMENT OF ARMS LENGTH RESEARCH FROM INDUSTRY

COMPLIANCE, COMPENSATION AND IMPLEMENTATION

RESOLUTION: DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS

RESOLUTION: FULFILLING EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTION AND CONFERENCE ACTION PLANS

RESOLUTION: FORMATION OF AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE

RESOLUTION: ESTABLISHMENT OF MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR

RESOLUTION: ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH ALL NATIONAL CODES AND INTERNATIONAL LAW

RESOLUTION: ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME STATES OR INTERNATIONAL STANDARDS WHICH EVER ARE HIGHER

RESOLUTION : REJECTION OF ISO 14000 PROCESS OF CORPORATE CONFORMANCE WITH SELF-INITIATED STANDARDS

RESOLUTION: PREVENTING THE RELAXING OF STANDARDS OR REGULATIONS TO ATTRACT INDUSTRY

RESOLUTION: REVOKING OF CHARTERS OF CORPORATION FOR HUMAN RIGHTS VIOLATION, ENVIRONMENT DEGRADATION AND FOR CONTRIBUTING TO CONFLICT AND WAR

RESOLUTION: COMPENSATION FOR HUMAN RIGHTS VIOLATION AND ENVIRONMENT DEGRADATION

RESOLUTION: ENSURING REHABILITATION OF AREA DEGRADED BY HUMAN ACTIVITIES

RESOLUTION: INSTITUTING JUDICIAL REFORM

RESOLUTION: BINDING OF INTERNAL GOVERNMENTS BY INTERNATIONAL PRINCIPLES

PRINCIPLE-BASED DECISION MAKING AND PUBLIC ACCESS TO INFORMATION

RESOLUTION: IMPLEMENTING PRINCIPLE BASED DECISION MAKING MOVING FROM VESTED INTEREST DECISION MAKING TO PRINCIPLE-BASED DECISION MAKING

RESOLUTION: ENDORSEMENT OF AND PROVISION FOR A FREEDOM OF INFORMATION AND ACCESS TO INFORMATION ACT

Dear Lucy

I have just found out that the draft platform has been circulated through the newsletter. I understand your concern about the importance of circulating a draft among the members who are not on the listserv. I think, however, that you should have sent them evidence of the debate and dialogue that was occurring on the listserv, as well as all the material submitted. Is it fair to those not on e-mail to only receive a screened version of the internet discussion? They will have no idea the range of suggestions made and the wealth of material excluded? Is it also fair to those who participated on the listserv that many of their ideas and concerns have been excluded?

Although there are some good points in the present draft, it is grounded in "reality", and lacks courage and vision.

Also, I am sorry that my name was on the document when by your own admission you did not include any of the material that I sent you.

I was talking with Andy Shaddock last week about all the material that I have been working on and I told him that I would be sending him a summary for his consideration. He did not mention that the draft platform already being printed and circulated.

Joan Russow

RESPONSE TO DRAFT PLATFORM

I HAVE BEEN PREPARING A 200 PAGE CHARTER OF RESOLUTIONS WITH THE PREAMBLES FROM INTERNATIONAL INSTRUMENTS AND THE OPERATIVE CLAUSES FROM A WIDE RANGE OF NGO SOURCES. AS WELL FROM GREEN PARTY RESOLUTIONS AND STATEMENTS MADE ON THE LISTSERV.

AT ONE TIME I SUBMITTED A SUMMARY WITH A COMPREHENSIVE SET OF RESOLUTIONS FOR CONSIDERATION AS PART OF THE GREEN PARTY PLATFORM.

I THINK THAT WE NEED AN INCLUSIVE "GREEN BOOK" OF AS MANY PAGES AS IS NECESSARY TO CONVEY THE ACTIONS THAT NEED TO BE TAKEN TO ACHIEVE A SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND SOCIETY IN THIS RESPONSE TO DRAFT PLATFORM I HAVE INCORPORATED THE STRENGTHS OF THE DRAFT PLATFORM DOCUMENT WITHIN A MORE COMPREHENSIVE AND MORE RADICAL FRAMEWORK.

SPECIFIC CONCERNS ABOUT THE DRAFT PLATFORM

"WE ARE IN STRONG AGREEMENT WITH CAROLYN LINDEN WHO URGES US TO GROUND OURSELVES IN REALITY IF WE WANT TO INCREASE THE NUMBER OF VOTES WE RECEIVE."

EXHIBIT

I would like to express some initial concerns about the current draft platform: The first concern is about the vision statement. if we are to have a real vision, we must completely move away from the compromising position suggested in the following comment:

"We are in strong agreement with Carolyn Linden who urges us to ground ourselves in reality if we want to increase the number of votes we receive."

I am sure you are all aware of the corporate assessment of activists as being radicals, opportunists, idealists and realists. the recommended corporate strategy has been to marginalize the radicals, ...and turn the idealists into realists.

PERHAPS WHAT IS IMPORTANT IS TO BE COMPREHENSIVE AND ENSURE THAT THERE IS A STRONG VISION STATEMENT WITH PERHAPS A GLOBAL COMPONENT GIVEN THAT THE GREEN PARTY OF CANADA IS PART OF A LARGER GREEN PARTY MOVEMENT.

The Green party of Canada envisions a culture in which there is redefinition of priorities in equitable and ecological terms. A culture where the current GLOBAL military budget of 800 BILLION is reduced and at least 50 % least 400 billion is immediately transferred into guaranteeing the right to basic needs including the right to safe healthy food, the right to affordable housing, the right to universal health care, the right to education, the right to a safe environment and to ecological heritage and the right to work in socially equitable and environmentally sound employment.

With the rest of the military budget being converted into programs that contribute to the setting up of alternative structures for preventing conflict and war through an international regime that respects the rule of international law, and through establishing an international court of compliance where citizens could take evidence of state non-compliance with international law

The Green part envisions a culture without discrimination on the following grounds: race, sex, gender, sexual orientation, tribe, culture, colour ethnicity, national ethnic or social origin, nationality of birth, refugee or immigrant status, marital status, different forms of the family, disabilities, age, language, religion or conviction, political or other opinion, nature of residency or other status. The Green Party envisions a culture in which the inherent worth of nature is respected beyond human purpose, and in which the ecological footprint is reduced, the precautionary, anticipatory and reverse onus principle are applied. ETC A culture that moves away from over-consumptive practices, and towards socially equitable and environmentally sound development.

PERHAPS IN THE SECTION ABOUT WHY VOTE FOR THE GREEN PARTY A COMMENT COULD BE MADE ABOUT THE URGENCY OF THE GLOBAL SITUATION AND THE LACK OF POLITICAL WILL TO MAKE THE NECESSARY CHANGES. PERHAPS the ASSESSMENT BY UNCED and the current assessment THE World WATCH INSTITUTE AND UNEP OF THE URGENCY

“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” (Art 246, Advance draft, Platform of Action, UN. Conference on Women, May 15)

...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), and reaffirmed in Art. 37 of the Platform of Action, UN Conference on Women: Equality, Development and Peace)

MOVE MOVE MOVE 1997

52nd plenary meeting 24, October, 1997

PETITION FOR THE ESTABLISHMENT OF AN INTERNATIONAL COURT OF COMPLIANCE

RECOGNIZING that for fifty years since the formation of the United Nations, member states have undertaken obligations reflected in the Charter, treaties, conventions, and covenants; and have created expectations reflected in declarations, conference commitments and resolutions.

REMINDED of the General Assembly resolution establishing a decade of International Law from 1990 –1999.

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, 1945)

AFFIRMING that it has become a principle of international customary law that state parties to treaties and Conventions undertake to enact the necessary legislation to ensure compliance with their obligations (Art. III Convention on the Prevention and Punishment of the Crime of Genocide, 1948); International Convention on the Elimination of all Forms of Racial Discrimination (1965); International Covenant of Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination Against Women (1979); Convention on the Control of Transboundary Movements of Hazardous Wastes (1992) etc.

CONVINCED of the applicability of the Doctrine of Legitimate Expectations whereby if a government holds itself out to do something even if not legal 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 these obligations. Convinced also of the applicability of the Doctrine of Legitimate Expectations to declarations, conference commitments and General Assembly resolutions.

BE IT RESOLVED THAT IN 1996, STATES SIGN WHAT THEY HAVE NOT YET SIGNED, RATIFY WHAT THEY HAVE NOT YET RATIFIED, ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND UNDERTAKE TO ENFORCE THE ACCRUED OBLIGATIONS AND EXPECTATIONS

BE IT FURTHER RESOLVED THAT IN 1996, A COURT OF GLOBAL COMPLIANCE BE INSTITUTED. THIS COURT WILL GIVE CITIZENS AN OPPORTUNITY TO PRESENT EVIDENCE OF NON-COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND EXPECTATIONS. STATES WILL BE REQUIRED TO APPEAR AND TO ACT UPON THE JUDGMENT OF THE COURT.

• 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)

ADDITIONAL PRINCIPLES THAT SHOULD BE INCORPORATED INTO INTERNATIONAL STANDARDS

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

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

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

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 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)

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

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] 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 person**

(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, BECAUSE OF 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)

Reducing environmental health hazards

* 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

(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)

(9)

PRINCIPLE OF EXTRA-TERRITORIALITY

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

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

(10)

HUMANITARIAN PRINCIPLE

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

(11)

EQUALITY PRINCIPLE

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

(12)

PRINCIPLE OF NON-PRESUMPTION

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

(13)

LIMITS-TO GROWTH PRINCIPLE**LIVING WITHIN THE CARRYING CAPACITY OF THE ECOSYSTEM**

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

* [Find: Quote from Club of Rome]

(14)

INHERENT WORTH PRINCIPLE

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

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

(15)

PRECAUTIONARY PRINCIPLE

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

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

15.4. Reverse onus principle

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

(16)

PRINCIPLE OF NON-DISPLACEMENT

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

(17)

PRINCIPLE OF SOLUTION BEING BETTER THAN THE PROBLEM PRINCIPLE

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

(18)

TRANSBOUNDARY PRINCIPLE

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

(19)

PRINCIPLE OF JUSTIFIABLE INTERVENTION

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

(20)

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

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

(21)

PRINCIPLE OF RIGHT TO OBJECT

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

(22)

ARMS LENGTH RESEARCH PRINCIPLE

This principle holds that most of the current research that has been used to support the continuation of the current model of development has arisen from non-arms length research by vested interests, and that if the urgency of the

global situation is to be addressed arms-length non-vested interest research has to be relied on.

(23)

REGULATOR MUST NOT 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

Additional principles

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 and preservation, and the attainment of peace. These components are interdependent facets of a potentially viable solutions. It no longer seems possible to consider "problems" in isolation (such as threats and impacts of war; the exponential growth of population; continued urbanization; 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.)

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 bio-region and the variation in effects of different substances emitted. All discharges, no matter where they are located in a region, will be equally affected by the criteria. Ensuring consistent protection also means that governments will not transfer its pollution problems onto other jurisdictions or bio-regions, nor should governments relax standards in order to attract industry. Criteria must ensure acceptable ambient environmental conditions all across states and bio-regions.

PRINCIPLE 4: [ENABLING] SOCIALLY EQUITABLE AND ENVIRONMENTALLY-SOUND DEVELOPMENT

“socially equitable and environmentally-sound development” is a basis of bioregional planning. (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, 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, 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) Proof of 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 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 within and throughout bio-regions.

PRINCIPLE 12: REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)

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.

PRINCIPLE 13 CREATING INDIGENOUS PLANT RESERVES AND HOME AND COMMUNITY MARKET GARDENS

Maintaining lawns requires a drain on local water supplies. Governments should pass regulations which encourage the replacement of grass lawns with indigenous plant reserves consistent with the fauna of the bio-region and home/community market gardens

PRINCIPLE 14: 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 by-products 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: 15 GLOBAL COMPLIANCE

The most stringent environmental provisions shall be adopted complying with all international, national, bilateral and bio-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: ENSURING INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES

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: UNDERTAKING TO NOT RELAX STANDARDS RELATED TO SOCIALLY EQUITABLE AND ENVIRONMENTAL SOUND DEVELOPMENT

Governments shall undertake 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: 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 into a specific bioregion [see principle enunciated in NAFTA. (re: relaxation of standards to attract industry)]

PRINCIPLE 19: 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 (e.g. chlorine). It also applies when a substance will generate persistent or bio-accumulative toxic by-products or breakdown products during its productions, use or disposal (Zero Toxics Alliance Statement of Principles)

PRINCIPLE 20: 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 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: 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)

PRINCIPLE 31: 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 32: 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

- **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)

33. RIGHTS OF INDIGENOUS PEOPLES

UNCED Documents Sections from Agenda 21

Indigenous people 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 concerned traditionally occupy. Indigenous people 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 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 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 and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities. (Agenda 21, 16.1)

In full partnership with indigenous people and their communities, Governments and, where appropriate, intergovernmental organizations should aim at fulfilling the following objectives: (Agenda 21, 16.3)

(a) Establishment of a process to empower indigenous people and their communities through measures that include:

(i) Adoption or strengthening of appropriate policies and/or legal instruments at the national level;

(ii) 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;

(iii) Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;

UNCED Documents: Rio Declaration

Indigenous people 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 recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development. (Rio Declaration, Principle 22)

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, Principle 14)

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. 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, Principle 15)

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.(Rio Declaration, Principle 16)

34.RESPECT FOR CULTURAL INTEGRITY AND INDIGENOUS PRACTICES

1. RESPECT FOR CULTURAL INTEGRITY AND RIGHTS OF INDIGENOUS PEOPLE

" respecting the cultural integrity and the rights of indigenous people [PEOPLES, EDITORIAL ADDITION] and their communities (3.7. b)

RESPECTS FOR TRADITIONAL AND INDIGENOUS PRACTICES

"Promote development in accordance with indigenous practices and adopt technologies appropriate to local conditions (7.42 c)

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 Biodiversity)

" 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.a Fragile ecosystem)

" 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)

" Governmentsshould ... Recognize and foster the traditional methods and the knowledge of indigenous people 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 (15.4, g Biodiversity)

" Take effective economic, social and other appropriate incentive measures to encourage the conservation of biological diversity and the sustainable use of biological resources, including 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)

" Take action where necessary for the conservation of biological diversity through the in situ conservation of ecosystems and natural habitats, as well as primitive cultivars and their wild relatives, and the maintenance and recover of viable populations of species in their natural surrounding ...(15.6 g. Biodiversity)

Governments... consistent with the requirements of international law should, 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)

"promotion of collaborative research programmes... fostering of traditional methods and knowledge of such groups (local and indigenous) in connection with these activities. (16.7 b Biotechnology)

States shall cooperate with a view to the conservation of marine mammals and, in the case of cetaceans, shall in particular work through the appropriate international organizations for their conservation, management and study (17.50 Marine)

35.Reducing environmental health hazards

(Article * 89 a ter Improve policies that **prevent**, reduce environmental health hazards and provide the informal sector and all workers with accessible information on how to enhance occupational safety and reduce health risks;

36.

PRINCIPLE OF NON-PRESUMPTION

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

1996 I applied with a Diane Pask, a law professor from the University of Calgary, for a MOST grant from UNESCO, on the subject of Ethical Governance

EXHIBIT

to: UNESCO / Programme MOST <ssmost@unesco.org
 from: Russow@uvaix.uvic.ca
 Subject: Re: MOST grant application

1230 St Patrick St.
 Victoria, B.C. V8S 4Y4
 Canada
 e-mail. Russow@uvaix.uvic.ca
 FAX/tel 604 598-0071

December 31st, 1996

For some time, we have admired the research conducted under UNESCO's MOST projects. We would like to submit a proposal entitled "Ethical Governance: Decision Making and Implementation within a Framework of Principles" for consideration by your committee.

We are sending this submission by e-mail because Victoria has been shut down as a result of a snow blizzard, and there is no postal service operating.

We look forward to your kind consideration of the submission. Please do not hesitate to call if any questions arise.

Yours Sincerely,

Joan Russow and Diane Pask

PROPOSAL FOR MOST

Submitted by Dr. Joan E. Russow, and Professor Diane Pask

ETHICAL GOVERNANCE: DECISION MAKING AND IMPLEMENTATION WITHIN A FRAMEWORK OF PRINCIPLES

OVERVIEW

This research project flows from the urgent and compelling need for nation- states to fulfill and adhere to previously agreed-upon documented principles and courses of action; and, to enter into formal obligations derived from the legitimate expectations based on their previous statements and actions or pursuant to international customary law. This work is also relevant to the provision of guidance and future direction for the development of further principles, policy formation and implementation.

For years states have incurred obligations and created expectations through international agreements. Many of these obligations have never been discharged, and many of the expectations have not been fulfilled. One reason is that States fail to sign international legally binding treaties; another reason is that states that sign legally binding conventions and treaties, fail to ratify them; and still another reason is that states that ratify these treaties fail to enact the necessary legislation to ensure compliance. Many of the major conference action plans , such as those from United Nations Conference on Environment and Development (UNCED), The World Conference on Human Rights, the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II are adopted by all the member states of the United Nations, but they are not deemed to be legally binding. These Conference Action plans, however, do create an expectation that states will adhere to the agreed to principles.

In addition, public unawareness of the nature and scope of international obligations and expectations, and the failure to determine what would constitute compliance, are factors that hamper the discharging of obligations as would otherwise be expected as a function of ethical governance, policy formation and implementation. Many theorists and practitioners either fail to perceive or disregard the relevance of international documents in the formulation and implementation of policy. An important component of this research project is the use of public education programs to broaden and foster the understanding, and the appreciation of the complexity and interdependence of obligations and expectations.

By way of example, nation states have been reluctant to endorse mandatory international normative standards drawn from international principles from international documents; in addition, nation states have been reluctant to require harmonizing upwards, to create an “even global playing field” For example, this reluctance has created a situation whereby polluting industries will argue for a global policy of conformance to voluntary industry self-initiated standards, such as the ISO 14,000 standards. The outcome of having voluntary standards rather than mandatory international normative standards and regulations is that industries will argue locally against the instituting or strengthening of regulations and mandatory standards on the grounds that high local standards will

require them to relocate in another region or country where the standards are lower or where there is a willingness to relax standards to attract industry.

Nation states, however, undertook to ensure that “all corporations including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws” (Section 167, United Nations Conference on Women, 1995). This undertaking was reaffirmed and extended in the Habitat II Agenda 1996 to include the requiring of the “private sector” generally to comply.

Through international agreements nation states have undertaken: to protect the natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972); to respect the inherent worth of nature (Preamble, World Charter of Nature, 1982); to prevent the 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); to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration); to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity); to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: to reduce the ecological footprint (Art. 27 b); to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i); to prevent environmental damage through knowledge of eco-cycles (Art. 135) and so forth.

This research project on ethical governance attempts to link policy formation and implementation with a reasonably comprehensive framework of principles derived from a wide range of international documents. Their application will be derived from interdisciplinary discourse undertaken in a variety of venues over the course of the project."

This project will research the underlying principles and application of the doctrine of legitimate expectations which raises fundamental questions about the meaning of ethical governance. This doctrine has been described in the following way: 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 (Brent Parfit, Deputy Ombudsman, Ombuds office, British Columbia, Canada, 1995, Personal Communication). A further elaboration of this doctrine is “when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). At the "We the Peoples..." conference on the 50th Anniversary of the United Nations in San Francisco, at a workshop on Agenda 21, it was proposed that the Doctrine of Legitimate Expectations could be used to strengthen both the treaty obligations and the expectations generated through Conference action plans such as Agenda 21. This proposal was favorably received by the Executive Director of the Commission on Sustainable Development, Dr. Nitun Desai, who requested further information.

A key concept to be examined in the research project is that of international customary law. Simply put, where a principle of international law has been a long-standing part of that law, it may be held to be a part of international customary law and deemed applicable as part of national law. For example, the principle of intergenerational equity i.e. the rights of future generations to a safe environment may be argued as falling within international customary law since it is found in a number of international documents beginning with the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change).

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national, and regional policy formation and implementation related to ethical governance, in that obligations incurred or expectations created can be held to be enforceable in national, provincial and regional law.

However, the results of this work depend for their efficacy on the general operation of the rule of law which is a complex concept and one which is itself dependent on the proper administration of justice. Ethical governance is interwoven with issues of administration and enforcement of legislation containing the internationally accepted principles and obligations with which this project is initially concerned. Ultimately, the project also must be concerned with questions of awareness, knowledge and education on the part of the judiciary and administrative bodies. In addition, the project will contribute to heightened public awareness of the use of international documents and to the educational strength of these documents within various jurisdictions.

OBJECTIVES OF THE PROPOSED MOST PROJECT

1 To address the problem of eliminating or at least reducing the discrepancy between stated intention and policy formation and implementation, and the promoting of ethical governance through policy formation and implementation, the researchers propose a general objective. This objective is to establish a comprehensive interdisciplinary framework of principles related to ethical governance, to propose principle-based decision making and education, and to recommend policy formation and implementation based on this framework of principles. The following interdependent objectives will assist in the realization of this general objective.

1. Prepare a comprehensive interdisciplinary framework of principles related to ethical governance; these principles will be drawn from a discourse analysis of a sampling from different disciplines, and drawn from a content analysis of international agreements.
2. Determine what would constitute adherence to and fulfillment of these principles contained within the comprehensive interdisciplinary framework.
3. Delineate the significant dilemmas found within the complexity of ethical governance, meaningful participation by civil society, and policy formation and implementation.
4. Discern and clarify the systemic constraints preventing adherence to and fulfillment of these principles, and contributing to non-compliance with obligations and expectations.

5. Recommend the formation and implementation of mechanisms for overcoming individual, institutional and governmental systemic constraints.
6. Place a collaborative principle-based decision-making process within the comprehensive interdisciplinary framework of principles.
7. Broaden and foster the understanding and the appreciation of the complexity and interdependence of legal principle and ethical governance through development of programs for educators in the areas of judicial, administrators and public education.

Relevance of project

Most disciplines have principles that are relevant to ethical governance, and these principles need to be placed in a comprehensive interdisciplinary framework of principles. In 1991, at a Global Change Conference, Digby McLaren stated that what is needed is synthesis of what exists, that we do not have to wait for scientific certainty to act, and inaction is negligence (keynote Address, Digby McLaren, Past President of the Royal Society of Canada, 1991). Strong ethical principles relevant to ethical governance have been enunciated internationally through a wide range of international agreements. In this project these principles, along with principles of ethical action governing the relation between cultural and natural systems will form a basis for policy formation and implementation at the national, provincial and regional levels. This research will complement an essential role of UNESCO arising under the Convention on the Protection of Cultural and Natural Heritage to integrate cultural and natural heritage. UNESCO has been at the forefront of the development of the integration of these two aspects of heritage. This project will address integration of principles related to cultural and natural heritage. This project will address integration of principles related to cultural and natural heritage. in the context of ethical governance.

In addition, these principles will contribute to the placing of issues within a larger global context, within the educational system, and within the context of public awareness programs (as was proposed in Agenda 21, and adopted by nation states, through Chapter 36, Agenda 21, UNCED). These principles will be an integral part of the proposed development of training and education programs."

INVESTIGATORS

The principal investigators will be Dr. Joan E Russow and Professor Diane Pask. Other investigators in biology, public administration, physics, philosophy, have agreed to be part of the project and will be involved in the discernment of applicable interdisciplinary principles from different disciplines.

An advisory group will be set up; this group will be involved with determining what would constitute compliance with the international principles. So far representatives from Ghana, Guatemala, Nepal, and Australia have expressed interest. In addition, contacts from Jordan, Romania, and the Philippines will be approached.

Relevance of on-going research of investigators

Principal Investigators

Dr. Joan E. Russow, B.A. M.Ed. Education, Ph.D. Interdisciplinary Studies

This project will link a long-time interest in interdisciplinary thought, in ethical principles of action, in international obligations and compliance. From her experience in developing “principle-based education” for her Master’s Degree in Education in 1985, she discovered the relevance of grounding the teaching of issues within a framework of internationally agreed-to principles. From her experience in compiling a 350-page Charter of Obligations (obligations incurred and expectations created through international agreements) in 1995, and from preparing a document for the Habitat II Conference, she became more and more aware of the rich body of precedents that did not appear to be part of the government policy formation and implementation. She realized the importance of bringing to the attention of the policy makers information on what has been previously agreed to. She also realized that knowing the precedents would not be sufficient, and that what would be important would be to determine what would constitute compliance with these precedents, and what policy would be necessary to ensure compliance.

Diane Pask

Professor Diane Pask, B.Sc. (Sask.), LL.B., (Sask.), LL.M. (U.C. Berk.),
Member, Law Society of Saskatchewan. Professor of Law, Faculty of Law, University of
Calgary, Canada.

Professor Pask teaches and researches in the areas of refugee law, which involves applied international human rights law and public international law, family law and children's law, and the law of trusts, which is concerned with the law of equity and fiduciary obligations. She has spoken at numerous national and international meetings and conferences and at legal and judicial education programs convened by national and local judges’ associations and by continuing legal education programs. She is a past full-time and part-time member of the Convention Refugee Determination Division of the Immigration and Refugee Board of Canada and a consultant to national and provincial officials and non-governmental organizations. Among other activities, she is a past Director of Graduate Studies and Research for the Faculty of Law, University of Calgary. She is a Mediator and has taught and written regarding multi-cultural and gender-related issues as part of her work with refugee status determination as well as in the family law area. This project offers her an opportunity to integrate her human rights and international law expertise with her long-standing concern for the need to raise the awareness of professionals and the public regarding the validity and relevance of internationally accepted principles and to ensure that governments are held to the obligations that they have undertaken on behalf of their citizenry. Her judicial education and conflict resolution experience are applicable to the development of education programs addressing the multifaceted nature of today’s gender- and culture-linked international issues.

**IMPORTANCE, ORIGINALITY AND ANTICIPATED CONTRIBUTION TO KNOWLEDGE
AND TO POLICY DEVELOPMENT**

The project will contribute to the advancement of knowledge by establishing an interdisciplinary framework within which to understand the components of ethical governance and extend the domain of ethical governance, and within which to critically examine policy.

Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to national, provincial and regional issues. In addition, NGOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings.

In the “Charter of Obligations” (J. Russow (1995), Charter of Obligations, Global Compliance Research project), a preliminary (i) content analysis of some of the international agreements, (ii) delineation of systemic constraints, (iii) development for principle-based decision making and education have been documented. The proposed research in ethical governance carries this preliminary research further, and builds on a previous literature review in interdisciplinary studies.

This project will provide a comprehensive synthesis of principles, and will carry the project past the synthesis of principles to the determining of what would constitute adherence to principles in policy formation and implementation related to ethical governance. It is essential to become aware of the principles but it is equally essential to understand what would constitute compliance. The development of a foundation of principles provides touchstones pursuant to which policy formation and implementation derive consistency. Finally, the project will develop material for educational purposes in order that judicial, administrative and public knowledge and skills will be developed, leading to the increased application of international principles in decision-making. This is a crucial component in the development of the institutional memory and skills referred to above. It is increasingly recognized that principles are dysfunctional without the addition of application and monitoring mechanisms. The knowledge and skills involved in programs of judicial, administrative and public education are required in order to ensure that application and monitoring occur and that support for this work continues.

Conceptual Approach

The international documents themselves represent an incremental development of concepts and principles which are dependent for meaning on an historical accretion. Thus, they must be understood within their context. The framework of principles must maintain the accuracy of that context. The approach is also one of collaborative and interdisciplinary investigation since the development of the framework of principles depends on the respectful exchange of knowledge between disciplines and across gender, culture and ethnic differences. The international group of scholars that will be involved in the project will share the knowledge and understandings gained to benefit endeavours beyond the time frame of this project.

METHODOLOGY

The goal of the project is to present the final material, refined by preceding discussion and critique, at an international conference or symposium, the proceedings of which will be published in a monograph or book. The project is to be divided into 3 phases representing stages leading to policy development and implementation.

Phase 1: Policy Study Group: This stage involves the review in depth of the objectives and issues to be addressed by the comparative analysis phase. The Policy Study Group is to be composed of an interdisciplinary international panel of 5-6 women experts who will meet to set the stage for later phases of the work and, in particular, to ensure that priority issues of concern to women and children are properly addressed and embedded in the project structure.

It is intended that the draft material developed in phase 1 will be discussed and presented at various workshops throughout the participating countries in order to obtain comment from NGOs and government officials prior to the major events leading up to the Fifth Anniversary of the United Nations Conference on Environment and Development in 1997.

Conference events leading up to the Fifth Anniversary of the United Nations on Environment and Development in 1997.

PHASE 2: The focus of the second phase is on developing a preliminary submission to government addressing the framework of principles and policies (previously discussed), to be available for submission to the celebration of the 50th Anniversary of the Universal Declaration of Human Rights in 1998.

PHASE 3: The third phase will be prepared with a view to integration of the work of the project into events marking the 1999 culmination of the decade devoted to international law. It is proposed that an international conference or symposium exploring the relationship between ethical governance, global compliance and human rights will be convened at which materials and workshops may be presented. Publication of the proceedings governance, global compliance and human rights will be convened at which materials and workshops may be presented. Publication of the proceedings and materials is contemplated.

PROJECT COMPONENTS AND IMPLEMENTATION OF OBJECTIVES

1. To establish a comprehensive interdisciplinary framework of principles related to ethical governance

A series of principles drawn from different disciplines will form an intellectual framework of principles to then be combined with the principles derived from stated obligations and expectations.

In this project a series of significant expectations related to ethical governance and policy formation will be discerned.

1.1. To establish an intellectual framework of principles from different disciplines, the researchers will carry out the following set of processes:

1.1.1. Uncover a set of principles through sampling discourse from a range of disciplines.

1.1.2. Stipulate a working definition for the term "principle" in the context of ethical governance and policy formation and implementation. A synthesis of all the meanings and entailments of the term principle will be carried out, and a definition of the term "principle" will be stipulated.

1.1.3. Carry out an analysis of the content from the various disciplines and extract a body of principles from the following disciplines through the following process:

(i) Examine a sample of discourse from wide range of disciplines including biological sciences—including ecology, genetics, socio-genetics—, physics, chemistry, philosophy, linguistics, medicine, semiotics, literature, law, public administration, economics and political science etc.

1.2. to establish a frame of principles of action drawn from a content analysis of statements in international agreement, and from codes of ethical action governing the relation between cultural and natural systems.

Principles of action derived from international agreements have international legitimacy because of their origin in carefully crafted and negotiated documents which have been accepted by nation states. To establish a framework of principles of action from international agreements, the researchers will carry out the following set of processes:

(i) A preliminary examination of international agreements has been carried out and principles have been extracted (see J. Russow (1992), *Content Analysis UNCED*). and J. Russow (1995) "Charter of Obligations". J. Russow (1996). *Principles of Compliance: obligations incurred and Expectations Created*. A further examination will be carried out specifically looking for principles that could be applicable to ethical governance, as well as the applicability of international principles to policy formation and implementation at the national, provincial and regional levels.

(ii) In cases where there does not appear to exist international United Nations documents, Principles will be extracted from United Nations Bodies such as UNESCO, UNICEF, UNCHR documents, from international NGO organizations such as those from the IUCN (World Congress of Nature) resolutions and recommendations, and from other International NGOs specializing in areas not yet addressed by United Nations organizations. In particular a content analysis will be carried out on the set of resolutions and recommendations. from January 1994 and the October 1996 Annual General Meeting.

1.3. to integrate the interdisciplinary principles, with international principles of action, and principles of ethical action governing the relation between cultural and natural systems to form a comprehensive interdisciplinary framework of principles

The preparation of this Comprehensive interdisciplinary framework will contribute to a body of research material that will be relevant to the project but also of use to other researchers.

The body of research material will be stored and made available on disks. The comprehensive framework will be prepared both in written and in graphic form.

2. Determine what would constitute adherence to and fulfillment of these principles within the comprehensive interdisciplinary framework.

For this section, the researchers will organize a series of workshops with NGOs. At these workshops the researchers will introduce the current phase of the comprehensive interdisciplinary framework of principles of the project; select specific principles related to the expertise of the group; discuss and document proposals for policy formation and implementation that would be necessary for the fulfilling of principles, and generate criteria of compliance with obligations. There will also be a consultative process with the International Affairs Caucus of the British Columbia Environmental Network (BCEN), and other NGOs in the various participating countries.

3. Delineating the significant dilemmas within the complexity of ethical governance and policy issues

Many dilemmas have already been identified by the researchers as a result of previous research by project investigators. and other dilemmas will emerge as a result of the project research.

For example, a segment of the “environment industry” sustains itself through the perpetuation of environmentally unsound practices, advocates deregulation, and promotes non-performance-based, non-mandatory non-normative standards. Years of waste from environmentally unsound practices has accumulated; technology is being developed to dispose of the waste in what is deemed to be an environmentally sound manner. The dilemma arises when the environment industry that has developed the “clean up” will be used by the waste producing industries to justify the continued production of the waste.

1.4. Discerning, and clarifying the systemic constraints preventing adherence to and fulfillment of these principles

Review and critically examine theory from various disciplines, such as that from Political science (power politics realist models), which support or justify practices that undermine the policy formation and implementation necessary for change. —change related to the recognition and acceptance of ethical governance; and criticize policy formation and implementation that contribute to systemic constraints. An initial set of systemic constraints related to individual, and institutional action and inaction has been prepared. (Russow, 1992, 1994). This set of constraints will be reassessed and expanded and synthesized. An example of a systemic constraint is that nation states sign and ratify conventions yet they fail to enact the necessary legislation to ensure compliance

It is also a systemic constraint that nations states undertake to eliminate the production and consumption of a substance , redefine consumption to exclude recycled material, and then use the ability to recycle to justify the revisiting of the original obligations to cease production; this systemic constraint is occurring in the area of the international obligation to cease the production and consumption of CFCs (See the Convention on the Elimination of Ozone Depleting Substances 1985, and subsequent protocols (Montreal, London, Copenhagen).

Reference will then be made to the devices that have been used to maintain the status quo and that have led to practices that have undermined ethical governance; and to proposals that will be made for counteracting these devices through the formation and implementation of policy to promote ethical governance. The most obvious devices are those that have been designated as

reflecting anti-environmental thought (See Boston, T, 1994-6) ; the less obvious are models from disciplines such as “power politic realist “ model from US international relations theory which, through devising models based on power politics have argued that the vested interest vision not only is the only existing model but also that it would be unrealistic to strive to have it overturned.

A further systemic constraint is the failure to incorporate compliance mechanisms within the conventions themselves, thereby ensuring that there will be no formal monitoring and an increased likelihood of non-compliance. The opportunity to exempt or exclude various actions from the purview of the convention also operates as a systemic constraint to implementation, as in the Convention on Eliminating all Forms of Discrimination Against Women (CEDAW). Others argue, however, that the opportunity to exempt or exclude various actions is a useful device in reaching compromises and agreements. Where the line is to be drawn between non-permissible exemptions and acceptable compromise of convention principles is at present an unanswered question.

1.5. Recommending mechanisms to overcome the individual, institutional and governmental constraints

Practical devices such as mechanisms to implement and enforce these international principles are essential. In this section the application of the Doctrine of Legitimate Expectations will be examined. In the area of policy, statements made often create expectations which have yet to be fulfilled. An important element of policy related to ethical governance is the governmental duty to fulfill expectations (Doctrine of Legitimate Expectations).

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 Annex for additional components of this Doctrine). When an expectation is created there must be the ability to fulfill the promise it implies (Introduction, Ombudsman Annual Report, British Columbia, Canada, 1991). A study of the theory and application of this concept will constitute new and challenging research.

Any discussion of implementation and enforcement mechanisms is grounded in a consideration of the balance required between mandatory and discretionary methodologies. This may be seen in a slightly increased international readiness to accept monitoring and reporting requirements which have been effective to varying degrees, as in, for example, the convention against torture or the convention on the elimination of all forms of discrimination against women. An assessment of useful approaches and their application would be one of the most helpful results of this project.

1.6. Grounding a collaborative principle-based decision-making process

The concept of collaborative principle-based decision making has been contrasted with vested interest-based decision making. The interdisciplinary framework of principles established during the project should help to formulate broadly-based principles for collaborative principle-based decision making. For example, the Science Council of Canada made an important distinction between a reasoned outcome and a negotiated outcome in its 1982 publication, “Regulating the Regulators”:

Negotiated or reasoned outcomes?

An outcome is 'negotiated' if a committee member can act as a delegate for an interest group and can 'horse-trade' on its behalf. An outcome is 'reasoned' if the committee member is asked to free his or her mind of bias and decide on the basis of the information available. (1982, 38)

Many scientific controversies include issues that involve risk to human life or health. In these controversies a reasoned articulation of the scientific aspects is essential before negotiations. and other approach [negotiated] is morally irresponsible. 39, 1982

We recommend that the choice between reasoned and negotiated outcomes in the functioning of policy advisory bodies be clearly and explicitly identified, and that both the public and the [decision making] body be made aware of this choice at the outset. (39, Regulating the Regulator 1982)

Round table multistakeholder decision making creates an arena of competing vested interest and public concerns under the presumption that each interest or concern is of equal ethical merit. In contrast, in principle-based decision-making principles reflecting ethical governance will undergird the decision-making process. to provide a standard, where possible, against which to measure the merit and validity of various positions.

The process is described as collaborative in that those involved in the decision-making process are also involved in determining the terms of reference, and in participating throughout the process. The participants in this process are drawn from individuals and groups with varying experience and expertise.

1.7. Broaden and foster our understanding and appreciation of the complexity and interdependence of ethical governance within a framework of overarching principles

1.7.1. Develop training programs for judicial, administrative and public education in the use of the framework of principles that emphasize a collaborative principle-based approach.

Collaborative principle-based education has been developed (Russow, 1985), and will be further expanded in the light of the research in the Ethical governance project. In principle-based education global/local issues are explored through selecting, examining and exploring issues within a principle-based framework. An examination and appreciation of the full complexity and interdependence of global/local issues within a framework of internationally agreed-to principles is encouraged. The components of these agreed-to principles will be encouraged and the role of ethical governance analyzed.

The emphasis in this program will be on becoming knowledgeable about the principles and their application; investigating the implications of these principles; analyzing and synthesizing information on current issues in the light of these agreed to principles; clarifying the role of ethical governance in relation to these principles, and proposing a range of possible solutions to practical problems emerging from the issues. In the program students and members of the public will be encouraged to investigate local issues within this framework of principles. Also, in the program, the

current lack of information for the public at present will be examined, and the means whereby the general public may become better informed in these areas. will be assessed.

This program will entail (1) examining principles enunciated in primary source material, (international documents); (2) Examining the role of ethical governance 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 within or to ethical governance; (9) determining appropriate moments for integrating issues into the curriculum; (10) developing lesson plans and educational materials based on issue-principle analysis; (11) applying knowledge of 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 working cooperatively and independently

COMMUNICATION OF RESULTS

Academic and Professional Communities

Papers related to the project will be sent to relevant journals

Papers will be submitted each year to the learned societies conferences, and to other relevant conferences, as part of a proposed symposium, Ethical governance: from principles to policy formation and implementation.

In addition to the usual publication in learned and professional journals, a concerted effort will be directed towards publication of a final report composed of the materials and conference proceedings, as one manuscript, in order to maintain the interrelationships that will develop between components of the work, its overall flow and thrust. Policy and implementation recommendations naturally take their place in this report.

A point form comprehensive framework of principles will be developed and distributed as part of the program of presentations, workshops and training sessions.

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

The data base for the Comprehensive Interdisciplinary framework will be on disk, available on MacIntosh and IBM, and will be part of a Web site. In addition, several large diagrams displaying the comprehensive interdisciplinary framework of principles will be prepared... This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared. A comprehensive report on the principles will be prepared through the different phases

Non-academic

Comprehensive framework of principles will be developed, and distributed at conferences or in some cases part of poster display.

This framework will be prepared in different forms

The data base for the Comprehensive Interdisciplinary framework will be available on disk. In addition, several large diagrams displaying the interdependent interaction of principles will be prepared. of the framework of principles. This diagram will be done on a computer graphic program and will continually evolve being updated for the different phases. In particular a series of diagrams interpreting the different principles will be prepared.

A comprehensive report on the principles will be prepared through the different phases

TO BE OMITTED

POLICY FORMATION AND IMPLEMENTATION RECOMMENDATIONS

The project will have three phases. The first phase will be the introduction of preliminary version to various provincial and state ministries within the participating countries and the distribution for comment prior to the major events leading up the 5th anniversary of the United Nations Conference on Environment and Development, in 1997. The second phase will be in 1998 where a revised version of the project documentation will be in the form of a submission to the 50th anniversary of the Universal Declaration of Human Rights where the right to a safe environment and the right of future generations to the preservation of natural heritage will be promoted by the Moral Code of action will be advocated. The third phase will be prepared for a and the final version of the research will be circulated at a special session on ethical governance and policy at a conference to be proposed in Victoria on “Global compliance: from principle to policy and action” in 1999—the culmination of the decade devoted to the furtherance of international law.

() **THAT in 1996** I Received the following response from UNESCO
EXHIBIT

From: UNESCO / Programme MOST <ssmost@unesco.org
To: Russow@uvic.ca
Subject: Re: MOST grant application

Attention : Dr. Joan Russow

Within the framework of the MOST programme, no grant forms are available.

MOST is a research programme, designed by UNESCO, to promote international comparative social science research. Its primary emphasis is to support large-scale, long-term autonomous research and to transfer the relevant findings and data to decision-makers. MOST also publishes state of the art reports that assess existing information on specific topics. The overall long-term objective of MOST is to establish sustainable links between the scientific and policy communities and to emphasize the relevance of social science research for policy-formulation.
emphasize the relevance of social science research for policy-formulation.

MOST operates in three high-priority research areas.

1. Multi-cultural and multi ethnic societies:

Ethnic and cultural diversity is a fact which can and should enrich social life in all parts of the world. One focus of research under MOST is on the nature of change in multi-cultural and multi-ethnic societies

in which issues of education, culture and religion, identity and human needs, democratic governance, conflict and cohesion interact in complex patterns. These issues require interdisciplinary and culturally sensitive research which may furnish information useful for the peaceful and democratic management of multi-cultural and multi-ethnic societies.

2. Cities as arenas of accelerated social transformations

2. Cities as arenas of accelerated social transformations

Coping with the sustainable management of cities has been declared by the United Nations

Conference on Environment and Development (UNCED-92) in Rio de Janeiro to be a top-priority for the twenty-first century, since urbanization creates new and demanding problems of governance. Such problems relate to demographic growth, urban planning, education, unemployment and marginalization, social as well as communal conflicts, health and environment. Research under this theme is expected to have practical relevance for urban decision-makers.

3. Coping locally and regionally with economic, technological and environmental transformations

Transnational business ventures, dynamic technological innovations, international communication networks and environmental concerns tend more and more to cross national borders. As a result, today almost every society is forming a part of an increasingly interdependent world. The more and more to cross national borders. As a result, today almost every society is forming a part of an increasingly interdependent world. The impacts of globalization deserve more scientific attention, to enable policy-makers to cope with complex and interactive internal and external dynamics.

MOST research aims at surveying the effects of global changes on local and regional levels to sustain local populations' and authorities' efforts to cope with them.

Two central bodies steer the MOST programme:

- + the Intergovernmental Council (IGC) and
- + the Scientific Steering Committee (SSC).

The IGC is composed of 35 Member States of UNESCO, elected by the General Conference. The Council convenes every two years and provides the general priorities and policy guidelines of the programme. It

contributes to the promotion of the programme and participates actively
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the general priorities and policy guidelines of the programme. It contributes to the promotion of the programme and participates actively in fund-raising. The SSC is an independent group of 9 social scientists of international standing. Meeting twice a year, it has the authority for maintaining the scientific quality of the programme as well as for acceptance, monitoring and evaluation of research projects.

You can find more information about the MOST Programme at the following Internet location: "<http://www.unesco.org/most>".

For more information, please contact:

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